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European Union Committee

13th Report of Session 2004-05

**Preventing
Proliferation of
Weapons of Mass
Destruction: The EU
Contribution**

Report with Evidence

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(Q) refers to a question in oral evidence

(p) refers to a page of written evidence

ABSTRACT

The risk to global security posed by weapons of mass destruction is extremely serious. The EU non-proliferation Strategy recognises this concern and sets out a comprehensive list of measures to counter the risk.

The cornerstone of the strategy is effective multilateralism, and the EU has an important role to play in helping to strengthen global regimes.

However, the organisation and resources within the EU are currently inadequate to enable the EU to fully implement the Strategy.

The next steps are for the EU, through the Member States acting in the European Council, to identify its priorities towards countering proliferation of weapons of mass destruction and direct its resources towards those areas in which it can best add value to the work of other international organisations.

Preventing Proliferation of Weapons of Mass Destruction: The EU Contribution

CHAPTER 1: INTRODUCTION

1. The EU recognises the proliferation of weapons of mass destruction as “potentially the greatest threat to our security.”¹ In December 2003 the EU agreed a Strategy Against Proliferation of Weapons of Mass Destruction (“the Strategy”) with the stated objective of preventing, deterring, halting and, where possible, eliminating proliferation programmes of concern worldwide.² The Strategy sets out collective measures which the Member States should take to eliminate or reduce the dangers of proliferation.
2. The remit of our inquiry was to examine the Strategy and the Union’s actions to give effect to it. We were not able to evaluate every element of the Strategy, nor every action that has so far been taken by the Union. The Strategy is extensive and detailed and its implementation is still at an early stage. For the present, we have considered:
 - a) the scope of the Strategy, and the EU’s current activities (Chapter Two);
 - b) how the EU can best add value to the campaign against proliferation and its place in the wider global context (Chapter Three);
 - c) whether the EU is well organised and adequately resourced for clear and coherent implementation of the Strategy (Chapter Four).
3. In addition to nine formal evidence hearings and supplementary informal discussions we received numerous written submissions. Much of the material ranged more widely than the limited aims set out in paragraph 2 above, and went into considerable detail. The evidence is published with this Report and we commend it to study by Her Majesty’s Government and the authorities of the Union.
4. **We make this Report to the House for debate.**

The Nature and Risks of WMD

5. The phrase “weapons of mass destruction” is customarily used to embrace all:
 - nuclear,
 - biological, and
 - chemical weaponsirrespective of particular characteristics, potency and possible application.

¹ A Secure Europe in a Better World—European Security Strategy, Brussels 12 December 2003.

² Strategy, para 2.

6. The term “weapons of mass destruction” is rightly criticised as aggregating classes of weapon which differ greatly. The potential effects of WMD (including wider economic repercussions)³ vary widely with circumstances, as do opinions about the probability of use and the scale of harm to be expected. It is also the case that these weapons do not necessarily result in mass destruction, whereas massive harm can be caused by other means—for example, high explosives or fully-fuelled aircraft, as shown by the events of 11 September 2001. Nonetheless, the term “weapons of mass destruction” is too deeply established to be discarded, but its shortcomings need to be kept in mind.
7. Nuclear weapons undoubtedly pose risks truly described as “mass destruction”. However, they have only been used twice—sixty years ago.
8. Biological weapons are wholly unproven and states may not regard them as important options. Some commentators suggest that their military employment would be at best of uncertain value; but it cannot be ruled out. Terrorist use is a different matter, though we heard contrasting views. One witness said, “I think it is just inevitable in the next ten years that there will be use of biological weapons by terrorists.”⁴ However, another said, “Most of the experts I listen to are sceptical about the ability of non-state actors to handle [biological agents]. It is quite difficult.”⁵ There has been in modern times no biological weapons episode costing many lives.
9. No witness emphasised the risks from chemical weapons. Since World War II they have only been seriously used in Yemen in the 1960s, by Iraq against both Iran and its own Kurdish people in the 1980s, and in a set of terrorist attacks costing twelve lives in Japan in 1995.
10. Radiological weapons, designed to spread radioactive material by means of a high-explosive charge, are not always regarded as weapons of mass destruction. However, a definition of WMD adopted by a United Nations Commission in 1948 included them.⁶ Whilst radiological weapons would be unlikely to cause major loss of life, their use could have serious economic consequences. The spread of radiological material in an urban centre would cause widespread disruption owing to the necessity for evacuation and decontamination of the affected area.⁷
11. The EU Strategy states that, while international treaty regimes and export control arrangements have slowed the spread of WMD and delivery systems, there are still a “number of states” that “have sought or are seeking to develop such weapons.”⁸ The Strategy continues: “The risk that terrorists will acquire chemical, biological or fissile materials and their means of delivery adds a new critical dimension to this threat.”⁹ Our witnesses agreed

³ Q 1.

⁴ Q 131.

⁵ Q 197.

⁶ Weapons of Mass Destruction were defined by a Resolution of the United Nations Commission for Conventional Armaments, dated 12 August 1948, as ‘atomic explosive weapons, radio-active material weapons, lethal chemical and biological weapons, and any weapons developed in the future which have characteristics comparable in destructive effect to those of the atomic bomb or other weapons mentioned above.’

⁷ Q 1.

⁸ Strategy, para 1.

⁹ Strategy, para 1.

that there is a real threat from the proliferation of WMD, especially amongst “rogue” states which might develop weapons for their own use or enable terrorist groups to obtain them.¹⁰

12. We have not examined types, scales and probabilities in enough depth to underpin judgments of our own. We doubt whether any estimate of likelihoods could command general assent in matters of which there is so little direct experience. Nevertheless, none of the risks, whether in the hands of states or of terrorists, can be discounted as trivial or unreal. It was stressed to us that risks should not be over emphasised;¹¹ but in our view responsible policy must always lean towards caution and insurance.
13. **We agree with the high priority given to preventing the proliferation of weapons of mass destruction by the EU Strategy.**

¹⁰ Q 1.

¹¹ QQ 178 and 180.

CHAPTER 2: THE CONTENT OF THE STRATEGY

The Background to the Strategy

14. By 2003 the need for a common EU position on WMD had become pressing. The US led invasion of Iraq had caused divisions between different EU Member States, whilst increased levels of international terrorism had heightened the chances of an attack. In May 2003, therefore, the Council mandated the High Representative, Javier Solana, to produce a “European strategy concept” and present it to the next European Council.¹² In recognition of the fact that the proliferation of weapons of mass destruction had come to dominate the international security agenda in 2003, Javier Solana chose to produce two documents: one entitled “A Secure Europe in a Better World”;¹³ and one focussing specifically on WMDs.¹⁴
15. The Thessaloniki Council endorsed the two documents and adopted an “Action Plan for the Implementation of the Basic Principles for an EU Strategy against Proliferation of Weapons of Mass Destruction.”¹⁵ On the basis of these documents, and after a further six months of consultations, the European Council adopted the European Security Strategy and the WMD Strategy in December 2003.¹⁶ The two Strategies are clearly linked: the threat of proliferation of WMD is regarded as just one of the major security threats facing the European Union.¹⁷ It is therefore necessary to bear in mind the overall security policy agenda and its impact on common foreign and defence policies when examining the WMD Strategy;¹⁸ the Strategy does not have the only call on EU resources.

The Scope of the Strategy

16. The Strategy seeks to address all facets of the proliferation problem. In addition to aspects concerning WMD possession by states for their own purposes, it notes that “non-proliferation, disarmament and arms control can make an essential contribution in the global fight against terrorism by reducing the risk of non-state actors gaining access to weapons of mass destruction, radioactive materials and means of delivery.”¹⁹ It recognises that anti-proliferation efforts must include tackling the motivations behind the desire for these weapons, such as instability, insecurity and conflict situations. It accepts that political action to dispel these motivations cannot be counted upon to succeed in the short run, and that such action must therefore be partnered by measures to prevent, deter, halt or eliminate programmes of concern.

¹² The suggestion for the WMD Strategy was first made by Sweden.

¹³ European Council 12 December 2003.

¹⁴ Basic Principles for an EU Strategy against Proliferation of Weapons of Mass Destruction Council document 10352/03.

¹⁵ Council Document 10354/03.

¹⁶ The European Security Strategy is the subject of a separate House of Lords report (31st Report session 2003–2004, HL Paper 180).

¹⁷ Q 57. Other threats include failed states, terrorism and organised crime.

¹⁸ Q 165.

¹⁹ Strategy, para 3.

17. The Strategy notes that the European Union has a very wide range of instruments at its disposal.²⁰ The Union is able to bring its influence to bear on individual countries through multilateral treaties and verification regimes, nationally and internationally-coordinated export controls and cooperative threat reduction programmes. Formal actions include the interdiction of illegal procurement activities and the adoption of coercive measures in accordance with the UN Charter. Perhaps most importantly, however, the Union can utilise its immense political and economic power to enhance the cooperation of third countries through the exploitation of trade and development policies. These various political, economic and legal measures need to be integrated for the effective implementation of the Strategy.
18. Within these general concepts, themes emphasised in the Strategy include:
- strengthening compliance with, and verification of, global prohibition or restraint regimes;
 - establishing and enforcing export controls on material potentially usable by proliferators;
 - interdicting the international movement of such material;
 - restricting the spread of know-how useful to proliferators;
 - improving the protection and safeguarding of WMD-related material;
 - disseminating, both within and beyond the Union, the various kinds of expertise needed to implement anti-proliferation measures;
 - making proliferation concerns a high-profile matter in the Union's dealings with third countries or groupings; and
 - co-operating closely with other countries, especially the United States, in all these areas of work.
19. Our witnesses agreed that the Strategy appeared to cover all necessary elements.²¹ It is indeed very wide-ranging, and we see no significant gaps.

Implementation of the Strategy

20. There are three main elements in the implementation of the Strategy: support for global non-proliferation regimes; the direct promotion of the Strategy within other EU policies; and specific non-proliferation programmes. We discuss the first of these in Chapter Three.
21. The Union seeks to disseminate best practice among its own members. The Council Secretariat recently coordinated a "peer review"²² bringing members together to survey national arrangements for export controls, so as to align interpretations and standards, identify shortcomings and stimulate rectification. This seems a valuable approach which could be extended to other themes of the Strategy even where there are not yet (as there are for export controls) formal EU standards to serve as benchmarks. Such themes might include methods and standards of physical safeguarding; collecting

²⁰ Strategy, para 29.

²¹ QQ 15, 177 and 178.

²² Q 74.

and sharing intelligence; managing the consequences of WMD use, such as the outbreak of disease; and public education.

22. **The technique of “peer review” should be exploited more widely in relation to other non-proliferation measures. In several such fields it would be essential to coordinate WMD-related work with that done by the European Union in counter-terrorism.**
23. The Union increasingly seeks, when it negotiates financial, trade or similar agreements with “neighbourhood” and other external states or groupings, to include clauses requiring effective action against proliferation risks.²³ An example taken from an Agreement with Syria can be found in Box 1. The clauses are monitored through the use of regular political dialogue between the parties to the agreements, at both ministerial and official levels. These agreements do not provide for specific enforcement mechanisms. However, whatever the enforceability of such clauses, they are a valuable signal of the Union’s concern and provide a basis for continued pressure.²⁴

BOX 1

The Text of the Non-Proliferation Clause

Euro-Mediterranean Association Agreement between the EC and the Syrian Arab Republic²⁵

TITLE I

POLITICAL DIALOGUE AND CO-OPERATION

Article 3

Regular political dialogue and co-operation shall be established between the parties in order to foster permanent relations of co-operation between them and to contribute to the prosperity, the stability and security of the Mediterranean region, and create a climate of intercultural understanding and tolerance.

Article 4

The parties reiterate their shared objective to pursue a mutually and effectively verifiable Middle East zone free of weapons of mass destruction, nuclear, biological and chemical and their delivery systems. They agree to promote jointly the signature, ratification and implementation by all Mediterranean partners of all non-proliferation instruments, including the Non-Proliferation Treaty (NPT), the Comprehensive Test Ban Treaty (CTBT), the Biological Weapons Convention (BWC), and the Chemical Weapons Convention (CWC).

²³ QQ 57–58.

²⁴ The Union was recently unsuccessful in negotiating a full non-proliferation clause as part of its negotiations for the future funding of the Africa-Caribbean-Pacific (ACP) countries under the Cotonou Agreement, though a limited form of the clause has been included. Europe Information 2940 26 February 2005.

²⁵ Council Document 16336/04.

Article 5

- (1) The parties agree to co-operate and to contribute to countering the proliferation of weapons of mass destruction, nuclear, biological and chemical through full compliance with their existing obligations under international disarmament and non-proliferation treaties and agreements and their other existing relevant international obligations, as well as United Nations Security Council resolutions and ensuring their effective implementation. The Parties agree that this provision constitutes an essential element of this Agreement.
- (2) They also agree to co-operate and contribute to this end by:
- taking action towards the signature, ratification or accession, as appropriate, and full implementation of all other relevant international instruments;
- setting up effective national systems of export, transit and end-use controls of WMD-related goods and technologies, including dual use, and containing enforcement procedures with appropriate penalties.

24. **In the medium to long term the value of the non-proliferation clauses will depend on the rigour with which the European Union applies them. The Union will need to establish arrangements for systematic monitoring of the observance of the clauses. There must be a willingness to suspend agreement if major transgressions occur.**
25. Further internal programmes currently being run by the Union include:
- supporting the physical protection of a nuclear site in the Russian Federation;²⁶
 - the setting up of the EU Centre for Prevention and Control of Diseases;²⁷ and
 - a review of the political and legal instruments towards the adoption of common policies related to criminal sanctions for illegal export, brokering and smuggling of WMD related material.²⁸
26. We recognise that the Union must focus on those areas in which it believes it can best add value to the work of individual Member States and international organisations. We have not attempted to examine the Union's contribution to the wider tasks of defusing the concerns and impulses behind the spread and possible use of WMD.
27. The Union has as yet made only a limited attempt to set priorities within the Strategy's extensive agenda. We were shown a list compiled by the Council Secretariat and approved by the Council in December 2004,²⁹ but it seems very broad. Witnesses were reluctant to suggest more precisely what the future priorities might be.³⁰ Nothing in the Strategy is wholly unimportant and highlighting some items might be thought to carry risks that others get

²⁶ Joint Action 14518/04.

²⁷ Council Document 12098/03.

²⁸ European Council June 2004.

²⁹ Progress Report 15246/04 and Q59.

³⁰ QQ 33, 44–45, 75, 122, 214.

starved of attention or resources. We recognise that agreeing effective priorities requires collective action in order to analyse issues, advise the Council and Commission, and coordinate, oversee and monitor action.

28. It is nevertheless hard to believe that constraints of one kind or another—finance, staff, political attention or practicability—will not at some point impose sharper choices.³¹ These might turn on what dangers are judged gravest (for example, leakage of materiel from ex-Soviet stocks³² or terrorist use of biological weapons) or on more immediate political concerns (imminent events require the Union to formulate a collective view swiftly if it is to exert influence).
29. We were told that a study has been set in train to advise on future priorities for the Strategy.³³ We hope that this important task will be pursued urgently, well coordinated with the work of others such as NATO,³⁴ and exploited effectively. **Any priorities for the Strategy recommended by the European Union should be analysed by the Government and deposited for scrutiny by Parliament as soon as is practicable.**
30. **We welcome the intention of the Government to seek during its forthcoming Presidency to focus the implementation of the Strategy on priority issues.³⁵ The Government should specify what particular programmes it believes the European Union can and should carry out.**

³¹ Q 33.

³² Russia still has large holdings of nuclear weapons not covered by limitation agreements with the United States.

³³ Q 48.

³⁴ QQ 82 and 87.

³⁵ Cm 6450 *Prospects for the EU in 2005*, paragraph 66, and Q 210.

CHAPTER 3: EU SUPPORT FOR GLOBAL REGIMES

31. The Strategy underlines that its cornerstone is effective multilateralism, resting upon global treaties and norms. We endorse that emphasis. The work of the European Union under the Strategy cannot be free-standing and the Strategy should be seen essentially as a contribution to global effort. The Union is well placed to make that contribution. It should reinforce the elements of the global effort in order to maximise the benefits of coverage, predictability and legitimacy which the global dimension—as contrasted with an *ad hoc* case-by-case approach—can confer. It is important that the Union coordinates its actions with other international bodies and seeks to complement, rather than replicate, their work.
32. In the present Chapter we summarise the main elements of the regimes, and indicate specific EU contributions. Such contributions are made in respect of only a minority of the treaties or other arrangements described, but we regard it as important that the Union should stand ready to play an active part in coordinating the approach of Member States to strengthening all aspects of the regimes.
33. **The European Union should seize every opportunity to strengthen the global counter-proliferation regimes and instruments.**

Nuclear Weapons

The Nuclear Non-Proliferation Treaty

34. The keystone of the international structure for preventing the spread of nuclear weapons is the 1968 Nuclear Non-Proliferation treaty (NPT). All EU Member States have ratified the Treaty, as have almost all other UN members.³⁶ There are however three notable exceptions: India, Israel and Pakistan (each of which has a significant armoury, in Israel's case unavowedly). The Treaty's main features are:
 - to prohibit the possession of nuclear weapons by all parties save five “nuclear-weapon states” (NWS)³⁷ which had tested weapons before the Treaty was negotiated;
 - to prohibit the transfer of weapon-related material or information by NWS to non-possessor states (NNWS), or between NNWS;
 - to provide assurances to NNWS of support for the peaceful exploitation of nuclear energy; and
 - to commit, in Article VI, the five NWS to pursue the reduction and eventual elimination of their armouries, alongside a commitment by all parties to pursue general and complete disarmament.

³⁶ There are 188 signatories to the Treaty. This excludes the Democratic Republic of Korea which announced its withdrawal from the NPT on 10 January 2003.

³⁷ The United Kingdom, France, the United States, Russia and China.

The Additional Protocol

35. Compliance with the prohibitions bearing upon NNWS is monitored by the International Atomic Energy Authority (IAEA), exercising defined powers of inquiry and inspection. The limitations of IAEA monitoring were exposed by experience with South Africa, Libya and North Korea, and especially by discoveries in Iraq after the 1991 Gulf War.³⁸ Efforts to remedy them are centred upon negotiating with each NNWS an Additional Protocol which would require wider provision of information to the IAEA and strengthen rights of inspection. The Additional Protocol has been accepted by about one hundred states (including all EU members), but has yet to come into force in some of these.

The NPT Review Conference

36. The operation of the NPT is overseen by five-yearly review conferences of all parties. The 1995 conference agreed that the Treaty should be regarded as of indefinite duration. The next conference is to be held in May 2005. The NWS and some of the NNWS will aim at strengthening IAEA monitoring, primarily by securing universal application of the Additional Protocol. They may also seek to raise the hurdles and lengthen the timescales for any attempt to withdraw from the Treaty.³⁹ Many NNWS will criticise what they see as the failure of the NWS to do enough towards Article VI disarmament obligations, and especially the reluctance—in some instances the refusal—of the United States Administration to fulfil undertakings (‘thirteen steps’) given by its predecessor at the 2000 conference. The United Kingdom has a creditable record on Article VI,⁴⁰ having now the smallest armoury among the five NWS, only a single type of delivery system, the most open information policy and the firmest affirmation of support for the goal of complete abolition. It is however unlikely to be exempt from NNWS pressure on the NWS collectively.
37. The EU is not a signatory to the NPT. Nevertheless, it has a major interest in the review conference as the Council Secretariat can facilitate coordination among Member States and with the United States.⁴¹
38. The May 2005 NPT review conference is likely to see some tension between objectives.⁴² It may not be easy for EU members to arrive at common ground—two are NWS, some of the rest are NATO members and some belong to no military alliance. It may be harder still to agree lines with the United States.⁴³ The Union should nevertheless do all that it can, both before and during the conference, to agree constructive policies. At the very least the Union must help to clarify understanding between Member States and seek to bring them closer together.⁴⁴ It would risk long-term damage to the non-proliferation regime as a whole if the conference ended in rancour with none of the objectives of the parties satisfied or advanced.

³⁸ Q 79.

³⁹ Q 22.

⁴⁰ Q 53.

⁴¹ Q 61.

⁴² QQ 125 and 127.

⁴³ QQ 51–52 and 60.

⁴⁴ QQ 123 and 160.

39. **The European Union should make special efforts to coordinate the most coherent and constructive approach possible, both among Member States and with the United States, before and during the forthcoming NPT review conference.**

Other Treaties

40. Other nuclear arms-control treaties indirectly support the non-proliferation regime. There are treaties establishing nuclear-weapon-free zones for Latin America and the Caribbean (Treaty of Tlatelolco, 1967), the South Pacific (Rarotonga, 1985), South-East Asia (Bangkok, 1995) and Africa (Pelindaba, 1996), and another is being negotiated for Central Asia.⁴⁵
41. Explosive tests above ground are prohibited by the 1963 Partial Test Ban Treaty, to which all states significant in this context are party.⁴⁶ The provisions of the 1974 Threshold Test Ban Treaty between the United States and the Soviet Union to ban all tests above a defined explosive yield, though not binding on other states, have been observed by all. A long-negotiated Comprehensive Test Ban Treaty to ban all explosive tests in any environment was concluded in 1996, but cannot come into force without ratification by all of a named list of forty-four key countries.⁴⁷ The United States has made clear that it does not intend to ratify (which eases pressures upon ten other non-ratifiers). A *de facto* moratorium on tests has however held among all NPT parties since 1996.
42. There has been discussion also of a possible Fissile Material Cut-Off Treaty to end or limit further production of weapon-usable plutonium and highly-enriched uranium, but progress is at present stalled, partly on difficulties over verification.

⁴⁵ See Appendix 5 for full lists of members.

⁴⁶ 131 states are signatories to the Treaty.

⁴⁷ 168 states are signatories to the Treaty of which 104 have ratified it.

BOX 2**Voluntary Arrangements**

There are certain voluntary inter-state arrangements on aspects of reducing nuclear proliferation risks.⁴⁸ These include:

(1) The Nuclear Suppliers Group (NSG)

The NSG seeks to control exports of nuclear-related materials through a list of relevant items and a set of guidelines about their supply. Some 44 states, including the five NWS and most of the technologically-advanced NNWS, are members. The European Commission is a permanent observer.

(2) The Zangger⁴⁹ Committee

This Committee maintains agreed definitions and lists of the materials to be controlled. It is of broadly similar composition to the NSG, but slightly smaller and less formal. The EU Commission is a permanent observer.

(3) The Korean Peninsula Energy Development Organisation (KEDO)

KEDO was created in March 1995 to help implement the Agreed framework signed in October 1994 between the United States and North Korea to freeze and ultimately dismantle North Korea's nuclear programme. In exchange, North Korea was to receive heavy fuel oil and a modern nuclear power plant built, operated and regulated to international standards. Work on this power plant is currently suspended.

The EU is a member of KEDO's Executive Board and has contributed financially to KEDO.⁵⁰

(4) The Cooperative Threat Reduction (CTR) Programme

This gives financial and other assistance to states of the former Soviet Union in safeguarding and de-activating surplus nuclear weapons, and finding alternative work for scientists formerly engaged in nuclear-weapon activities. The programme is built around a US initiative⁵¹ but increasingly involves additional countries. Since the early 1990s the European Commission has made available substantial funds to support measures in line with the CTR objectives.⁵² These include help for the disposal, destruction or improved safeguarding of ex-Soviet materials, and also to establish and maintain in Moscow and Kiev International Science and Technology Centres to facilitate disposal and to find new work for those once employed on Soviet programmes.

⁴⁸ See Appendix 5 for full lists of members.

⁴⁹ Named after the original Swiss Chairman.

⁵⁰ The EU Accession Agreement included financial support of 75m ecus. This was replaced with a Renewal Agreement in 2001 which envisaged further financing of €100m over 5 years. See http://europa.eu.int/comm/external_relations/cfsp/npd/index.htm#4.

⁵¹ This was known originally as the Nunn-Lugar programme, after the US Senators who led its shaping in 1991.

⁵² This is mostly done within its programme known as TACIS—Technical Assistance to the Commonwealth of Independent States. The States involved are the former Soviet States, with the exception of the Baltic States.

Iran and North Korea

43. International concern about nuclear proliferation by states centres⁵³ upon Iran and North Korea (both of which also have substantial ballistic-missile programmes).
44. Iran has been reluctant to terminate work on developing uranium-enrichment facilities suspected of being capable of, or even intended for, exploitation to make nuclear weapons. These activities are not necessarily in breach of the NPT. The risk is that an option will eventually be created for short-notice break-out from the Treaty. Three EU Member States⁵⁴ are actively negotiating with Iran, and conducting talks with the United States to maximise US support and, preferably, US involvement.⁵⁵ There has recently been some welcome progress on this front. The three States have so far been successful in persuading Iran to suspend its enrichment programme.⁵⁶ The situation is now being monitored by the IAEA. It is reasonable that EU action should sometimes be spearheaded by a limited group of members⁵⁷ provided that it is managed within the framework of CFSP. In this situation there needs to careful briefing of, and consultation with, the Council and the High Representative.⁵⁸
45. **Negotiations to remove concerns about possible Iranian moves towards nuclear-weapon capability should be seen to have the continuing full attention and understanding—and the political and economic weight—of the whole Union. The European Union should continue to emphasise, in all its dealings with other countries, including Russia, its full support for the work of France, Germany and the United Kingdom.**
46. North Korea has withdrawn from membership of the IAEA, and purportedly also from its accession to the NPT. It has recently claimed to possess nuclear weapons. An informal group of six nations⁵⁹ seeks to tackle the problem. The EU is not directly involved, but has voiced strong support for the six nation process.
47. **The European Union should continue its indirect involvement in the North Korean problem through support for the six nation process.**

Biological weapons

48. The Biological and Toxin Weapons Convention (BTWC), concluded in 1972 and in force since 1975, bans the development, production and ownership—though only by inference the use or transfer—of biological weapons. 154 states are party, and a further sixteen have signed but not ratified. Most of these sixteen states are unlikely to be interested in biological weapons, but Egypt and Syria are in this group. Israel seems the most significant among the twenty who have not signed.

⁵³ Iraq and Libya are no longer of concern.

⁵⁴ France, Germany and the United Kingdom.

⁵⁵ QQ 101 and 107.

⁵⁶ F Heisbourg 'We Need a Common Policy on Iran' Financial Times 9 Feb 2005.

⁵⁷ Q 160

⁵⁸ Javier Solana.

⁵⁹ The United States, China, Russia, Japan and South and North Korea.

49. The BTWC has no provisions for monitoring compliance, and the former Soviet Union breached it extensively. Providing assurance of state compliance remains a major difficulty. Relevant materials increasingly exist for innocent purposes,⁶⁰ and technological capability that could be exploited swiftly for malign purposes need not entail the existence of specific military weapons or stockpiles. In 2001 US opposition ended a long international attempt to devise a verification protocol.⁶¹
50. A voluntary grouping, the Australia Group, seeks to prevent the proliferation of material potentially usable for biological weapons. Some 38 states, including all EU Member States, are members.⁶² The EU Commission is also a full member. There is increasing international recognition of the need to improve protective capability, both prophylactic and responsive, against disease outbreak, and to exchange information and expertise. Nevertheless, of the three major categories of WMD, biological weapons remain those least addressed by international instruments or agreements. There is to be a review conference of BTWC parties in 2006, but it is unclear what might be achieved.⁶³ In our view, the search for new ways forward needs to be energetically pursued.
51. **The European Union should vigorously study and support ways of strengthening the BTWC, whether by verification arrangements, security assurances, improved standards of material safeguarding, or otherwise.**

Chemical weapons

52. The Chemical Weapons Convention (CWC) concluded in 1993 and in force since 1997, bans development, production, ownership, use and transfer of chemical weapons. 161 states are party, and a further twenty-one have signed but not ratified. Most of the twenty-one are unlikely to be interested in chemical weapons, but Israel, Syria and North Korea are in this group. Egypt and Iraq are among the eight who have not signed. Egypt has said that it will not renounce chemical weapons unless Israel renounces nuclear weapons. The destruction schedules envisaged by the CWC have not so far been met, in particular by the Russian Federation.
53. Implementation of the CWC is monitored by the Organisation for the Prohibition of Chemical Weapons (OPCW), based in the Netherlands. A key test ahead for OPCW is whether “challenge” inspections—carried out with little notice to and no consultation with the state inspected—of facilities thought potentially capable of producing chemical weapons can be undertaken, and conducted successfully.⁶⁴ The European Commission has contributed funds to OPCW and some EU Member States have hosted challenge-inspection exercises.

⁶⁰ Q 35.

⁶¹ F Williams ‘US Scuppers Germ Warfare Talks’ Financial Times 8 December 2001.

⁶² See Appendix 5 for a full list of members.

⁶³ QQ 173–176.

⁶⁴ QQ 42, 57 and 59.

54. The CTR programme (Box 2 above) includes work to deal with the disposal of stockpiles of chemical weapons, of which large quantities still exist.⁶⁵ The Australia Group (paragraph 50) deals with chemical as well as biological weapons.

BOX 3

Delivery Vehicles

Ballistic missiles are not the only vehicles by which states could deliver WMD, and seem unlikely to be used by terrorists. They are however customarily seen as the delivery mode of greatest concern. Two voluntary inter-state agreements seek to constrain their proliferation:

- (1) The Missile Technology Control Regime (MTCR)⁶⁶

The MTCR maintains a list of ballistic-missile-related items the export of which should be controlled in accordance with agreed guidelines. At present 34 states participate, including most EU Member States. Those EU Member States not already members have applied to join. The EU Commission participates in the EU Presidency Delegation.

- (2) The International Code of Conduct (ICOC)⁶⁷

The ICOC—sometimes called the Hague Code of Conduct (HCOC)—on preventing the proliferation of ballistic missiles commits participants to restraint in acquiring ballistic missiles, and to extensive information-sharing about their activities. Well over half the members of the United Nations, including all EU Member States, have accepted the Code.

China does not participate in either the MTCR or the ICOC.

Cross-Category Initiatives

The Global Partnership

55. The 2002 summit meeting of the Group of Eight at Kananaskis in Canada committed \$US20 billion over ten years to a Global Partnership for pursuing counter-proliferation projects across all WMD categories, especially in Russia. The European Commission pledged \$US1 billion for the same period, over and above national pledges by EU Member States.
56. The disbursement and application of Commission funds has run considerably behind the annual figure of \$100M implied by the Kananaskis pledge. At present the rate is in the order of \$40M. We were told that the impediments lie largely on the Russian side. Ultimate responsibility for tackling WMD risks lies with Russia, but there are repeated bureaucratic difficulties and an apparent weakness of political commitment.⁶⁸ Some delays, however, arise on the Commission side from the requirements of financial procedures, for example on audit, and from budget restrictions.⁶⁹ It

⁶⁵ Q 25.

⁶⁶ See Appendix 5 for a full list of members.

⁶⁷ There are currently 111 state signatories to the Code of Conduct.

⁶⁸ QQ 61 and 134.

⁶⁹ QQ 61, 80 and 197.

was suggested to us that some of the problems on both sides might be eased if they were addressed more directly at the initial design stage of projects.⁷⁰

57. **Special efforts should be made to ensure that EU financial pledges, especially those made at the G.8 Kananaskis summit in 2002, are reflected more speedily in practical application.**

UNSCR 1540

58. In April 2004 the United Nations Security Council unanimously passed Resolution 1540 calling upon all states to strengthen domestic protection and export control of any WMD-relevant material in numerous specified ways. The resolution particularly emphasised denying capability to non-state actors. It was passed under Chapter VII of the United Nations Charter, and is binding on all states. The EU Presidency emphasised the Union's strong support, and in October 2004 submitted to the Security Council a report on action taken in areas of EU and Community competencies.

The Proliferation Security Initiative (PSI)

59. The PSI was launched by the United States in May 2003, with the aim of interdicting the movement of WMD-related material to or from states or non-state actors of proliferation concern. Over sixty countries, and also NATO and the EU collectively, have declared support, and co-operative exercises have been conducted.⁷¹

The High-Level Panel Report⁷²

60. The December 2004 report of the UN Secretary General's High-Level Panel on Threats, Challenges and Change contained a section on WMD dangers, and made several recommendations.⁷³ Other aspects of the Report, especially on membership of the Security Council, are controversial within the European Union and unlikely to find early agreement. EU study of, and action on, the WMD section should not be held hostage to difficulties elsewhere. In particular, some of the specific recommendations seem relevant to the NPT review conference:

- Paragraph 120(c) of the Report urges that the NWS should re-affirm their previous commitments (Negative Security Assurances—NSAs) not to use nuclear weapons against NNWS.
- Paragraph 122 suggests that the Security Council should explicitly pledge to take collective action in response to a nuclear attack or the threat of it on a NNWS.

61. Though one witness argued that most of the recommendations would not be accepted,⁷⁴ we believe that they should be taken into the process of consultation and coordination envisaged in paragraphs 38–39 above. **If the EU could accept the High Level Panel recommendations in advance**

⁷⁰ Q 107.

⁷¹ Q 46.

⁷² *A More Secure World: Our Shared Responsibility* Report of the Secretary-General's High Level Panel on Threats, Challenges and Change 2005.

⁷³ Chapter V.

⁷⁴ Q 128.

of the NPT Review Conference, this would be a valuable indicator of the readiness of the Nuclear Weapon States to take seriously their obligations under the Treaty.

BOX 4

High Level Panel Recommendations on Non-Proliferation and Disarmament

The nuclear-weapons states must take several steps to restart disarmament:

(a) They must honour their commitments under article VI of the Treaty on the Non-Proliferation of Nuclear Weapons to move towards disarmament and be ready to undertake specific measures in fulfilment of those commitments;

(b) They should reaffirm their previous commitments not to use nuclear weapons against non-nuclear weapon States.

The United States and the Russian Federation, other nuclear-weapon States and States not party to the Treaty on the Non-Proliferation of Nuclear Weapons should commit to practical measures to reduce the risk of accidental nuclear war, including, where appropriate, a progressive schedule for de-alerting their strategic nuclear weapons.

We believe it would be valuable if the Security Council explicitly pledged to take collective action in response to a nuclear attack or the threat of such attack on a non-nuclear weapon State.

We recommend that negotiations to resolve regional conflicts include confidence-building measures and steps towards disarmament.

States not party to the Treaty on the Non-Proliferation of Nuclear Weapons should pledge a commitment to non-proliferation and disarmament, demonstrating their commitment by ratifying the Comprehensive Nuclear-Test-Ban Treaty and supporting negotiations for a fissile material cut-off treaty, both of which are open to nuclear-weapon and non-nuclear-weapon States alike. We recommend that peace efforts in the Middle East and South Asia launch nuclear disarmament talks that could lead to the establishment of nuclear-weapon-free zones in those regions similar to those established for Latin America and the Caribbean, Africa, the South Pacific and South-East Asia.

All chemical-weapon States should expedite the scheduled destruction of all existing chemical weapons stockpiles by the agreed target date of 2012.

States party to the Biological and Toxin Weapons Convention should without delay return to negotiations for a credible verification protocol, inviting the active participation of the biotechnology industry.

The IAEA Board of Governors should recognize the Model Additional Protocol as today's standard for IAEA safeguards, and the Security Council should be prepared to act in cases of serious concern over non-compliance with non-proliferation and safeguards standards.

We urge that negotiations be engaged without delay and carried forward to an early conclusion on an arrangement, based on the existing provisions of articles III and IX of the IAEA statute, which would enable IAEA to act as a guarantor for the supply of fissile material to civilian nuclear users.

While that arrangement is being negotiated, States should, without surrendering the right under the Treaty on the Non-Proliferation of

Nuclear Weapons to construct such facilities, voluntarily institute a time-limited moratorium on the construction of any further enrichment or reprocessing facilities, with a commitment to the moratorium matched by a guarantee of the supply of fissile materials by the current suppliers at market rate.

We believe that all States should be encouraged to join this voluntary initiative.

A State's notice of withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons should prompt immediate verification of its compliance with the Treaty, if necessary mandated by the Security Council. The IAEA Board of Governors should resolve that, in the event of violations, all assistance provided by the IAEA should be withdrawn.

The proposed timescale for implementing the Global Threat Reduction Initiative should be halved from 10 to 5 years.

States party to the Biological and Toxin Weapons Convention should also negotiate a new bio-security protocol to classify dangerous biological agents and establish binding international standards for the export of such agents.

The Conference on Disarmament should move without further delay to negotiate a verifiable fissile material cut-off treaty that, on a designated schedule, ends the production of highly enriched uranium for non-weapon as well as weapons purposes.

The Directors-General of IAEA and OPCW should be invited by the Security Council to report to it twice-yearly on the status of safeguards and verification processes, as well as on any serious concerns they have which might fall short of an actual breach of the Treaty on the Non-Proliferation of Nuclear Weapons and Chemical Weapons Convention.

The Security Council should consult with the WHO Director-General to establish the necessary procedures for working together in the event of a suspicious or overwhelming break of infectious disease.

62. **Urgent attention should be given by the European Union, if necessary in advance of consideration of other sections, to a study of the WMD-relevant section of the report of the UN Secretary-General's High-Level Panel. The Government should deposit for scrutiny by Parliament its detailed reaction to each recommendation and the actions which it is planning to take.**

Global Co-operation

63. **In all the matters reviewed above it is essential, as the Strategy recognises, that close contact and cooperation be maintained with the United States, which is a critically important actor in the campaign against WMD proliferation.** The subject is discussed at EU-US summit meetings, and a cooperative action plan was agreed at the June 2004 summit. **This interface needs continuous attention to improve understanding, avoid duplication or incompatibility, and reinforce synergy.**
64. We have suggested ways in which the Union's contribution might be enhanced. Nevertheless, what is already done is weighty; and we suspect that this is not sufficiently recognised publicly, either in EU countries or

elsewhere, especially in the United States. **The European Union should publicise more vigorously the substantial contribution it already makes in the campaign against WMD proliferation.**

CHAPTER 4: ORGANISATION AND RESOURCES

65. Diversity of issues, institutions and participants makes it especially important that the work of the Union on the Strategy be organised and resourced as coherently as possible, both internally⁷⁵ and in relation to external actors. Some aspects of the current situation leave us uneasy.
66. We are surprised that action has not been taken to implement the agreement of the Council at the 2003 Thessaloniki summit that a WMD monitoring centre be established.⁷⁶ It was envisaged that the Centre would be based within the Council Secretariat to collect information and intelligence and to bring together the WMD-related work of both the Secretariat and the Commission. The Centre would also work closely with Member States—“a joint implementation structure” as one witness expressed it.⁷⁷
67. **Action should be taken forthwith to implement the 2003 decision of the Council for setting up a WMD centre to oversee and report on relevant work under both the Council and the Commission. It must be properly equipped and empowered to act. We do not believe that the role can be adequately filled by present arrangements such as working groups of officials not resident in Brussels.**
68. We were disquieted by suggestions that the flow of information and consultation between the Council Secretariat and the Commission, and even within the Commission, may be inhibited by “turf” concerns. We recognise that the Strategy spans more than one of the Union’s pillars, and that this may complicate implementation.⁷⁸ Policy responsibility for the Strategy, within CFSP, lies with the Council and its Secretariat, while resources and instruments remain predominantly in the hands of the Commission. Even within the Commission there are diverse departments responsible for WMD—some organised by functional theme, some by country programme. For many of these departments WMD proliferation is not the prime concern.⁷⁹ Such divisions should not be allowed to impede or delay common purpose. Though the institutional changes envisaged by the draft constitutional treaty would doubtless facilitate coordination, improvements are not logically dependent upon them and should not be postponed on that account.
69. **The authorities of the European Union should not permit administrative divisions to obstruct the flow of WMD-relevant information, or the pursuit of action, either between the Council Secretariat and the Commission or within the Commission.**
70. It was clear from our evidence sessions that within both the Council Secretariat and the Commission there are able and expert individuals concentrating upon WMD matters. It was much less clear that these individuals were being given the staff support (especially in the Commission) and financial resources necessary to fulfil their roles in line with the priority

⁷⁵ As para 29 of the Strategy suggests.

⁷⁶ Reaffirmed in para 30 D) 2) of the Strategy.

⁷⁷ Q 76.

⁷⁸ Q 206.

⁷⁹ Q 75.

assigned to the Strategy by the Council.⁸⁰ For example, it seems remarkable that the allocation to WMD-related work by the Council Secretariat has been reduced from €15 million for 2004⁸¹ to €6 million for 2005.⁸² The specific Community budget line for WMD work envisaged in the Strategy⁸³ has not been established. Urgent and high-level action seems needed to address such deficiencies if the Union is to act on the Strategy with the speed and vigour which the Council plainly intended.

71. In particular, EU budget allocation for the 2007–2013 cycle must be enabled to take informed account of WMD-related needs,⁸⁴ preferably on the basis of a specific budget line as envisaged by the Council in the Strategy's paragraph 30 B) 1. The work on priorities noted in paragraphs 29–30 above should be drawn upon.
72. **The authorities of the European Union should take early action to strengthen staffing and financial support for those within the Council Secretariat and the Commission working primarily on WMD issues.**
73. We discussed informally at NATO Headquarters the interface between the anti-proliferation work of NATO and that of the EU. The two organisations have different angles of concern and bring to bear different instruments and expertise; and limitations in respect of classified intelligence must sometimes inhibit dialogue. However, the ultimate purpose—the protection of peoples against WMD dangers—is shared in common. Each has a positive and distinctive contribution to offer, and paragraph 28 of the Strategy requires the exchange of information and analysis between them to be ensured. We were disturbed to receive the impression that obstacles to information-sharing and consultation between NATO and the Union may arise from certain national attitudes which are a matter of political or institutional doctrine rather than from necessary practical constraints.⁸⁵ The strong presumption should always be in favour of openness and dialogue at all levels. Among those who can safely be taken (as NATO and the Union and their members can) to share the ultimate aim, information ought to be exchanged and dialogue encouraged unless there are specific and substantial reasons to the contrary. This need not diminish the proper responsibilities of either organisation.
74. **Open and ready dialogue at all levels between EU organs and staffs and their NATO counterparts with a shared interest in reducing WMD risks should be strongly encouraged.**
75. **Action on the recommendations stated in this Chapter above should not wait upon any particular Presidency. If shortcomings remain unaddressed, however, remedying them should be made an important objective during the United Kingdom Presidency in the second half of 2005.**

⁸⁰ QQ 62 and 90.

⁸¹ Q 62.

⁸² Q 209.

⁸³ Para 30 B) 1).

⁸⁴ Q 81.

⁸⁵ QQ 84–85 and 90.

CHAPTER 5: CONCLUSIONS AND RECOMMENDATIONS

76. The Union has a sound general strategy for contributing to global effort against WMD proliferation. Over the past decade and more it has taken valuable practical steps which deserve to be more widely recognised. There is however much more still to be done; and we are not confident that the Union has yet organised and resourced itself as well as it needs to for the full and coherent implementation of the Strategy.
77. We agree with the high priority given to preventing the proliferation of weapons of mass destruction by the EU Strategy. (para 13)
78. The technique of “peer review” should be exploited more widely in relation to other non-proliferation measures. In several such fields it would be essential to coordinate WMD-related work with that done by the European Union in counter-terrorism. (para 22)
79. In the medium to long term the value of the non-proliferation clauses will depend on the rigour with which the European Union applies them. The Union will need to establish arrangements for systematic monitoring of the observance of the clauses. There must be a willingness to suspend agreement if major transgressions occur. (para 24)
80. Any priorities for the Strategy recommended by the European Union should be analysed by the Government and deposited for scrutiny by Parliament as soon as is practicable. (para 29)
81. We welcome the intention of the Government to seek during its forthcoming Presidency to focus the implementation of the Strategy on priority issues.⁸⁶ The Government should specify what particular programmes it believes the European Union can and should carry out. (para 30)
82. The European Union should seize every opportunity to strengthen the global counter-proliferation regimes and instruments. (para 33)
83. The European Union should make special efforts to coordinate the most coherent and constructive approach possible, both among Member States and with the United States, before and during the forthcoming NPT review conference. (para 39)
84. Negotiations to remove concerns about possible Iranian moves towards nuclear-weapon capability should be seen to have the continuing full attention and understanding—and the political and economic weight—of the whole Union. The European Union should continue to emphasise, in all its dealings with other countries, including Russia, its full support for the work of France, Germany and the United Kingdom. (para 45)
85. The European Union should continue its indirect involvement in the North Korean problem through support for the six nation process. (para 47)
86. The European Union should vigorously study and support ways of strengthening the BTWC, whether by verification arrangements, security assurances, improved standards of material safeguarding, or otherwise. (para 51)

⁸⁶ Cm 6450 *Prospects for the EU in 2005*, paragraph 66, and Q 210.

87. Special efforts should be made to ensure that EU financial pledges, especially those made at the G.8 Kananaskis summit in 2002, are reflected more speedily in practical application. (para 57)
88. If the EU could accept the High Level Panel recommendations in advance of the NPT Review Conference, this would be a valuable indicator of the readiness of the Nuclear Weapon States to take seriously their obligations under the Treaty. (para 61)
89. Urgent attention should be given by the European Union, if necessary in advance of consideration of other sections, to a study of the WMD-relevant section of the report of the UN Secretary-General's High-Level Panel. The Government should deposit for scrutiny by Parliament its detailed reaction to each recommendation and the actions which it is planning to take. (para 62)
90. In all the matters reviewed above it is essential, as the Strategy recognises, that close contact and cooperation be maintained with the United States, which is a critically important actor in the campaign against WMD proliferation. This interface needs continuous attention to improve understanding, avoid duplication or incompatibility, and reinforce synergy. (para 63)
91. The European Union should publicise more vigorously the substantial contribution it already makes in the campaign against WMD proliferation. (para 64)
92. Action should be taken forthwith to implement the 2003 decision of the Council for setting up a WMD centre to oversee and report on relevant work under both the Council and the Commission. It must be properly equipped and empowered to act. We do not believe that the role can be adequately filled by present arrangements such as working groups of officials not resident in Brussels. (para 67)
93. The authorities of the European Union should not permit administrative divisions to obstruct the flow of WMD-relevant information, or the pursuit of action, either between the Council Secretariat and the Commission or within the Commission. (para 69)
94. The authorities of the European Union should take early action to strengthen staffing and financial support for those within the Council Secretariat and the Commission working primarily on WMD issues. (para 72)
95. Open and ready dialogue at all levels between EU organs and staffs and their NATO counterparts with a shared interest in reducing WMD risks should be strongly encouraged. (para 74)
96. Action on the recommendations stated in this Chapter above should not wait upon any particular Presidency. If shortcomings remain unaddressed, however, remedying them should be made an important objective during the United Kingdom Presidency in the second half of 2005. (para 75)

APPENDIX 1: SUB-COMMITTEE C (FOREIGN AFFAIRS, DEFENCE AND DEVELOPMENT POLICY)

Sub-Committee C

The members of the Sub-Committee which conducted this inquiry were:

Lord Bowness (Chairman)
§ Lord Boyce
§ Lord Dykes
* Lord Freeman
§ Lord Hannay of Chiswick
Lord Inge
Lord Lea of Crondall
Lord King of Bridgwater
Lord Maclennan of Rogart
Lord Morris of Aberavon
† Baroness Northover
† Baroness Park of Monmouth
† Lord Powell of Bayswater
Lord Tomlinson

† Member of the Sub-Committee until November 2004

§ Member of the Sub-Committee from November 2004

* Member of the Sub-Committee from January 2005

The Sub-Committee records its gratitude to Sir Michael Quinlan GCB for his services as Specialist Adviser.

Declarations of Interest

Please also see the Register of Members Interests.

Lord Hannay of Chiswick

Member, UN Secretary-General's High Level Panel for Threats, Challenges and Change

APPENDIX 2: LIST OF WITNESSES

The following witnesses gave evidence. Those marked * gave oral evidence.

*Dr Hans Blix, Chairman, The Weapons of Mass Destruction Commission

Ms Olivia Bosch, Senior Research Fellow, New Security Issues Programme, Chatham House

British American Security Information Council (BASIC)

*Professor Michael Clarke, Director, International Policy Institute, Social Science & Public Policy, King's College London

*Mr Marc Deffrennes, Head of Sector, Non-Proliferation and Disarmament, European Commission, DG RELEX

*Mr John Mattiussi, Desk Office, Non-Proliferation and Disarmament, European Commission, DG RELEX

*Mr David Spence, First Counselor, European Commission, External Political Relations, Delegation of the European Commission

*Ministry of Defence

*Foreign and Commonwealth Office

*Dr Annalisa Giannella, Personal Representative of the High Representative on Non Proliferation of Weapons of Mass Destruction, Council of the European Union

The Honourable Rose E Gottemoeller, Senior Associate, Carnegie Endowment for International Peace, Washington DC

Dr Thomas D Inch

Dr Rebecca Johnson, Acronym Institute for Disarmament Diplomacy

Professor Graham S Pearson, Department of Peace Studies, University of Bradford

*Dr Stephen Pullinger, Special Adviser, Saferworld

Mr Leonard S Spector, Deputy Director, Monterey Institute Center for Nonproliferation Studies

*Stockholm International Peace Research Institute (SIPRI)

The Verification Research, Training and Information Centre (VERTIC)

Dr Richard G Whitman, Head, European Programme, Chatham House

APPENDIX 3: CALL FOR EVIDENCE

Sub-Committee C is launching an inquiry into the EU Strategy Against Proliferation of Weapons of Mass Destruction that was adopted by the European Council on 12 December 2003 as part of the Union's Security Strategy.

The range of activity under the WMD Strategy is potentially very wide, and the Sub-Committee will not attempt to explore and evaluate particular elements in detail. The Sub-Committee's main concern will be to consider whether the Strategy is soundly designed, realistically prioritised, properly coordinated with the work of other relevant actors, adequately resourced and effectively overseen and managed.

To this end, the Sub-Committee would be interested in receiving views on the following matters:-

Coverage

Does the proposed strategy adequately cover the ground? Are there dangerous loopholes left, or opportunities missed? Is it or should it be intended to address ways of dealing with the consequences of proliferation as well as its prevention? Is it or should it be concerned with dangers related to radiological material usable in 'dirty bombs' as well as the three weapon categories customarily classified as weapons of mass destruction?

Priorities

Where are the main priorities for action within this very large field? What is most important, urgent and practicable? Is there clear focus on the areas where the EU as such can most effectively add value?

Interactions

How well do the strategy and the US approach to policies and programmes, such as the Proliferation Security Initiative, fit together? Are there either incompatibilities or useful complementarities?

What interactions are there, and how are these to be managed, with other actors such as Russia (notably in respect of ex-Soviet materiel and know-how), China, India, Pakistan, NATO and the United Nations, and with the Group of Eight's Global Partnership initiative on WMD?

Management

How far may resource limitations, national legal frameworks (e.g. affecting the framing and enforcement of export controls, or the definition of offences or of public powers), and constraints upon intelligence-sharing hamper the implementation of the strategy?

What arrangements will there be for coordination among different EU organs concerned and for monitoring and progress-chasing?

APPENDIX 4: GLOSSARY OF ACRONYMS AND TECHNICAL TERMS

BTWC	Biological and Toxin Weapons Convention
BWC	Biological Weapons Convention
CFSP	Common Foreign and Security Policy
CTBT	Comprehensive Test Ban Treaty
CTR	Co-operative Threat Reduction
CWC	Chemical Weapons Convention
EC	European Community
EU	European Union
HCOC	Hague Code of Conduct
IAEA	International Atomic Energy Authority
ICOC	International Code of Conduct
KEDO	Korean Peninsula Energy Development Organisation
MTCR	Missile Technology Control Regime
NATO	North Atlantic Treaty Organisation
NNWS	Non Nuclear-Weapon States
NPT	Nuclear Non Proliferation Treaty
NSA	Negative Security Assurance
NSG	Nuclear Suppliers Group
NWS	Nuclear-Weapon States
OPCW	Organisation for the Prohibition of Chemical Weapons
PSI	Proliferation Security Initiative
UN	United Nations
WMD	Weapons of Mass Destruction

APPENDIX 5: MEMBERSHIP OF INTERNATIONAL ORGANISATIONS AND REGIONAL TREATIES⁸⁷

Non-Proliferation and Export Control Regimes

Australia Group

Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, United Kingdom and United States.

Nuclear Suppliers Group (NSG)

Argentina, Australia, Austria, Belarus, Belgium, Brazil, Bulgaria, Canada, China, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Kazakhstan, Latvia, Lithuania, Luxembourg, Malta, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Slovak Republic, Slovenia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom and United States.

Zangger Committee

Argentina, Australia, Austria, Belgium, Bulgaria, Canada, China, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Republic of Korea, Luxembourg, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom and United States.

Korean Peninsula Energy Development Organization (KEDO)

Argentina, Australia, Canada, Czech Republic, Chile, EURATOM, Indonesia, Japan, New Zealand, Poland, Republic of Korea, the United States and Uzbekistan.

Missile Technology Control Regime (MTCR)

Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Russian Federation, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom and United States.

Regional Treaties

Lists of signatories (those states which have not ratified are in italics).

⁸⁷ Information taken from the Inventory of International Nonproliferation Organizations & Regimes (last updated 3 December 2004). Organisations and regimes with large memberships have not been included, though notable non-members are mentioned in the text of the Report. See http://www.nti.org/e_research/official_docs/inventory/index.html for full membership lists of all international regimes.

Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Tlatelolco)

Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, St Kitts and Nevis, St Lucia, St Vincent and the Grenadines, Suriname, Trinidad and Tobago, Uruguay and Venezuela.

Southeast Asian Nuclear-Weapon-Free-Zone Treaty (Bangkok)

Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar, *Philippines*, Singapore, Thailand and Vietnam.

South Pacific Nuclear-Free Zone Treaty (Rarotonga)

Australia, Cook Islands, Fiji, Kiribati, Nauru, New Zealand, Niue, Papua New Guinea, Solomon Islands, *Tonga*, Tuvalu, Vanuatu and Samoa.

African Nuclear-Weapon-Free-Zone Treaty (Pelindaba)

Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Comoros, Congo, Cote d'Ivoire, Democratic Republic of the Congo, Djibouti, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria, Rwanda, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, Sudan, Swaziland, Togo, Tunisia, Uganda, United Republic of Tanzania, Zambia and Zimbabwe.

APPENDIX 6: REPORTS

Recent Reports from the Select Committee

Review of Scrutiny of European Legislation (1st Report session 2002–03, HL Paper 15)

Annual Report 2004 (32nd Report session 2003–04, HL Paper 186)

The Draft Constitutional Treaty (41st Report session 2002–03, HL Paper 169)

Session 2004–2005 Reports prepared by Sub-Committee C

Current Developments in European Foreign Policy (2nd Report session 2004–05, HL Paper 44)

European Defence Agency (9th Report session 2004–05, HL Paper 76)

Session 2003–2004 Reports prepared by Sub-Committee C

Current Developments in European Foreign Policy (4th Report session 2003–04, HL Paper 28)

EU Development Aid in Transition (12th Report session 2003–04, HL Paper 75)

Current Developments in European Foreign Policy (19th Report session 2003–04, HL Paper 118)

EU Security Strategy (31st Report session 2003–04, HL Paper 180)

Session 2002–2003 Reports prepared by Sub-Committee C

EU Russia Relations (3rd Report session 2002–03, HL Paper 29)

EU—Effective in a Crisis? (7th Report session 2002–03, HL Paper 53)

The Future of Europe: Convention Working Group—Reports on Defence and External Action (15th Report session 2002–03, HL Paper 80)

Evidence by the Minister for Europe, Foreign and Commonwealth Office on European Security and Defence Policy Scrutiny, the General Affairs and External Relations Council of 18–19 March 2003 and the Current State of Common Foreign and Security Policy (19th Report session 2002–03, HL Paper 94)

The Future of Europe: Constitutional Treaty—Draft Articles on External Action (23rd Report session 2002–03, HL Paper 107)

A Fractured Partnership? Relations Between the European Union and the United States of America (30th Report session 2002–03, HL Paper 134)

Current Developments in European Foreign Policy (37th Report session 2002–03, HL Paper 152)

Minutes of Evidence

TAKEN BEFORE THE EUROPEAN UNION COMMITTEE (SUB-COMMITTEE C)

THURSDAY 11 NOVEMBER 2004

Present	Bowness, L (Chairman)	Morris of Aberavon, L
	Inge, L	Northover, B
	Lea of Crondall, L	Park of Monmouth, B
	Maclennan of Rogart, L	Tomlinson, L

Examination of Witness

DR STEPHEN PULLINGER, Special Adviser, Saferworld, examined.

Q1 Chairman: Dr Pullinger, good morning. As you know, the Sub-Committee is commencing an inquiry into the European Union's Strategy Against the Proliferation of Weapons of Mass Destruction. We are grateful to you for agreeing to come and give us your advice and evidence. This is in fact the first evidence session we have taken, certainly of witnesses outside of government. You have a number of questions which I think the clerk has indicated to you we would be quite grateful if you could cover in an opening statement, and members of the Sub-Committee then can pick up with supplementary questions. I appreciate that may not be possible, but it would assist us a great deal, and it may assist you with time as well.

Dr Pullinger: Thank you very much. First, my Lord Chairman, I would like to thank the Committee for inviting me to give evidence today. If I may, I would like to make some brief introductory remarks before answering the specific questions that the Committee has put to me. The challenges posed by the proliferation of weapons of mass destruction are profound and extremely complex. I welcome the European Union's initiative in this field and I am pleased that your Committee has decided to conduct an inquiry into that initiative at this early stage in its development. I do so from the perspective of a committed multilateralist who feels that the non-proliferation regime is under strain and that it is in urgent need of strengthening. The challenge, I think, is to attempt to address the acknowledged weaknesses of that regime, to ensure that it is relevant to the challenges of the early 21st century, without abandoning the principles upon which it is founded and to which Europe subscribes. I believe that any successful counter-proliferation strategy has to answer four basic questions: How best do we prevent States of concern and terrorist groups from acquiring such weaponry? How do we prevent them using that capability should they nevertheless acquire it? How do we prepare to mitigate the impact of those weapons if they are used? And, fourthly—and perhaps most important of all and the one that

the European Union is attempting to tackle—How do we persuade such States and groups that they do not want weapons of mass destruction in the first place? The nature of the threat is changing. The nexus of fundamentalist terrorists, States of concern and weapons of mass destruction is a critical new element of the challenge, especially as State-run programmes provide the easiest route by which fundamentalist terrorist groups can acquire such weapons. In my opinion, and in line with the EU's apparent thinking, the answer lies not in abandoning existing treaties and dismantling the non-proliferation regime but in updating and strengthening it. To make it relevant to meeting the latest manifestation of a developing threat, our policy instruments need to be recalibrated rather than consigned to the dustbin. This brings me on to the specific questions that the Committee has asked me to address, the first of which is: "Where do the gravest WMD risks lie?—for example, in possession by States of adverse motivation or uncertain stability, or in acquisition by terrorists?" Perhaps I could look at terrorists first. We know that al-Qa'eda and similar groups are seeking weapons of mass destruction and that if they did acquire them they would certainly use them. State-run WMD programmes provide the easiest route by which these terrorists can acquire weapons of mass destruction, because, first, these State-run WMD programmes will be provided with the necessary resources, the facilities, the expertise to develop and weaponise, and, moreover, they would be better placed to conceal such activities from external scrutiny. Secondly, there are circumstances whereby these State capabilities can be accessed, either through deliberate State co-operation, the operation of the black market—one could see the case of Pakistan and the assistance that was provided by Abdhul Qadeer Khan—or the collapse of centralised State control—and that is obviously a problem that has arisen through the collapse of the Soviet Union. I would suggest that we cannot afford to wait for the threat posed by this nexus to materialise, because the

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terrorist WMD threat will neither be containable nor deterable. WMD developed in rogue States are more likely to be used—perhaps by the host regime, or, certainly, if they do fall into the hands of fundamentalist terrorists. We will find it nearly impossible to defend our citizens adequately against the use of WMD in all circumstances. I am not saying we cannot take protective measures, but we cannot guarantee that we can prevent our citizens being subject to such attack, the consequences of which, of course, would be catastrophic. There are a number of States of concern—and I will not run through them all; perhaps we will do that in subsequent questions you may ask. The States at which we are obviously looking, at the top of our agenda here in terms of States of concern, are Iran, North Korea, Pakistan, India, Israel, Russia—I would put those at the top of the list—and we have to ask a number of questions about those States. Are they in stable deterrent relationships? India-Pakistan, for example: there is a sort of balance of capability, but is that a deterrent relationship that is stable? There are a number of questions around that. Will there be regime change in that possessor State? North Korea obviously is a very unpredictable regime: might the country not implode and there be a democratic replacement—in which case that will be a change in the right direction. In Pakistan one could envisage, perhaps, there no longer being a friendly regime in place and instead there might be a fundamentalist Islamic State—in which case the regime change would be definitely in a more worrying direction. What are the motives for these States to possess weapons? Not necessarily are they planning to use them aggressively. Do they want to use them primarily as a deterrent? Are they trying to seek some sort of economic leverage by their possession? And, lastly: How good is their control, their security measures for the sensitive materials and facilities that they have and how good are their command and control processes? As I say, I will leave the individual countries at this stage and perhaps you might want to return to looking at them in more detail. The second question was: “Should the EU prioritise its efforts; for example, as between classes of weapon? Do chemical weapons, for example, matter as much as nuclear and biological ones?” I am glad you have asked this question because I think the term “weapons of mass destruction” is a misnomer. It is one that we certainly had problems with during the Iraq debate: it was used by both sides of the argument in different ways to their own advantage. We normally talk about weapons of mass destruction being nuclear, biological, chemical. Radiological is added on at the end, not usually bracketed with those three. If I may, I will take each in turn. Nuclear weapons are genuine weapons of mass destruction. They are the most

threatening, they are the most destructive, they obviously knock down buildings as well as kill people, they contaminate areas. The problem with acquiring nuclear weapons is really to do with getting hold of the material. That is not at all a straightforward process. If you do get hold of the fissile material, it is difficult to hide the fact that you might be developing a bomb, but, as we have seen, it is not impossible. There has to be quite a lot of industrial activity around it but it can be done in a medium-sized facility that one could disguise. We have the non-proliferation treaty, which forbids all but five States actually having nuclear weapons, but the problem with the non-proliferation treaty—which we are now seeing very much in relation to Iran—is that the treaty allows the State to develop a civil nuclear programme up to a point at which they could be only six months away from making a nuclear weapon. That is the real fundamental problem with the non-proliferation treaty: it allows States to get to the point where they can break out within only a number of months. In terms of biological weapons (that is, the deliberate use of disease) it is much easier to conceal that you are working on these things. It is not easy to weaponise or disseminate those agents, but, nevertheless, if you are able to do that, the potential for use of biological weapons can reach a strategic level. You could kill hundreds of thousands of people if you were to deploy a lethal agent in an effective manner. There is a biological weapons convention, but the verification mechanisms/control mechanisms there are fairly weak. There is also a biotech revolution taking place which is throwing up the possibilities of more military applications of biotechnology to be for use as weapons—which is a most worrying development. Chemical weapons—that is the use of poison, mustard gas, nerve agents—tends to be more for use at a tactical level. It is possible to protect people if you put on protective suits. There are problems with dissemination of chemical weapons’ agents, but a number of States have managed it. In the debate over Iraq, when we talked about weapons of mass destruction, a lot of people were thinking about nuclear bombs going off, thousands of people being killed. The Iraqi capability we thought they had was more likely to have been confined to battlefield use of chemical and biological weapons, which was a different level of capability and threat. The fourth element is radiological; that is essentially using conventional explosive to scatter radiological material over an area thereby making it uninhabitable. It is not going to kill a lot of people. The explosion itself might kill a few people, but it spreads this radioactive material—which could be uranium, low enriched uranium or high enriched uranium, or it could be something else like caesium—and I think the impact there is much more

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likely to be psychological: the panic that it engenders when it goes off, people not quite knowing what is involved. There is a commercial impact to letting off a “dirty bomb”, as a radiological weapon is sometimes called: one could imagine using one in the City of London, which could render an area of great commercial strategic importance to the country uninhabitable for a period. The third question is: “Will the EU really be able to reach a common mind on key WMD issues; for example are there not likely to be serious differences of view within the Union about nuclear weapons and article VI of the Nuclear Non-Proliferation Treaty?” The EU strategy has avoided confronting the question of disarmament of nuclear weapon States directly. It is encouraging that the EU has got as far as it has with this strategy. In the past, it has always had the problems of talking with a united voice on these issues, because two of its Member States are in possession of nuclear weapons, the United Kingdom and France, but there are also other States in the European Union that currently deploy American nuclear weapons on their territory through NATO, Holland, Belgium, Italy and Germany. The non-proliferation treaty, as we know, allows for five States to possess nuclear weapons. It allows for the United Kingdom and France legally to be in possession of nuclear weapons, although they are supposed to move toward nuclear disarmament. And one could say, because the United Kingdom and France have nuclear weapons and they are part of European alliances, that in some sense this helps other European countries not to think about developing their own nuclear weapons. Would certain other European countries think more seriously about developing their own nuclear weapons if France and the United Kingdom did not have them? That is a question which I could perhaps leave hanging. There is a problem here, though—although I am not sure to what extent it has become a serious problem—but it is an issue which I feel concerned about: the United Kingdom and France have national nuclear forces. They have reduced those national nuclear forces to what they describe as “minimum deterrent forces”—and I would say that, especially in the case of the United Kingdom, we are now down to a minimum level below which one could not really go without challenging the credibility of the force itself, which would not really make a lot of sense—but what concerns me is: Are these weapons remaining as purely deterrent weapons, weapons of last resort, purely to cancel out the possibility of anybody threatening us with nuclear weapons, or are we being drawn into this American doctrine, which talks about making nuclear weapons more useable, integrating them into their preventative war strategy? Some of us are concerned that before the Iraq war broke out the Defence Secretary in evidence to the Defence

Committee in the Other Place talked about the possible . . . he would not rule out the use of nuclear weapons against Iraq.¹ As Secretary of State for Defence, perhaps, he did not feel able to—but this was in the context of possibly using nuclear weapons first, pre-emptively, against Saddam’s WMD capability. I think that is where some of us had a problem, for all sorts of reasons, that, if we are thinking about using our nuclear weapons more proactively in that sort of context, that was worrying. I remember the former Prime Minister John Major made a pledge in early 1991, before the first Gulf War broke out, when he ruled out entirely the use of British nuclear weapons in that context.² That was not the case this time. I am worried about that direction because that has a number of spin-offs. If we are moving in that direction, there are negative security assurances that we have given which may come into conflict with that new doctrine; there are implications possibly for the Comprehensive Test Ban Treaty. I understand the EU wants to agree a common position prior to the Non-Proliferation Treaty Review Conference next spring. The fourth question is: “Even if the EU can agree internally, will it not find itself often at odds with the United States; for example, in working out a common approach to the NPT Review Conference” in the spring of 2005? I think I should say at this point that the situation we were in a few years ago was that we had this multilateral non-proliferation regime in place but there was a great deal of complacency about how well it was working. At least the American administration—the Bush administration and perhaps the one before it—shook us out of our

¹ “They [the Iraqis] can be absolutely confident that in the right conditions we would be willing to use our nuclear weapons.” Rt Hon Geoff Hoon MP, Secretary of State for Defence, during oral evidence to the House of Commons Defence Committee, 20 March 2002, published in *Missile Defence*, First Report, Defence Committee, Session 2002-03, HC 290-I, Q237. The Defence Secretary made further salient comments in the media during this period. His comments and the issue about possible use of United Kingdom nuclear weapons against Iraq are analysed in *Military Action against Iraq: the Nuclear Option*, ISIS Briefing no 83, April 2002 at <http://www.isisuk.demon.co.uk/0811/isis/uk/regpapers/no83.pdf>.

² “On the use of nuclear weapons, I think that I made it clear in the debate the other day that we did not envisage the use of nuclear weapons. To the best of our knowledge Iraq does not have a nuclear capacity. Under the non-proliferation treaty, which has been signed by the United States and ourselves, we would not therefore use them.” Rt Hon John Major MP, Prime Minister, *Official Report*, House of Commons, 17 January 1991, cols 974/975.

“May I ask the Prime Minister a direct question? In the event of poisonous gas or bacteria being used in the middle east in the event of war, will he reserve the option to use a nuclear device if that is necessary for the protection of our own troops?” Sir Trevor Skeet MP.

“We have made it very clear to the Iraqis that we would take a very serious view indeed of the use of any chemical or biological weapons, but I must say to my hon Friend that we have a wide range of weapons and resources at our hands and I do not envisage needing to use the sanction that the suggests.” Rt Hon John Major MP, Prime Minister, *Official Report*, House of Commons, 15 January 1991, col 276.

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complacency. They said, "Look, there are these States of concern and they are getting very close to getting these weapons, and this non-proliferation regime has allowed them to get into that position. We have to really buck our ideas up, sort the proliferation regime out, find some new mechanisms for dealing with the problem, and be much proactive in our implementation of that regime." I think the European reaction through this security strategy is probably a response to that, in terms of the European's saying, "We are multilateralists. We want this regime to work, we need to strengthen it. We have to take the American concerns seriously," and if it has been born out of that, then all well and good, and I pay tribute to the British government for being instrumental, I think, in pushing the European Union into adopting this strategy and taking the issue seriously. If we return to the 2005 Review Conference though, in terms of the conflict with the United States, potentially, then there are serious issues for concern there. The Review Conference for the NPT takes place every five years. At the end of the last Review Conference in 2000 there were a number of practical steps which were listed for disarmament and moves towards arms control, and this was all part of the balance between the NPT being a bargain between stopping everyone else developing nuclear weapons but benefiting from nuclear power, and these other five nuclear weapon States being allowed to have them but demonstrating that they are intent on eventually disarming themselves of that capability. At the end of the 2000 Review Conference there were listed a number of issues on which we had to make progress in terms of disarmament. The first one that was listed was that the Comprehensive Test Ban Treaty should be ratified and entered into force, but the United States has gone cold on the whole idea of the Comprehensive Test Ban Treaty: they are not ratifying it—the United Kingdom and France have ratified it—but that means, I am afraid, that the treaty cannot enter into force until the Americans do. The Indians, the Pakistanis, the North Koreans have to ratify it too, one should add, but the fact that the Americans are not going to ratify it means that it is stuck in limbo. The second disarmament priority was the Fissile Material Cut-Off Treaty which was to stop the production of any more fissile material for military purposes, but that has gone absolutely nowhere. That is partly because India and Pakistan have had disagreements about whether it should cover future production or stock piles. China has also been awkward about it and the Americans this year said they did not think the treaty could be verified in any case. So that has gone nowhere. In respect of the Anti-Ballistic Missile Treaty in 2000—and it is still extraordinary that they managed to agree to this language—all the States' parties said

that the ABM Treaty should be preserved and strengthened, when everyone knew that the Americans were determined to deploy missile defences. The United States has subsequently withdrawn from the treaty; it is now deploying anti-ballistic missiles. We can talk about the wisdom or otherwise for doing that, but the fact remains the ABM Treaty has gone. There was also an unequivocal statement provided by each of the weapon States to disarm. I do not believe any of them currently means it, certainly not in the short term—quite the reverse. In fact, there should have been a diminishing role for nuclear weapons and we seem to be moving in the other direction. The Americans are looking for new roles for nuclear weapons. Russia certainly wants to retain nuclear weapons because it is a competitive advantage in military terms. With the United Kingdom and France, as I say, there is some ambiguity about which direction their doctrine is going in. In terms of the clash, if you like, between this American hard-line unilateralist position and the European multilateralism, the test is going to be what happens over Iran—which I am sure you will want to ask me more questions on. The fifth question you asked me was: "Is there a risk of too many cross-cutting initiatives, with too much talk and not enough action"—you have EU strategy, the US Proliferation Security Initiative, Global Partnership Initiative, G8. If it is all complementary, all well and good—and I think there are good reasons why these certain initiatives have come from certain directions. I think the global partnership is really to do with the co-operative threat reduction programme, which is helping the Russians particularly get rid of their nuclear facilities, secure the nuclear materials. That is an extremely important job, and coming from the G8 was probably the best way for doing that. The US Proliferation Security Initiative was something they came up with and they are now drawing other people in alongside. There is nothing wrong with doing that: it is probably a good addition to our instruments of tackling the problem. The EU strategy I think is important because it elevates the problem amongst all the Member States: they now take it seriously, it raises its profile, it is mainstreaming non-proliferation concerns in all EU policy instruments and policies with third parties. It is important that happens. It is also important there is another focus for multilateralism in conjunction to what the Americans are saying the way forward should be. It is important not to lose momentum and I hope that the American and the European positions can be brought together. I think there is some reason for optimism on that. We can talk about that perhaps a little bit later. The sixth question—and I think this is extremely important—is whether the EU could "do more to influence the demand side of WMD

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proliferation; that is, either to make it less likely that States will see reasons for acquiring WMD or to make the penalties of doing so more evidently severe." I think this is the key really to the EU security strategy. For effective multilateralism to work requires us to alter State behaviour. If that fails, then we take sanctions against them but we use due process: we use the treaties that they have signed up to which they are not in compliance with; we refer them to United Nations Security Council. There is a due process to go through if we do not succeed in persuading them otherwise. That is not to rule out that if all goes wrong, the UN Security Council vetoes it for whatever reason, there should not be recourse to taking further action in certain circumstances, but it is to instil the fact that we have to do it through that multilateral process. I think what is good about the EU strategy is that it recognises that States do have legitimate security concerns that may turn them towards the pursuit of WMD, and we need to understand those motivations if we are going to influence the potential proliferators' behaviour. There are various mechanisms, I believe, for making the acquisition of WMD more expensive and for increasing the rewards for abstinence, if you like. We have to have tighter controls. We have to stop them getting hold of these things. We have to make our export control mechanisms more effective. Particularly we have to watch the developments in bio-technology, as I said earlier. Disarmament assistance: we really do have to continue our efforts on this co-operative threat reductions programme, helping the Russians and others to disarm. We have to enforce legal obligations through treaties. I think there is an important distinction here, which I believe the Prime Minister made in relation to Iraq, which is that the onus should no longer be on us to demonstrate proliferators' non-compliance; the onus should be on them to demonstrate their compliance. Here, I think you can contrast the behaviour of Iraq and Libya. Libya made a conscious decision to come clean on its WMD programme: it wanted to dismantle them, it gave every co-operation to the inspectors to allow them to see everything they wanted to see because it was genuinely disarming and it wanted to prove that fact to the rest of the world. Iraq was quite content for us to try to prove that they were in non-compliance, and that is extremely difficult to do, as we have seen, especially on chemical and biological weapons. So it is turning that equation around. The regional approach is another important element the EU had identified. I think this is fairly important because the one-size-fits-all approach to dealing with this proliferation problem does not work. India and Pakistan is in an entirely different situation to the Iranian situation in the Middle East context, that is entirely different

from North Korea. If we address it in regional terms, we are likely to make more progress. Let us wield bigger sticks but offer bigger carrots, so the degree of sanction applied to proliferators should be greater, but then also should the rewards be to those who abandon those ambitions in terms of political, economic and trade rewards. Stronger security guarantees: if people are going to be asked to give up these weapons, they need to be given some sort of security assurances in return. Those already exist to a certain extent in a negative sense, in terms of we say we will not use our nuclear weapons against people who do not have them, with some conditions attached, and in the positive sense we say we will come to the assistance of States who are being threatened by the use of weapons of mass destruction. There are two more. The illegal use: we have to raise the level of international punishment imposed on those who actually use weapons of mass destruction illegally. I think this is being brought out in the UN Security Resolution 1540 which was adopted in April this year, which calls upon all States "to adopt national legislation to criminalise the possession, manufacture or trafficking of WMD and their means of delivery." Last of all, I think we need to reduce the saliency of nuclear weapons. No one is expecting us to move to nuclear disarmament overnight. It may never be possible. It may be that we have to have some weapons left in order to cancel out the incentive for anybody else to try to develop them, but I think we should be trying to marginalise nuclear weapons, to put them at the back of the cupboard, if you like, and certainly not move in the other direction where we are giving them added military utility. Your final question, the seventh question, is "Has the EU equipped itself with the necessary instruments to implement its strategy?" I hope so. It is early days. Obviously in a legal sense, these treaties are already in place, we have control mechanisms, supplier-control regimes. The EU is trying, as I said earlier, to include a non-proliferation clause in its dealing with other parties now. In a practical sense, it is providing assistance to the co-operative threat reduction programmes. It is giving intelligence and diplomatic assistance in the fight against terrorism—so the WMD link. In terms of the Proliferation Security Initiative, I suppose one assumes that the EU should put at the disposal of this mechanism military assets to intercept the trafficking of these materials or whatever. In an informational sense, the EU has set up its own threat assessment unit now. It also has a monitoring unit to monitor the progress of this strategy—which has already conducted one six-monthly report of progress, so there is momentum behind it. In resource terms, it has given money to CTR: it gave money to the International Atomic Energy Agency earlier this year, and at a Joint Council meeting on

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17 May, which was to improve the physical protection of nuclear materials and facilities, the EU provided a certain amount of money for that purpose. So it is moving forward, and I hope that it makes further progress, obviously. Perhaps I could finish there and hand back over to you, my Lord Chairman.

Q2 Chairman: That is very kind. Thank you very much for dealing so comprehensively with the questions. When you referred to acquisition of weapons by terrorists, are you worried principally about acquiring them by accidental leaks from various sources or criminal activity or are worried principally about States deliberately transferring weapons or both?

Dr Pullinger: I suppose both. There is a third possibility that I did not mention which is that they could develop them under their own steam to a certain extent. We have had terrorist groups in the past that have managed to get to the stage where they have developed chemical weapons at least. I think of the Japanese terrorist group that let off sarin on the Tokyo subway, which killed a few people and caused a lot of panic. We should not rule out the possibility that terrorist organisations can under their own steam develop chemical and biological weapons. I think with nuclear weapons it will be much more difficult for them to do that, although radiological weapons are relatively straightforward. I think leakage is the main problem. I think we have neglected, to a certain extent, the problem with the collapse of the Soviet Union and the security of the material and the facilities. The expertise has leaked out onto the black market. We have tried to act. The Americans took a lead on this—the Bush administration initially rowed back from it, but has now fortunately come on board—and the European Union is playing a significant part as well. But I do not think we can ever perhaps do enough in that respect. So the implosion of States . . . One worries about the situation in Pakistan, as I mentioned earlier. They have established a nuclear weapons programme. If that State should collapse for whatever reason and an extremist regime comes in and it is all there for them to take over, would that State then be prepared to sell that capability, hand it on to like-minded terrorist organisations? It is certainly an issue of great concern.

Q3 Lord Lea of Crondall: I rather picked up the rather chilling phrase “making nuclear weapons more useable”. I am sure that some doctrine somewhere, somewhere in America, has some source of reference/papers on that. I do not know whether you can give us the source, so that we can have it

circulated.³ But, if it means what it sounds like, how do you square that in a broad philosophical sense with helping the Russians to disarm, etcetera? I mean, I have not got it.

Dr Pullinger: To an extent, there has been a misconception about the role of nuclear weapons for a number of years. The military have them as weapons and they have to think about ways in which they could be used. The politicians obviously say, “This is deterrence; it is inconceivable that we would ever use them;” the military have to plan to use them. There is a difference in the debate now. Whereas in terms of the Soviet Union and the United States there was never any question really, to my mind, that anyone would deliberately launch a nuclear war. It was inconceivable because one knew the retaliation would be overwhelming and completely counter-productive. The circumstances in which certain elements of the American polity is thinking about this are: if you have a rogue State, which you do not believe you can deter conventionally, which is working on weapons of mass destruction, then, rather than wait for them to develop nuclear weapons with which they will threaten the region—and perhaps be more eager to use them, despite knowing that you have similar weapons that you could retaliate with—if those facilities for making these weapons are buried deep underground in concrete bunkers, and the only way you can get to them is to use a nuclear weapon to destroy that facility, that might be what they have to do.

Q4 Lord Lea of Crondall: But what does that sound like in Moscow or Beijing?

Dr Pullinger: In Moscow and Beijing they are worried. In Moscow they know that they still have the capability to retaliate: they are not worried for themselves, they are worried in the direction in which the Americans may be going.

Q5 Lord Lea of Crondall: I though you were helping the Russians to disarm.

Dr Pullinger: I see. Yes. We are helping the Russians to dismantle the weapons they have already agreed to dismantle through the Strategic Arms Reduction Process. The Russians are retaining a significant number of nuclear warheads for their deterrent capability but they have agreed to dismantle an awful lot of it. That is a very complicated process. Now the

³ See, for example, testimony of Joseph Cirincione, Director of the Carnegie Non-Proliferation Project before the Senate Foreign Relations Committee, 16 May 2002. Reproduced in “US Nuclear Posture Review—Deeply Flawed”, *ISIS policy Brief*, No 2, May 2002. Can be found at: <http://www.isisuk.demon.co.uk/0811/isis/uk/regpapers/no02.pdf>.

Or the Union of Concerned Scientists, US: “The Bush NPR calls for the development of new, more ‘usable’ nuclear weapons; for the pre-emptive use of nuclear weapons against non-nuclear weapon states; and for reducing the time required for the United States to resume nuclear weapons testing.” Full article at: <http://www.ucsusa.org/globalsecurity/nuclearweapons/index.cfm>.

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United States and the European Union are helping the Russians to dismantle that excess capability, if you like, to ensure that it does not fall into the wrong hands, but that is not to say that the Russians are disarming completely. The Russians still have a very significant nuclear capability.

Q6 Lord Maclellan of Rogart: Rather a narrow technical question on nuclear matters. Is the IAEA able to act *ex proprio motio* to indicate to the wider international community what it sees as the ways of tackling particular problems? Or is it an agency that is so much part of the legal aid system that it has to be very conscious of the different attitudes and a member of the Security Council, for example, not actually saying, “This is what ought to happen at this stage”? I am really groping for a reference point which governments could turn to in support of or the prioritisations of a particular focusing that they are embarking upon which is seen to be or is genuinely as objective as it comes.

Dr Pullinger: I think we have seen this with Iran. The IAEA has gone about its business and it is asking the Iranians to prove that they are not seeking to divert materials for nefarious purposes from its own civil nuclear programme. They have gone through that process: they have drawn the attention of the rest of the world to the fact that the Iranians are doing things which they are not entirely happy with, and that has now become a subject of international debate. That is why the European foreign ministers went to Tehran because the IAEA had notified them of that fact. And now the question is whether, if the Iranians fail to satisfy the IAEA—who are still regarded as an objective international organisation, I believe—that will be referred to the UN Security Council. That is the next ratcheting up of the process, if you like. So I think it does work and it has been shown to work in that sense. There is another thing that the States’ parties have done to strengthen the IAEA. In the past all the IAEA did was it took the declarations from these States and it just checked against the record that what they declared was actually accounted for, but they did not determine whether the declaration was the full declaration of what they had. A country would say, “This is what we have got,” and they would say, “Yes, okay, we have ticked it off,” but they might not have been declaring other material, other activities that were going on, and that is why Iraq was supposedly a compliant member of the Non-Proliferation Treaty, because it said, “We are doing this at this plant. You can come and check it.”—“Yes, it is fine.”—but they were doing other things in other plants. There is now an additional protocol which we are trying to get every State to sign up to, and that additional protocol means that the inspectors from the IAEA

can go anywhere. They have much greater access. They can say, “We are not just going to where you declare you are doing this work; we can actually go to this plant because we have suspicions that you are doing something else there.” That is a demonstration of how they are strengthening that regime and the European Union has tried to get everyone to sign up to an additional protocol, as the Americans are, and it is an important way of building the regime.

Q7 Lord Morris of Aberavon: I am currently looking at the Organisation for the Prohibition of Chemical Weapons. Is the ordnance of proof, working in that field, which has been partially successful, under the Libyan or the Iraq template? Where does the ordnance of proof lie?

Dr Pullinger: In terms of the chemical weapons convention, we were all quite surprised at the time—it was 1993—when the chemical weapons convention was agreed, ratified, the Americans signed up to it, their chemical industry signed up to it, European chemical industry signed up to it. They put quite a lot of onus on them to demonstrate that they were in compliance. There is a lot of dual-use capability, of course, and so verification is a very important element of making that regime work. I think we are at the stage where the treaty has grown. People are used to it. It has this organisation the OPCW to oversee progress. The next stage—and I think this is the big hurdle, and I think it has been drawn out by the EU strategy as well—is when a challenge inspection is issued against one of the State’s parties. That is within the treaty: if there is suspicious activity going on in a particular State party, then another State party can go to the OPCW and say, “We have serious concerns about what is going on in this State in terms of possible chemical weapon activity. We demand to be able to go in there”—and a challenge inspection is almost “go anywhere any time”: I think they have to give a few hours’ notice but it is quite short notice—“and see whether that State is actually doing anything it should not be doing.”⁴ There are a number of States that we are suspicious of in terms of chemical weapons’ capability, a number of Arab States in particular. Syria is one, I suppose. Iran, obviously, is another. The next test of the chemical weapons

⁴ Under the terms of the Chemical Weapons Convention each State Party has the right to request an on-site challenge inspection of any facility or location in the territory of any other State Party for the sole purpose of clarifying and resolving any questions concerning possible non-compliance with the provisions of the Convention, and to have this inspection conducted anywhere without delay by an inspection team designated by the Director-General and in accordance with the Verification Annex. The Director-General shall transmit the inspection request to the inspected State Party not less than 12 hours before the planned arrival of the inspection team at the point of entry. Source: US CWC website, at: <http://cwc.gov/treaty/articles/art-09—html>.

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convention will be when somebody issues a challenge inspection and then either that State refuses admission, in which case that creates one set of problems, or it allows the inspectors in but restricts their movements, which will create another set of problems, or maybe it just opens itself up and says, "Look, we have nothing to hide" and has a clean bill of health. One worries in that sense that the Americans, for example—and there may be others too—who are convinced that country X has chemical weapons, will go to the OPCW, the chemical weapons convention is put into force, the inspectors go in and they do not find anything, and the Americans are still convinced they have got something. What happens in that situation?

Q8 Chairman: Could you help me. I am very anxious that we limit ourselves, in so far as we can, to the EU aspect of this vast subject. Could you tell me something about the Australia Group, which it appears is something which the EU itself is a member of and a number of Member States also. We pay some considerable sums of money into that organisation. What exactly does it do? How effective is it? Is it right that there is also some other organisation that operates in connection with the Korean Peninsula where there is a similar involvement?

Dr Pullinger: The Australia Group is a club of States who have come together to ensure that certain chemicals are not exported to people they do not think should be receiving them.⁵ So is a control group of States really in relation to chemical and, I think, biological agents as well. So it is constantly updating itself on developments in the field in terms of what should and should not be going into these countries. It is a sort of living control mechanism. The EU, yes, has a representation there now. There are other similar controls. There is the Nuclear Suppliers Group which does similar sort of work and the WASINA Group which does it on conventional weapons.⁶ I do not think the European Union can formally be part of the Nuclear Suppliers Group, but I think it has observer status, some sort of attached status in that respect. In terms of where the European Union can make most impact, I think

⁵ The Australia Group is an informal arrangement that aims to allow exporting or trans-shipping countries to minimise the risk of assisting chemical and biological weapon (CBW) proliferation. The Group meets annually to discuss ways in which the national level export licensing measures of its 38 members, plus the European Commission, can collectively be made more effective in ensuring would-be proliferators are unable to obtain necessary inputs for CBW programmes, which are banned under international law.

⁶ The Nuclear Suppliers Group is a similar group of states that determine guidelines for nuclear exports and nuclear related exports. The European Commission participates as an observer. The Wassenaar Arrangement promotes transparency and greater responsibility in transfers of conventional arms and dual-use goods and technologies.

in these control regimes—which are fairly non-contentious in terms of the EU's relationship with the Americans: I think both sides are agreed that they need to strengthen these control mechanisms—that is definitely the way forward and something in which the European Union should develop its capabilities because it is really in terms of co-ordinating your export control policy, making sure you are aware who is being sold this, that and the other, what developments are taking place in the field that you should be aware of that might have military applications. In terms of the Korean Peninsula, I am not sure about that, my Lord Chairman. I will have to write you a note about that.

Chairman: Perhaps you could let us know.

Q9 Lord Inge: You have talked about biological and the ability to create mass casualties and that you thought people were getting better at thinking how it might be used in a military context. Were you thinking of particular countries when you talked about that? How good are we at detecting and really knowing about it?

Dr Pullinger: Which country did I have in mind? I would have to think about which ones on the list. Iraq was quite near the top of the list. I think Iran there are seven or eight of concern.⁷ In this public session I would not want to name the others in case I made a mistake. But I could obviously provide further information on that. I do not want to use the phrase "behind the loop" but it probably describes it. Something which the European Union is now addressing is the importance of controlling the potential for biological weapons' development, in terms of monitoring developments in the field—setting up a centre for disease, so that can have early warnings about outbreaks of disease. One of the particular problems with this which is incredibly frightening if you take it to the *n*th degree is that you may not actually know when it has been used because you may not be able to trace the source until it is too late, particularly infectious disease, against which people are not inoculated because you were not prepared, you did not know. It all comes down to the great civil defence argument about how on earth we will cope with that sort of biological warfare attack in a major city: how we stop people leaving, how we control the outbreak, how we deal with the information of telling people that that disease was now prevalent. It engenders a quite frightening set of circumstances. I struggle to see what a State would gain from using disease as a weapon, and I think there are some limits to what some terrorist organisations would be prepared to

⁷ Those states believed to be in possession of chemical and biological weapons are listed, for example, on the US Arms Control Association website at: <http://www.armscontrol.org/factsheets/cbwprolif.asp>.

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do, but I do not exclude it at all from what some fundamentalist terrorist groups might be prepared to do.

Q10 Lord Inge: You talked about weaponisation or military use—and technically it does create quite a lot of difference.

Dr Pullinger: Yes, it does, indeed.

Q11 Lord Inge: What knowledge do we have that some nations are getting better at weaponising it?

Dr Pullinger: I think we must be guessing to some extent. We know from the experience of the Soviet Union that they had a massive biological warfare programme—and it was much more extensive than we believed at the time—so they were able to do it. The Iraqis have been able to do it—they might have got rid of it or left it alone for a while, but they certainly had that capability at some stage, and people had been working on those programmes and where are those people now? It is difficult to weaponise it but State programmes have managed to get that far. We cannot rule it out. As I say, the developments in the field make the military applications of the technology more useable in weapons terms, and that is particularly concerning.

Q12 Lord Lea of Crondall: If Europe is developing some sort of role and the Americans or the people in Washington are thinking the unthinkable, without being in a multilateral context—in other words, the US following unilateralism—how do you see this working with Europe? Is this dilemma not getting worse? How can we stop the Atlantic getting wider?

Dr Pullinger: I think at the moment it is getting worse. Europeans are committed multilateralists. Of course the present US administration is more unilateralist but obviously there are strong forces within the United States that feel differently and feel that multilateralism has to work, has to be given that chance. I think experience will bring the Americans back to the importance of multilateralism. They need allies; they need other countries to help them deal with this problem. They certainly cannot do it on their own. So the reality of the experience will bring them to that point of view. Having said that, in the Iranian situation this is the Europeans trying to make multilateralism work; trying to persuade the Iranians that they should not go down this route. They are trying to use the IAEA as a means of stopping them from doing that. The Americans, I think, at the moment, partly because they are diverted in Iraq and elsewhere are watching this situation and saying, “Are you going to be able to do it this way? Because

we have a bottom-line here, which is that we do not want Iran to have nuclear weapons in the Middle East. That is our policy. If you cannot give us that assurance, through your multilateral process, through the IAEA, that they are genuinely giving up this capability and they will not be able to develop it, then we are going to have to find other ways of dealing with it.” That may not be imminent but it is certainly down the line. Israel is not going to tolerate Iran having nuclear capability in the Middle East and I do not believe the United States is either. That is partly because the Americans do not want to have a State in the Middle East which has a nuclear weapon able to threaten an area of strategic interest which will then deter the Americans from taking action in that region. It is not necessarily that the Iranians are going to start firing nuclear weapons at the United States, but it is that the Americans cannot go into the Middle East and take action freely if they know that Iran has a functioning nuclear weapons’ capability which they—the United States—is deterred by.

Q13 Lord Inge: Equally, the target this time is dramatically different from OSIRAQ.

Dr Pullinger: Yes. There is something published recently saying that the OSIRAQ attack did set back the Iraqi programme but nevertheless it drove it into other areas⁸. It pushed it underground, it made the Iraqis much more convinced that they had to have that capability because that was the only way they could deter the Israelis. In terms of Iran, you could not know you were getting everything, you certainly would not get everything, you would not kill the expertise, you would not get rid of all the material, you would set it back but the cost of doing so would be enormous. I do not have to describe what that might be. I am sure it would convince the Iranians that they should try to develop a nuclear weapon. The Islamic world would be enflamed. I do not think you would achieve the objectives that you wanted to by doing that.

Q14 Chairman: Dr Pullinger, may I thank you very much for coming to give evidence and replying to our questions so comprehensively. We look forward to hearing from you in writing on one or two outstanding points.

Dr Pullinger: It has been a pleasure, my Lord Chairman. Thank you very much.

⁸ Iraq’s reconstitution of its nuclear weapons programme following the Israeli attack on the Osiraq reactor is analysed in Dan Reiter, “The Osiraq Myth and the Track Record of Preventive Military Attacks”, *Policy Brief* 04-2, October 2004, Ridgway Center for International Security Studies, University of Pittsburgh, at: <http://www.pitt.edu/~gordonm/RW/ReiterPB.pdf>

Memorandum by Dr Stephen Pullinger, Saferworld**EU'S STRATEGY AGAINST THE PROLIFERATION OF WEAPONS OF MASS DESTRUCTION****AN EU APPROACH TO THE NPT REVIEW CONFERENCE**

1. The EU's Strategy against the proliferation of weapons of mass destruction is being implemented through specific, practical actions. Political momentum and energy levels need to be maintained. The next relevant, major international event will be the Non-Proliferation Treaty (NPT) Review Conference—to be held in New York from 2–27 May 2005—at which, according to the Strategy, the EU wants to show a “common front” and “demonstrate a positive contribution to discussions”. This submission considers how best the EU can provide a positive contribution to that Conference.

A. Context of the Review Conference

2. At the last NPT Review Conference in 2000, despite initial forebodings, the eventual outcome was hailed as a success largely because it was possible to adopt a Final Document by consensus. This Document provided a review of the NPT's operation over the previous five years and set out a number of steps that should be taken to promote nuclear non-proliferation and disarmament, perhaps the most significant of which was a joint pledge from the five nuclear weapon States to an “unequivocal undertaking to accomplish the total elimination of their nuclear arsenals”.

3. In Spring 2004, the final Preparatory Committee meeting of States Parties before the May 2005 Review Conference largely failed to produce recommendations and finalise arrangements for that Conference, such as the rules of procedure, documentation and agenda. The decisions it did manage to take are mired in confusion.¹

4. To a substantial degree this is a reflection of the persistent tension between two groups of States. On the one hand are those without nuclear weapons, who want access to nuclear energy on a non-discriminatory basis and who accuse the nuclear-armed States of refusing to comply with their Article VI obligation to disarm. On the other hand, those with nuclear weapons are sharpening their calls for more intrusive inspection, backed by the threat of force, to ensure compliance by those States not permitted nuclear weapons, whilst remaining unenthusiastic about their own disarmament.

5. The strains between these two camps are increasing. The US Administration is willing to apply its national security interests with extreme prejudice and to ensure that, if necessary, certain States are forcibly prevented from acquiring nuclear weapons. The US is ideologically ill-disposed towards treaties that restrict its freedom of action, and is seriously contemplating new roles for its own nuclear weapons.

6. North Korea withdrew from the NPT in 2003; during the 1980s Iraq developed a nuclear weapon programme despite being a Party to the NPT; Iran's nuclear activities have aroused suspicion; and Israel, India and Pakistan still refuse to join. If the Treaty begins to crumble, leading to an increasing number of States feeling insecure, they too may be tempted to acquire nuclear weapons to guarantee their security. A powerful proliferation dynamic could be set in train.

B. Ensuring a successful Review Conference

7. Clearly, the EU needs to prevent such an outcome. It needs to make the case for universal adherence, compliance and enhanced verification mechanisms, backed by the full authority of the UN and ultimately by sanctions that the Security Council might decide to impose on those who cheat. But, it also needs to introduce a wider range of policy instruments that consider regional approaches, that address States' legitimate security concerns, and that provide incentives for compliance (trade, energy assistance, security assurances).

8. In respect of the nuclear weapons States' obligation to disarm, the EU should support additional reductions in weapons numbers, a further marginalisation of their role within security policies, and the provision of enhanced security assurances to those who do not possess nuclear weapons. In other words, it needs to prepare positions on both “halves” of the NPT's agenda.

¹ Rebecca Johnson, “Report on the 2004 NPT PrepCom”, *Disarmament Diplomacy*, No.77, May/June 2004.

THE NON-PROLIFERATION HALF OF THE AGENDA

9. As already alluded to, essentially the NPT faces two major problems. Firstly, there are a number of key non-signatories and secondly, certain States Parties have not complied. The EU Strategy acknowledges this by committing itself to pursue the “universalisation of disarmament and non-proliferation agreements while stressing the importance of effective national implementation thereof”. Taking each in turn.

UNIVERSALISATION

10. In order to pursue universal membership of the NPT first requires an appreciation of States’ motives for wanting nuclear weapons. In this respect the EU Strategy is refreshingly innovative, in that it seeks to understand the dynamics of insecurity that might lay behind a State’s desire to proliferate, and that regional political solutions will probably offer the best prospect of States feeling able to renounce nuclear weapons and join the NPT.

11. This recognition leads the Strategy to conclude that the EU and its Member States must “actively foster the establishment of regional security arrangements and regional arms control and disarmament processes. Our dialogue with the countries concerned should take account of the fact that in many cases they have real and legitimate security concerns, with the clear understanding that there can never be any justification for the illegal development of WMD”.

12. This is welcome because, in contrast to the US approach, it acknowledges and seeks to understand the “demand” side of the proliferation equation. Rather than just concentrating on trying to prevent other States from acquiring or developing WMD it is equally, if not more, important to address why they are pursuing such weaponry. Those reasons often derive from regional security concerns—to enhance regional standing or to counter the capabilities of potential regional foes. Moreover, although there should be common principles applicable to how one deals with proliferation, there is clearly not a “one size fits all” policy that can be applied equally to Iran, North Korea and South Asia. Therefore, to actively foster a regional arms control approach has much to recommend it.

13. On the current international scene this means that a lasting political rapprochement between India and Pakistan is the most likely way to achieve a non-nuclear South Asia. Indeed, previous efforts at imposing trade sanctions and applying political pressure have proved fruitless and were probably counter-productive. Brokering a settlement of the Kashmir dispute would be a more productive non-proliferation instrument for the EU to employ than any amount of diplomatic invocation in respect of nuclear disarmament *per se*.

14. Similarly, in the Middle East, until Israel feels secure within its own borders it is highly unlikely to renounce its nuclear capability. Working towards an overall peace settlement within the region, of which a WMD-free Middle East would be an integral part (a proposal supported by EU States as one of the conditions of indefinitely extending the NPT in 1995) is a more fruitful path than haranguing Tel Aviv to sign the NPT now.

15. It will also have ramifications for addressing possible Iranian non-compliance with the NPT. Doubtless, the EU Foreign Ministers have been reminded by Tehran that Iran’s major regional adversary—Israel—is not even a party to the NPT. This should not be used as an excuse for Iranian non-compliance, but merely to state that in respect of an issue of major strategic significance geo-political context is bound to be a major factor.

COMPLIANCE

16. This is perhaps the key to the entire strategy ie to retain credibility the non-proliferation regime must deal effectively with those who cheat; it must prove itself sufficiently robust to enforce the will of the international community. It is no longer adequate simply to have treaties in place and assume that all is well. Iraq was a party to the NPT, gave every impression that it was in compliance, and yet clandestinely developed a nuclear weapons programme that was only discovered and halted thanks to Iraq’s military defeat following its invasion of Kuwait.

17. The text of the EU Strategy makes clear that the process for pursuing non-compliance should be through the UN Security Council and therefore, by implication, should not be determined by one or more States acting outside of the UN remit. The EU acknowledges that the time has come for the international community to be more willing to issue challenge inspections when suspicions of non-compliance arise. Certain of these inspections are likely to be highly politically charged, with those accused claiming unfair treatment and perhaps pointing to others who have escaped challenge. But this nettle has to be grasped, especially by EU States concerned to demonstrate that multilateralism works.

18. In particular respect of the NPT it is the International Atomic Energy Agency (IAEA) that conducts the compliance monitoring provisions through separate bilateral agreements with each State Party to the Treaty. Despite Iraq's comprehensive safeguards agreement with the IAEA, however, the Agency failed to detect that country's secret weapons programme. This led to calls for an Additional Protocol to complement the NPT by enhancing the IAEA's ability to detect and deter clandestine activities in non-nuclear weapon States.

19. These Additional Protocols (each State Party negotiates its own one with the IAEA) require the State Party to provide more information to the IAEA, which itself will have wider inspection powers. The negotiation, entry into force, and implementation of such agreements between individual non-nuclear weapon States and the IAEA is now in progress. As States are not obliged to sign on to these new arrangements, and because some of them are reluctant to accept more intrusive verification, the number of States which have done so to date is only 96, and the Protocol is actually in force in only 61 of those.² The EU must continue to press for the "ratification and implementation by all Member States and Acceding countries of the IAEA Additional Protocols" as stated in its WMD Strategy.

20. The EU should adopt a policy not to export nuclear related materials and equipment to countries that have not ratified the IAEA Additional Protocol. This is an important and necessary measure that would demonstrate the EU's determination to strengthen the safeguards it requires on the possible uses to which its nuclear exports are put. The Member States need to have a common view when discussing this issue in the framework of the Nuclear Suppliers Group. The Commission also has an interest in relation to the Euratom Supply Agency.

21. For the existing multilateral regime to have any chance of working its supporting infrastructure requires proper financial support. The WMD Strategy commits to ensure that "appropriate resources and support are allocated to . . . the IAEA", which the EU wants to go in parallel with the continuation of the process of implementing integrated safeguards—thereby leading to a more effective and efficient safeguards system. The EU may need to ensure that it takes up any slack if the US loses interest.

THE PRO-DISARMAMENT HALF OF THE AGENDA

22. Although complete nuclear disarmament is still not a near-term prospect, the nuclear weapon States did agree a series of further practical steps down the road towards that objective in the Final Document, produced at the end of the 2000 NPT Review Conference. Progress since, however, has been almost non-existent and the nuclear weapon states can expect to experience considerable criticism at the 2005 Conference from those who are prohibited from possessing such weapons.

23. Within the limits of its political influence, the EU could play an important role in reviving the disarmament agenda. Here are some areas in which a clear EU position could contribute to the Conference's success.

Comprehensive Test Ban Treaty

24. The 2000 Review Conference document committed the States Parties to achieve the necessary ratifications to enable early entry into force of the CTBT, and for there to be a moratorium on nuclear tests pending such time. Unfortunately, although there have been no further explosive tests, the CTBT remains in a state of limbo. It cannot enter into force until 44 named States ratify it, and so far only 33 have done so (three of the 44 States have not even signed it). Because the US is one of those refusing to ratify, there is no momentum to bring the Treaty into force. As a consequence, the verification and compliance regime cannot be brought fully into effect.

25. Notwithstanding the US stance, the EU can reaffirm its unequivocal support for the CTBT's entry into force at the earliest opportunity and call upon those States that have yet to do so, to sign and ratify the Treaty.

26. It should consider going further. The EU could declare its collective view that a world in which no explosive nuclear testing is permissible is in the best interests of international security. It could also affirm that there are no foreseeable circumstances in which any State should start or resume explosive nuclear testing. In doing so the EU would lay down an important marker in support of the principle of "irreversibility" in respect of disarmament—a principle that was agreed by all States Parties in 2000.

² As of 25 November 2004, according to the IAEA website at: <http://www.iaea.org/OurWork/SV/Safeguards/sg—protocol.html>.

Fissile Material Cut-Off Treaty

27. The 2000 Conference also called for the immediate commencement of negotiations on a Fissile Material Cut-Off Treaty (FMCT) with a view to their conclusion within five years. Although verification of an FMCT would be politically challenging, many experts believe that it is technically feasible to establish the means to effectively monitor and verify compliance with such a Treaty in order to detect and deter clandestine nuclear bomb production efforts.³

28. However, again, no progress has been made. The talks to achieve such an agreement have been deadlocked for years because of well-rehearsed disagreements between particular parties. In 2004, the Bush Administration asserted that any such Treaty would be unverifiable. Here, the EU should reassert its support for “a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices”—the so-called “Shannon mandate”. This will at least keep the FMCT “flame” alive and prevent it from slipping off the disarmament agenda. Nevertheless, the EU should avoid letting the lack of progress over a FMCT prevent progress being made elsewhere.

Missile Defences and the ABM Treaty

29. Since the 2000 Final Document’s call for the Anti-Ballistic Missile Treaty (between the US and Russia) to be “preserved and strengthened”, where it was described as a “cornerstone of strategic stability”, the US has withdrawn from it and the Russians no longer feel bound by it.

30. The EU should accept that in a post-Cold War world there is a role for missile defences to offer protection to civilians and armed forces from the threat from ballistic missile attack. However, it would be useful if the EU were to emphasise that the possible deployment of missile defences in Europe would only proceed within a multilateral framework and that those defensive systems would be specifically targeted only at those that flagrantly disregard the obligations of the non-proliferation regime. This would serve to uphold the validity of that regime.

Co-operative Threat Reduction Programmes

31. The disintegration of the former Soviet Union represents perhaps the biggest proliferation challenge the world has faced. Unfortunately, the requirement to safeguard sites, safely dispose of unwanted material and munitions and successfully re-deploy personnel is a time-consuming and expensive process. Because it is also not a very “sexy” process dealing with the legacy of a problem that most believed has already been “solved”, there is a danger that effort will wane and funding will dry up.

32. It is vital that the EU resists that possibility. The EU has already made a useful contribution in co-operative threat reduction (CTR) activities but there is clearly a lot more to be done. Closer co-ordination of Member State activities through the EU would be a useful first step. When extending CTR initiatives beyond Russia and the Newly Independent States, perhaps in the context of future regional WMD disarmament agreements, a serious examination of resources will be required. Beyond the EU’s commitment of €1 billion over 10 years to the G-8 Global Partnership against the spread of WMD and related materials, further financial commitments will have to be secured in the next budget cycle starting in 2007.

Reduction of non-strategic weapons

33. Although there are two nuclear weapon possessors (United Kingdom and France) amongst EU Member States, there are also another four Member States that have US air-launched, tactical nuclear weapons based on their territory (Germany, Netherlands, Belgium, Italy).⁴ It is extremely difficult to articulate a convincing rationale for these deployments in the post-Cold War era. In pursuit of its disarmament objectives and in order to reduce the risk of theft of nuclear systems and materials by black marketers, the EU could support the reciprocal withdrawal of all tactical nuclear weapons—American and Russian—from European soil. This might also help deflect criticism from non-nuclear weapon States at the Review Conference.

³ Speaking at the Arms Control Association in Washington DC, Dr Frank von Hippel, formerly President Clinton’s science advisor. *Disarmament Diplomacy*, Issue No 78, July/August 2004, News Shorts US proposes “no-verification” Fissban to be negotiated at the Conference on Disarmament.

⁴ The United Kingdom also has US tactical nuclear weapons stationed on its territory.

Security Assurances

34. The WMD Strategy states that “positive and negative security assurances can play an important role” serving “both as an incentive to forego the acquisition of WMD and as a deterrent”. It calls for them to be “further explored”. Providing credible assurances to States without WMD that they will be assisted in the event of them being threatened by States that do possess such weapons is an important component of non-proliferation policy. Japan, in the shadow of communist China, and previously Germany, in close proximity to the Soviet Union, have both abstained from becoming nuclear weapons States partly because of the security assurances provided by the US. The EU could advocate a stronger political commitment to assist any State that is subject to threats from, or that becomes the victim of, the use of any WMD.

35. With regard to negative security assurances, it would be extremely beneficial if the EU were to propose further restrictions upon the possible use of nuclear weapons. There have been worrying signs that the US is considering using nuclear weapons in a “preventive” role ie using accurate, low-yield nuclear weapons against an opponent’s (underground) WMD facilities in an attempted disarming first strike.

36. In order to accommodate this possibility the US has become more ambiguous about its negative security assurance not to use its nuclear weapons against a non-nuclear-armed State. The United Kingdom and France may already be following suit. Whilst the prospect of inviting nuclear attack may deter some States from seeking to develop WMD, the preparedness of the world’s most powerful nation to use its nuclear weapons coercively is fundamentally inconsistent with the principles underlying the non-proliferation regime. The EU should state clearly that nuclear weapons are for deterrence purposes, not war-fighting ones. It should support that position and enhance existing negative security assurances by calling for an international agreement prohibiting the “first use” of WMD.

C. CONCLUSIONS

37.

- The NPT remains the cornerstone of the multilateral non-proliferation regime, should be preserved in its integrity, and the process for pursuing non-compliance should be through the UN Security Council.
- Regional diplomatic initiatives to address underlying security problems in the Middle East and South Asia offer the best means of removing WMD from these regions.
- Constructive engagement with particular States of concern should involve a range of inducements and sanctions to persuade them to comply with the NPT.
- The nuclear weapon States should reinvigorate their pursuit of the 13 disarmament steps to which they committed themselves at the end of the 2000 Review Conference.

D. RECOMMENDATIONS

38. The EU should:

- Call upon States that have yet to do so, to sign and ratify the CTBT; and affirm that there are no foreseeable circumstances in which any State should start or resume explosive nuclear testing.
- Reassert its support for a non-discriminatory, multilateral and internationally and effectively verifiable Fissile Material Cut-Off Treaty—the so-called “Shannon mandate”.
- Only support missile defences in Europe within a multilateral framework and where they are specifically targeted only at those States that disregard the non-proliferation regime.
- Support a further financial commitment to the G8 Global Partnership against the spread of WMD and related materials.
- Support the reciprocal withdrawal of all tactical nuclear weapons—American and Russian—from European soil.
- Ensure that the appropriate resources and support are allocated to the IAEA and CTBTO.
- Advocate a stronger political commitment to assist any State that is subject to threats from, or that becomes the victim of, the use of any WMD.
- State clearly that nuclear weapons are for deterrence purposes, not war-fighting ones and call for a “No first use of WMD” agreement.

10 January 2005

 THURSDAY 16 DECEMBER 2004

Present	Bowness, L, (Chairman)	Lea of Crondall, L
	Dykes, L	Maclennan of Rogart, L
	Inge, L	Morris of Aberavon, L
	King of Bridgwater, L	Tomlinson, L

Examination of Witness

Witness: PROFESSOR MICHAEL CLARKE, Director, International Policy Institute, Social Science and Public Policy, King's College, London, examined.

Q15 Chairman: Professor Clarke, thank you very much indeed for coming to give evidence to the sub-committee. As I think you know, we are carrying out an inquiry into the European Union Strategy on the Non-Proliferation of Weapons of Mass Destruction. I do not know whether you propose to make an opening statement, but it would be helpful in opening if you could, in any event, before going on to the questions, of which you have been given notice, perhaps give us your view of the European strategy, how effective you think it is, where it fits in as it relates to other agencies, other countries, and other activities. Perhaps you could, in particular, draw some distinction, if you see a distinction, between the different types of weapons of mass destruction. Perhaps we could start in that way.

Professor Clarke: Yes. I was asked to comment on the EU strategy, the document that appeared last year "EU Strategy Against Proliferation of Weapons of Mass Destruction", and the outline to that strategy. I would say that it says all the right things. One does not read it with a sense that there is anything particularly missing in an intellectual sense, but of course the question is how much real political impetus is there behind this? One of the things I noticed very clearly with the document is that it says very early on, in chapter 3, paragraph 14, "Our approach will be guided by our conviction that non-proliferation should be mainstreamed in our overall policies . . ." and that sounds pretty positive. That interesting word "mainstreamed" does not appear again until the end of the document when it merely recommends mainstreaming non-proliferation policies into the EU's wider relations with third countries. There seems to be a bit of a contradiction here, which reflects on how much political impetus there really is behind this document. That, I think, is the problem with all non-proliferation at the moment, that there are no clever, new ideas waiting to be developed. I think most non-proliferation specialists have a good sense of what could be done that is within the realms of the politically possible, but what pushes the boundaries of what is politically possible is the open question. That is much more a political than a technical question. One final introductory point I would make is that it seems to

me that within the technologies of weapons of mass-destruction we are entering an era where we may be close to a take-off point with quite a lot of the technologies. Proliferation is not nearly as bad as we used to fear it might be, and there certainly has been some good news on the proliferation front over the last 20 years, particularly in some aspects of nuclear proliferation and some chemical, but, in general, if we think of nuclear, chemical, biological and radiological proliferation, there is good reason to suppose that in the next 10 to 15 years those technologies may reach a take-off point, after which it would be genuinely difficult to do anything about those technologies. So I think we have lots of opportunities as well as lots of dangers, and the NPT conference of next year, the review conference, I think is absolutely critical. It goes well beyond the nuclear issues that NPT will face. My final opening point is that I think the regime approach to arms control is actually going to be at stake in the review conference next year. I would not put it any less strongly than that.

Q16 Lord King of Bridgwater: Would you say that last sentence again?

Professor Clarke: The regime approach to arms control, that we should deal with arms control fundamentally through strengthening international regimes, I think will be, to a large extent, at stake in the NPT conference next year. I put it as strongly as that. I think we are on the tipping point of a quite different approach to counter-proliferation as opposed to non-proliferation, which the Europeans need to think through very carefully.

Q17 Lord Inge: Could you just say what that approach might be?

Professor Clarke: The regime approach is the one that we have had to date, which is really quite good. The non-proliferation regime through the NPT has been pretty good. The Chemical Weapons Convention on paper is an excellent convention since it deals with all aspects of chemical problems. There is a framework for biological and toxicological weapons, but it is not implementable at the moment. There are some regime approaches to nuclear terrorism which have

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been dominated by or stimulated by the events since 9/11. All of those taken together add up to a series of I think quite useful regimes, which have been at least partially successful, and the NPT has been really quite successful. I think predominantly the United States' approach to counter-proliferation, however is to have very little faith in regimes and to assume that regimes can be used more for deception than prevention and that they are a way for cheating states to appear to obey the rules while actually breaking them. It is very difficult for countries wanting to affect US attitudes not somehow to be co-opted by that agenda. I think there is a real tactical issue for the NPT review conference next year as to how the Europeans would react. Without banging on about this too much, in European circles now I hear, more than I have ever heard before, European specialists talking about drawing "lines in the sand" between us and the United States and that the Europeans cannot be co-opted any longer to this neo-con approach. I find that very disturbing because ultimately I do not believe there is any alternative but to continue dialogue around a consensus with the USA. A lot of European specialists are now perceiving that there is a fundamental difference in attitude towards the proliferation problem.

Q18 Lord Lea of Crondall: I am not quite clear how that ties in with the criticism of the EU document, which otherwise I would be very sympathetic to, that we in Europe are not really investing political capital in getting this thing to be meaningful at all. Can you reconcile that with what you have just said about going along with the neo-con thing and so on?

Professor Clarke: I think the European Union has potentially a very important role to play in three or four different ways in trying to reconcile. In a sense, we are trying to square a circle.

Q19 Lord Lea of Crondall: Could you characterise that a little more specifically in three or four ways?

Professor Clarke: Yes. As the EU document lays out, and in my own view, the Union should certainly support the regime approach to the NPT, which it does. It talks about the need to continue pressure for the universalisation of our non-proliferation regimes. It also talks, very sensibly it seems to me, about strengthening the role of the UN Security Council in matters of non-proliferation. It anticipates some of the work of the High Level Task Force that reported to the Secretary General on 2 December. In those sorts of ways it helps. That is the first way: the EU can simply add its weight institutionally I think to the United Nations' own report of last week, which is very sensible on these matters. I do have a personal interest in saying that. If you have read my CV, you will know that I was involved in one of the groups that did some of the work that built into this report,

so of course I think it is sensible. I think the EU could do that. Secondly, the EU can open up much more dialogue with the United States on proliferation issues. There is a need for this both at a broad political level, but also at a more detailed technical level as well. At the broad political level, I think it is simply to keep characterising the problem as a problem of maintaining regimes. At the specific level, there are areas of dialogue with the United States, such as how we support the Proliferation Security Initiative of the US. The PSI is quite an important development, which could be supported, and in a way that is consistent with regimes. There is also quite a role for the European Union to talk to the United States about defining bio-toxin elements. The EU's own proposal to establish an EU disease control centre I think would actually make for a very good interlocutor, both at the United Nations, particularly in the WHO, and with the United States. Above all, the EU has got to find a better way of engaging with the United States on approaches to Iran. I think the Iranian issue will be absolutely critical. At the moment, it is a carrot and stick approach where the Europeans provide the carrot and the US provides the stick. How much better it would be if together they were providing both carrot and stick, rather than providing it because they differ in their relative approach. That is a huge issue, which I will be glad to talk to you a bit more about. A final way for the European Union to engage at a detailed level would be in supporting the NPT regime in general. There is not a great deal that the EU could do, and I could talk about some of the details. But the area of greatest opportunity for the EU would be to be more proactive on the Chemical Weapons Convention and in trying to get some teeth to the Biological and Toxin Weapons Convention. Those two areas of chemical and bio are the areas where the EU's comparative advantages would play out I think to most effect. In a sense, while leaving the NPT—not to its own devices—but to its own dynamics, the EU could be much more proactive on those other areas where its ability to monitor industry, to create package deals and to put together complex policies in a range of fields could be potentially applied to these areas if it wanted to take a much more serious lead.

Q20 Lord MacLennan of Rogart: Just to clarify some of your initial comments, when you talk about take-off, where are you taking that? The development of technologies would be so open, so available. that enforcement would be technically not possible under the existing regimes. What is the signification of the take-off comment?

Professor Clarke: I think it varies in the case of all three main WMD elements. In terms of nuclear issues, my guess is, and I cannot say that this is an accurate analysis, it is a guess, that around about

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2015, in perhaps 10 years time, we may have reached the point where a number of states have reached a nuclear threshold, which they will choose not to cross because it is easy to cross when they do choose to do so. There will be no immediate advantage of crossing; they will just remain at the nuclear threshold. It is the threshold to which Iran is presently coming very close. Other countries will also arrive at that threshold in perhaps another 10 years time. What I then think we might see is, as a result of a series of regional crises, states may then go nuclear quite close together and, from a world of now effectively eight or nine nuclear states, we might suddenly find that we have a world of 22 or 23 nuclear states, as a result of particular regional crises. Then it will not be impossible to do anything about it but it will be a lot more difficult than it is now. That is the take-off point in nuclear terms. I think it varies a little with chemical and biological.

Q21 Lord Maclellan of Rogart: Turning to what can be done now, is it your view that the role of the EU is to influence? I was not quite clear whether you were saying that the EU's influence on the US ought to be to seek to extend their co-operation on what might be called the legislative role of the international community, that is, extending the regimes and their effectiveness through inspection and so forth, or are you saying that somehow what you described as the counter-proliferation stance of the US would be to accept, embrace, and the two could live side by side? Are you saying there is an ineluctable difference in approach and that the two cannot be married, or what?

Professor Clarke: I am saying that there is a philosophical difference in approach between what I define as counter-proliferation in the United States' sense and non-proliferation in the regime sense. I think they spring from different views of the world and of future security. It is not the case however that just because they are philosophically different, that they cannot be married together in a political framework that may rub along and work. I think as Europeans, and certainly in my own view, we would be much more in favour of a regime approach, of a legal approach, to the whole problem but one recognises that if the United States thinks differently, that cannot be wished away and that US support at some level for regimes must somehow be maintained. If I were asked about what is the best tactic for the EU to adopt if the EU members took the same view that I do, I would say that it is to make very specific proposals in nuclear terms, which would strengthen the NPT regime, and there are a number of quite good proposals around which could do that.

Q22 Lord Maclellan of Rogart: Could you illustrate?

Professor Clarke: For instance, to make withdrawal from the NPT more difficult; at the moment, one could withdraw from the NPT quite legally in three months, in 90 days. Supposing it became more difficult and a state could only withdraw, say, after three or five years? Supposing withdrawal from the NPT automatically triggered an emergency meeting of the Security Council, an emergency investigation of the nuclear technologies that the withdrawing country had? All of these would be measures that would act as disincentives to countries to withdraw trivially from the NPT. They are not easy but it would be a way of strengthening the regime because the NPT has achieved reasonable universality. Of course the non-joiners are the ones we all worry about, but nevertheless the Iranian case is a very important case because Iran, within the NPT, may get very close legally to nuclear weapon production, even with the additional protocols in place that it has agreed to, and then withdraw very quickly and be nuclear by 2008–09. That is an entirely feasible possibility. If that were more difficult to do, both for Iran and for other powers, then the NPT regime would be strengthened; it would be easier to keep the US on board and commit it to the NPT regime if it could be seen that ways of strengthening it were given some real political impetus by the Europeans. That would be my tactical approach to it.

Q23 Lord Maclellan of Rogart: Your view is then that it is not hopeless to seek to engage the US Administration in strengthening the regime approach?

Professor Clarke: No, I do not believe it is hopeless. It is certainly more difficult than it used to be, and I wish I were not speaking from this basis, but I do not believe it is hopeless.

Q24 Lord Tomlinson: Professor Clarke, you have painted very clearly this potentially important role of the EU in relation to the United States. I spent a fascinating eight to 10 days in Washington during the summer going round the think-tanks, the State Department and the Pentagon, and I found it very difficult to find anybody there who took the EU seriously. They were particularly ill-informed about the EU. They saw the new draft constitution as being highly integrationist as far as Europe was concerned, and therefore were saying they needed to find new interlocutors. How do you propose that we should get the United States to take the EU seriously and to have that role of being the interlocutor on that important agenda that you put to us?

Professor Clarke: I agree absolutely with your perception of US attitudes towards most European institutions at the moment. One hopes that that will change over the course of the Bush Administration. However, if I had to say how the Europeans can get

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on the American map a bit more firmly, I think that would come through two main avenues. One is that Member States, in speaking bilaterally to the United States, have got to make it as clear as they can as often as they can that their policy is EU policy, and make it clear to the US that, though the US by and large prefers to deal with its allies and its partners bilaterally, what they are dealing with is, nevertheless, a united EU policy. Secondly, going back to something mentioned before, the Iran issue, I cannot stress enough in my view how critical this is for future non-proliferation and for future co-operation between Europe and the United States. If we get the Iran issue right and at least find a way of buying more time before Iran goes nuclear, and I suspect that is the most that is possible at the moment, if we can at least do that, then we can show that arrangement with the US is potentially effective. If we do not do that and if our policy is as poor as it was in European-American terms two years ago, then I am very pessimistic.

Q25 Lord King of Bridgwater: Can we just go back a bit, because the point was picked up about the take-off, and just talk about nuclear, but I think you applied it to all weapons of mass destruction. Can you tell us what is the take-off in chemical or radiological?

Professor Clarke: In chemical, I think the dynamic is a little bit different. We know that under the Chemical Weapons Convention about 70,000 tonnes of chemical weapons were due to be destroyed, and less than 10,000 have been destroyed. If we are lucky, and if everything goes well, it will be 2012 before the 70,000 tonnes target is met and those weapons are out of the way. Between now and then, there is quite a lot of time for either those weapons or some of those elements to leak, which relates to the radiological and the terrorist problem. I think the chemical problem is a little bit different to the nuclear problem. It is not so much the danger that states will go to this big threshold and then cross it in a grand gesture. I think it is more that states will develop elements of chemical weaponry, which will probably, like the Iraqi chemical programme in the early Nineties, be pretty unreliable, but nevertheless will have a psychological effect and will be usable in certain situations. That creeping “weaponisation” of chemical stocks and chemical capabilities I think can also happen quite easily within the next 10 to 15 years, but it will happen in a much more informal way. I suspect that, as with chemical and biological, the real dangers to world security will not be so much from the overt weaponisation of chemical agents but the leakage into terrorist hands, and that raises the radiological issue, which I am happy to speak about now or later, if you like.

Q26 Lord King of Bridgwater: Yes, please do so now.
Professor Clarke: On radiological weapons, most people think of a radiological weapon as a dirty bomb that is nuclear waste packed around a conventional explosive of some sort. It is much more feasible, from a terrorist point of view, to speak in terms of radiation being dispersed through water, through air supply, or even by making cars drive through it. It would not be difficult to create a radiological sheep dip somewhere on a motorway and, by the time it was discovered, 10,000 cars would have driven through it and gone to all parts of the country. Such dispersion would cause almost no threat to health, but the psychological impact would be huge, and that is the problem with radiological weapons, that one can think of lots and lots of horror stories that could create that psychological impact. The issue for chemical is a little bit similar. If chemical stocks begin to leak into unauthorised hands, then some of the psychological dynamics of radiological weapons would also apply to chemical weapons and, in terms of its effect on society, its potential effect could be quite great, at least psychologically, if not in reality. I always use the example of the Tokyo underground attack by Aum Shinrikyo in 1995. That only killed 12 people but it injured about 5,000. Nevertheless, it could have been a great deal worse. The difficulty for terrorists of getting concentration of chemical agents is really quite great, but the psychological effect of any release is huge. Biological is a different matter again, and I think we are looking at a longer timeframe before biological agents could easily be used in ways that would create genuinely mass casualties. Although biological weapons are very frightening, there are a lot of antidotes and palliative measures available if societies want to take their protective measures a little more seriously.

Q27 Lord King of Bridgwater: Are you satisfied that the Russian institute’s work on their supplies is sufficiently controlled?

Professor Clarke: No, not at all. That is the issue we face in all areas of WMD, that the accounting of stocks and the protection of stocks is not good enough and is almost certainly becoming poorer. One of the things that the Western worlds in general could do, and the Europeans in particular, is put a lot more effort into helping Russia and other states to protect those vulnerable stocks, but that too, of course, is politically sensitive.

Q28 Lord MacLennan of Rogart: Going back on the EU for a minute, I would like to ask you to flesh out a little how you think the EU could do some of these things and also what possible incentives they could offer to countries not to acquire weapons of mass destruction. Do you think that this should be done

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by, in a sense, a new security initiative which results in a review of the bilateral agreements between the EU and third countries highlighting this issue and perhaps seeking new agreements to intervene? I am not clear what the signification of what you are generally suggesting would be in practical terms.

Professor Clarke: It would vary from case to case. I think there is a difference between European countries and the EU as an organisation.

Q29 Lord MacLennan of Rogart: I was speaking of the latter primarily.

Professor Clarke: They would need to work together. For instance, the Europeans, if I may just make that point for a moment, could certainly strengthen the non-proliferation of nuclear weapons regime by more strongly backing fissile material cut-off proposals; in other words, supplying nuclear fuel in return for a moratorium on enrichment and reprocessing in those states that are engaged in enrichment and reprocessing for civilian purposes. It is not difficult to imagine the developed world in general, but the Europeans in particular, possibly through an EU policy but certainly the Europeans, providing as much nuclear fuel as is required for civilian nuclear fuel cycles to reduce the number of enrichment and reprocessing facilities operating in the world and in the states, say, of Central Asia, south Asia and the Middle East. Those are the regions where the European countries can make the biggest difference. I think there are things that the Europeans can do to strengthen the NPT. There is quite a long list of suggestions. The European Union as an organisation I think can best use its facilities; as it says in the document of 2003, it can apply lots of different policy levers and can integrate, at least in theory, policy levers towards a coherent policy, as indeed in some sectors it has. If it applied that ingenuity to non-proliferation a little bit more vigorously, it has within its ambit the ability to monitor industry in Europe, the ability to act as a magnet to countries that want association agreements with the European Union to introduce codes of practices and codes of good behaviour, and to monitor and provide information, say, through its own situation centre but certainly through into the IAEA and the OPCW for chemical weapons, to send information of the right sort, properly digested, into those organisations. So the European Union Commission's capabilities that it uses in agriculture, fisheries and energy could also be used more actively in pulling together information and in monitoring what its own industries and other industries that it relates to are actually doing. In some ways, that gets over some of the political sensitivities of intrusive verification regimes.

Q30 Chairman: Can I just ask you this, Professor Clarke. We had circulated to us an article from the *European Voice* saying about the strategy there is now, and I quote the headline, "WMD strategy hits the wall in the Commission-Council dispute". It talks about the Commission not being able to prepare for funding the Organization for the Prohibition of Chemical Weapons subject to this dispute. "The Commission and Member States are also divided on how to organize their assistance on nuclear disarmament in Russia. The EU executive has asked for a fully fledged unit to deal with it". There is a whole number of issues there. Would you care to comment on how well or otherwise the Union is organised in this regard, because this is almost as important as the validity of the piece of paper we are looking at.

Professor Clarke: I have to say, as an observer of arms control over the years and with fellow observers of arms control, when we read EU documents and we observe that they say all the right things, we also smile and shake our heads a little because we always know that the issue will be whether any real resource will be put into these initiatives and statements. I think there is a constant tension between what we observe the European Union could do and what the European Union actually does do. We know that because of the internal dynamics of the Union, a lot of these problems become lost in internal disputes. I am not particularly impressed with the actual outputs of the European Union's non-proliferation policy, but it could be so much better, there is no doubt about it.

Q31 Lord Lea of Crondall: In the same article in *European Voice* we are told: "The Union has agreed to provide €1 billion to the partnership, whose initial remit has been focused on the stockpile of fissile materials in Russia" and that "Commission officials have identified a serious shortfall between what has been pledged and the amount of money being released. Around €46 million per year is to be provided in the 2003–06 period". It is an order of magnitude. Whose fault is that? This is an example presumably of: are we real? Where can we bridge that gap? Is that because we are kidding ourselves about the European budgetary commitment generally, or what does this €1 billion mean that is being committed?

Professor Clarke: My own feeling is that that arises through two sources. One is because the Commission, some rudely say, tries to make work for itself, but the Commission is always very ambitious about what it wants to do, and it should be; it is right to be ambitious. The Commission will always look as if it wants to take on more responsibilities. The Member States when they make these commitments of course sometimes have a rather hazy idea as to

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how they will back them up. Ultimately, the failure to produce the amount committed to the problem of “loose nukes”, as it often called, goes back to individual Member States. They are making relatively unrealistic commitments. Perhaps when they make the commitments they do not feel that they are unrealistic but time and again they turn out to be. **Chairman:** Perhaps this is a matter we can pursue in our next witness session.

Q32 Lord Tomlinson: I just want to pursue one more thing with Professor Clarke because he has made it quite clear to us I believe that, however good the documents are, the EU is not, in his opinion, particularly well equipped in terms of resources, expertise, influence, whatever it happens to be, to put them into effect. Against that basis, where can and where should the EU best prioritise in order the sooner to get a quite clear added value in this process against that background of the British Government quite clearly saying that the financial resources available to the European Union ought to be reduced from the level at which they presently stand, reduced by some 23–24 per cent?

Professor Clarke: The most important issue on the horizon for the EU in which it needs to make an impact is one none of us can escape, and it goes back to the NPT review conference next year. I would repeat I think that is a fairly critical juncture in the history of non-proliferation efforts in our era. I think all that the EU can do to underpin the regime approach, to try to make a reality of the 13 principles that were adopted at the NPT Conference in 2000 and more or less forgotten about since, almost renounced completely, is to make an attempt to get those commitments back on track. That is probably the most important short-term goal. Beyond that, the EU I think can add the biggest value in strengthening the Chemical Weapons Convention and finding ways of implementing what is now a very good treaty, a very good framework and a really good template, which could be applied to other areas. Going back to what I said about the EU’s abilities in terms of regulating and monitoring industry, that is the problem for chemical weapons; it is the fact that chemicals are so generally available and are so comparatively easy to “weaponise”, at least in a rather crude way.

Q33 Lord Tomlinson: Would, therefore, the EU be serving us better if it were to concentrate on two or three attainable priorities rather than have a document that says all the right things but leaves people like you with a wry smile on your face when you read it?

Professor Clarke: I am very happy that the document says all of the right things because it shows a grasp of the whole problem, but I do believe that this

document and documents like it would be a lot stronger if there was then an annex which said, “Our priorities for action for the next three years are the following”. That would make a big difference. The danger with all of these documents is that the EU looks as if it wants to do everything about everything, and we all know it will do very little about anything.

Q34 Lord Morris of Aberavon: You rightly distinguish between various forms of weapons of mass destruction. You gave information regarding chemical weapons. I attended and spoke at the conference at The Hague when a large number of countries were present on this very issue. The question I have is this. If one can compare chemical and biological, which I am coming to in a moment, on the chemical side it seems to be reasonably effective; the Convention is working, although you have just mentioned the need to strengthen the treaty; 167 countries have ratified. You have mentioned the programme of destruction, which will go on for quite a few years. It seemed to be approaching it in a professional way. On the biological side, I think the words you used earlier were that there is a framework. Comparing those two facets, we know that chemical weapons are (deliverable) and secondly they are simple, comparatively. On the biological side, what kind of machinery would play a useful part in bringing the biological side up to whatever standard the chemical side has reached?

Professor Clarke: In some ways, that is more difficult and in other ways easier. It is more difficult because bio-technology is moving at such a rate, it is not even clear now what sorts of biological weaponry may be possible even in five or eight years’ time. When the Biological and Toxin Weapons Convention was concluded, there were very few actual specific biological technologies under review, although many potentials were recognised. There is a mystique about biological agents, which is partly created by the sheer revolution in biotechnology within this group. On the other hand, a convention with teeth would be a little bit easier than for chemicals because fewer countries can do it anyway. There are only certain areas of the world in industrial terms where biological agents could be diverted, or could be perverted, into weapons stocks. The problem with the bio convention has always been that nobody is prepared really to tackle the problem of verification, or even effective monitoring. Until we get hold of that, then I think this is almost a black hole in the arms control regime façade. That is why I am so keen on the Chemical Weapons Convention, because at least it provides a very good framework, which in theory can apply to quite a lot of the bio agenda.

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Q35 Lord Morris of Aberavon: Is the lack of political will the reason that we cannot get similar effective machinery as in the chemical side?

Professor Clarke: I think there is also an intellectual problem in grasping the enormity of bio-developments, which I think is a very genuine problem. It is not beyond the wit of man to do it but it has been very difficult to enshrine into agreements. Of course, it is also politically difficult because the sort of verification and potential restrictions that it would possibly impose might be economically very damaging to some industries in some countries, and no-one quite wants to sign up to prohibitions which may be fundamentally deleterious to their industrial development. That has been the whole problem with bio weapons.

Q36 Lord Morris of Aberavon: Which countries are those?

Professor Clarke: The country that is the most sceptical has, generally speaking, been the United States, but Asian countries too when they have looked at this are certainly not very keen.

Q37 Lord Inge: The main question I was going to ask has already been asked by Lord Tomlinson. Could I just ask you perhaps a stage further? If the European Union as a whole is bogged down in state bureaucracy and therefore is having no real impact on what is for me a very serious issue, would it be right then to suggest that the European Union needs to get a group of certain nations together, which may not only include European Union nations, to really start putting pressure on people to do something about this problem? Then you talked about the take-off point. Not ignoring, because it is a key issue, but putting aside to an extent Iran and North Korea, where would you start looking next for us to be worried about?

Professor Clarke: I very much agree that an effort by some European Union members to pull in the states, the countries, that can make a difference would be very valuable. One hears a great deal of common cause made in countries like Canada, for instance, that takes a very European view on proliferation. One can find similar countries in east Asia. I think that would be an extremely useful idea. It would not be to the detriment of the EU as a whole to have a leading group of EU states do that on behalf of EU thinking and EU policy more generally. In terms of future thresholds, one point I would like to make is that it seems, although we know that chemical and bio weapons are in some ways more threatening, nuclear weapons are still the essence of the problem because they are the key which tends to open the others. It has been the nuclear area where we have had the greatest success in non-proliferation. But it is also in the nuclear area where countries gain

the biggest benefits from breaking through the threshold. After all, nuclear military power denotes not just a technological ability but also an industrial and military ability, and some sort of delivery system. While that prestige still attaches to nuclear weapons—and I do not think that is likely to go away in our lifetimes—then it seems to me that nuclear arms control becomes the key. If nuclear arms control is battened down and largely successful, then other forms of arms control become, through regimes, all the more possible. But if the regime is seen to be ineffective, then why should any other regime be effective? It does seem to me that nuclear issues sit on top of the proliferation pyramid, which brings me to the question of the new thresholds. The thing that I find less frightening about proliferation and more encouraging is the fact that the nuclear proliferation problem is not yet completely out of control. The number of states that are nuclear is comparatively few. The number of states that may go nuclear is still comparatively few, and restricted to three main regions. The issues are: the Middle East, north-east Asia, and south Asia. It is really those three regions. If you look at the states involved in the Middle East, the issues are: Israel; Iran for definite; then possibly Egypt; possibly Iraq some time in the future, who knows; possibly Saudi Arabia some time in the future, just possibly; and then of course Russia and USA. That is the nature of the problem. That threshold—Israel is already a nuclear power and Iran will become a nuclear power pretty quickly—is the next one we face. If we look at north-east Asia, the issues there are: China; North Korea, which is effectively now a nuclear power; and then possibly Japan; possibly Taiwan; and then of course United States' and Russian nuclear power is relevant. If you look at south Asia, they are: Pakistan and India definitely for now, possibly with the involvement of China, Iran, and Russia at some time in the future. Those are the three danger areas: the Middle East, north-east Asia and south Asia. There are potentially successful measures of regional security, and security guarantees, and a fairly tough non-proliferation regime could capture quite a lot of the proliferation dynamics in these regions, notwithstanding the failure of Israel, India and Pakistan to join the NPT. I am reasonably encouraged that although we are approaching regional thresholds pretty quickly, they are not impossible for us to do something about.

Q38 Lord King of Bridgwater: What about Central Asia?

Professor Clarke: In proliferation terms, I do not see that as such an immediate problem. I think Central Asia is an immense problem of stability, which is going to have an impact on the greater Middle East and on south Asia. We will certainly be living with the politics of Central Asia for some time to come, but I

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am not too bothered in proliferation terms about either nuclear or chemical proliferation in that area for, say, the next decade.

Q39 Lord Lea of Crondall: I would like to go back to square one, if I may. I am not a specialist in this area but the perception that you have put across in the last five minutes, in answer to Lord Inge, is that there is a prestige in being a country which has nuclear weapons, I think you said. Almost like the debates of years ago about CND, if they are a deterrent, that is fine, but if the result is that people say, "I want them too because you have got them", and it is a prestige to have them, I do not quite see what the long-term regime thought is that at present countries that have got them can hang on to them. Would you mind reminding me from square one what the answer to that is?

Professor Clarke: You tempt me strangely with that question! The arguments are always that, in the case of countries like the United States, Russia and China, their superpower status somehow entitles them to the best weaponry that is available and that they are responsible owners of those weapons. For middle powers, like the United Kingdom and France, we would argue normally that these are hangovers of a previous security situation where we did need them and it would be foolish to get rid of them now, since they are paid for and we provide a responsible example of trusteeship of these weapons. While those arguments all hold a certain amount of weight, I am bound to say personally I am not that impressed by the arguments that are made in the case of the United Kingdom and France. But it is true that if realistically we assume that CND views will not hold sway and that in the next era nuclear weapons will still exist, that we are not going to live in a de-nuclearised world completely, nevertheless, one could make some real progress if the existing nuclear powers, the five original nuclear powers within the NPT, showed

some real commitment to the commitments they made under Article VI of the NPT to pursue active disarmament, which in reality means moving significantly down the armaments scale in a way that impresses the rest of the world. Of course, the existing nuclear powers will say, "Look at the number of weapons that were in the world 20 years ago. Look at the number we have now. It is very few by comparison. It is about one-third of the old stockpile. But of course it is a very modernised stockpile, and the fact is that the rest of the world does not really believe the existing nuclear powers are committed to really significant measures of nuclear disarmament. Until the powers are prepared to do something to create a process which makes that commitment look realistic, then the rest of the world is entitled to regard the NPT, even though many are within it, as effectively discriminatory.

Q40 Lord Lea of Crondall: It is, is it not?

Professor Clarke: Objectively, I would say it is discriminatory. I would also have to add that even if the NPT was not discriminatory, it would be hard to imagine India and Pakistan still joining it. I think the NPT is as big as it is going to be in effect now and we have to find other ways of pulling in India, Pakistan and Israel to a non-proliferation regime. There is a constant conundrum here that the established nuclear powers have not convinced the rest of the world that they are committed to either as low a nuclear future as possible or still less to the possibility of a non-nuclear future. That is a real problem. For as long as they do not believe it, of course it will not happen. If it will not happen, then they should not believe it. That is the paradox.

Chairman: There are no further questions. Professor Clarke, thank you very much indeed for coming and giving your time in answering our questions. It has been a very interesting session. I am sure it will be of great assistance to us in our deliberations. Thank you very much indeed.

 THURSDAY 16 DECEMBER 2004

Present	Bowness, L, (Chairman)	Lea of Crondall, L
	Dykes, L	Maclennan of Rogart, L
	Inge, L	Morris of Aberavon, L
	King of Bridgwater, L	Tomlinson, L

Examination of Witnesses

Witnesses: DR DAVID LANDSMAN, Head of Counter Proliferation Department, Foreign and Commonwealth Office, and DR BRYAN WELLS, Director of Counter Proliferation and Arms Control, Ministry of Defence, examined.

Q41 Chairman: Dr Landsman, Dr Wells, good morning. As you well know, the European Union Sub-Committee is conducting this inquiry into the European strategy on non-proliferation of weapons of mass destruction, and you know that there are a number of particular questions that we want to ask. We want to endeavour to focus this inquiry on the EU strategy and the implications for the European Union, and not stray to far into the more general aspects. Is there anything that you want to say to us in the first instance, or would you like to go directly to questions?

Dr Landsman: We would be happy to start by answering questions.

Q42 Chairman: Can I then put to you the opening questions. It has been suggested and commented that this strategy says all the right things, but it is actually not likely to be implemented in full, so where do the realistic priorities for action lie under that plan, and what steps is United Kingdom taking to ensure that the Council of Ministers establishes those priorities? Have all the European Union countries got the necessary legal powers, intelligence, finance and expertise, to implement those elements of the strategy that the Council of Ministers want to pursue, and particularly have we got them? Is the EU properly organised to implement the strategy? We have before us a report from the *European Voice*, which suggests that the Council and the Commission have fallen out over implementation of funding of the weapons of mass destruction policy. It quotes various aspects such as a division between the Commission and Member States on how to organise their assistance on nuclear disarmament in Russia, a mismatch of finance, and indeed a suggestion that financial support for the organisation and prohibition of chemical weapons probably cannot be supplied because of that dispute, to just name three of them. Where does the EU stand on implementing it, and particularly how does the United Kingdom stand and how does it view some of those issues?

Dr Landsman: The European strategy is perhaps best viewed as doing two things. It is a clear statement of the EU's appreciation of the threat of weapons of

mass destruction proliferation, and a statement of what the European Union believes needs to be done to address that threat; and then it is what is described somewhere in the document as a "living action plan" of specific points of action where the European Union, as the European Union, can make a difference, using the levers and resources that the European Union has. That is characterised in the strategy by a familiar phrase, that is to say "effective multilateralism". The Member States of the European Union are also members of other organisations and are parties to various international instruments such as the Non-Proliferation Treaty, the Chemical Weapons Convention and so on. Therefore they will sometimes be acting in their capacity as members of the organisations; but there are some specific areas where the European Union can add real value, both as a diplomatic multiplier, for example the diplomatic action that the EU can take to promote universal adherence to the main non-proliferation instruments, the Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention, the Biological and Toxin Weapons Convention, and the IAEA's Additional Protocol, which is a particularly good example. That protocol allows the IAEA extra access to countries' facilities to find out whether they are diverting nuclear material for military purposes and requires countries to make detailed declarations about their nuclear activities and holdings. There, the European Union, as the EU, has embarked on a proactive diplomatic campaign to encourage countries to adopt additional protocols. Whether or not each country has a nuclear industry of substance of its own, it is important that there should be a universal and non-discriminatory approach, in which all countries support and are prepared to take on the burdens and responsibilities of supporting non-proliferation initiatives. There is an example of where the EU can lend its diplomatic weight. It is now 25 countries, and some of them are nuclear weapons states like the United Kingdom and some of them are not, and the diplomatic weight of the EU can be particularly valuable in cases like that. The European Union can lend its financial support to non-proliferation initiatives, for example the

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Commission has pledged a substantial sum to the Global Partnership, the G8-sponsored initiative for the reduction, elimination, of threats from, for example, redundant nuclear programmes in the former Soviet Union, from the destruction of chemical weapons, and other areas where the EU as a multiplier has particular weight and resources. Another area where the EU is singularly able to operate effectively is in the area of export controls. Whereas responsibility for purely military exports remains a matter for the sovereign decisions of each Member State, although there is of course an EU code of conduct, in the area of dual use exports, that is to say exports of materials and equipment which we would use both for civil and military purposes, the single market applies. Clearly, there is an increasing concern about some dual-use materials which can be used for WMD programmes. Here, where there is Community competence, where there is a single market, it is particularly important that the EU should act effectively and be aware of the overall context of the threat of WMD proliferation. One particular example of an initiative the EU has taken on is the so-called peer review of export control systems. Each country has its own export control laws, based on its own legal system. The code of conduct sets out the broad principles, the criteria, against which exports should be judged, and there is a dual-use regulation at Community level, but each country will have different systems and different law-enforcement bodies. In one country the police may have responsibilities that in another country the customs authorities have, and so on. It is therefore important that one should be sure that in practice the high standards that are called for in theory in the European Union-wide measures and strategies are maintained. We have therefore embarked on a peer review process. Member States of the EU have been grouped together and have examined each other's systems and have been able to make a number of recommendations at the EU level for additional consistency and tightening up of controls, ensuring that best practice is adopted in each case. For the moment, Chairman, I will give a few examples against those three headings: the diplomatic weight, the economic weight, the financial weight, and the practical legislative-related measures where the EU can add particular value. That is not to say that everything that every EU Member State does towards addressing the WMD threat will be done through one of these European Union instruments. We would not want to go that way, not least for falling foul of one of your concerns, which is that we would be cutting across existing initiatives. The EU for example is working within the G8 Global Partnership initiative, and representatives of the European Commission attend the co-ordination meetings that are held under the auspices of the G8

Global Partnership and contribute to that process so that what they do is entirely consistent with what the United Kingdom, the United States and Canada are doing and so on.

Dr Wells: I would like to make a few points about the role the EU has played in strengthening the treaties as well as broadening them, which is something that David has spoken of. Its work under the Chemical Weapons Convention: the EU has been very active in promoting a greater awareness of the provision for challenge inspections that exist under that convention. Austria hosted a conference on this during 2004, and that has heightened awareness amongst Member States and amongst international bodies on the provision for challenge inspections and how such inspections may be conducted; and the EU is now working with the OPCW to take that forward. A second area that I would like to highlight where the EU is working to strengthen the regimes is in the Biological and Toxins Weapons Convention, where there is a programme of work over the three years from 2003 through to 2005 leading up to the sixth review conference in 2006, where the EU has been active amongst Member States in taking forward specific programmes of work to strengthen that convention. Turning now to the specific area of chemical weapons destruction under the G8 Global Partnership, the EU is able to demonstrate that it is committing funds to this work and in fact has spent €900,000 through the United Kingdom's project for chemical weapons destruction that is managed by the Ministry of Defence. This money has been used to procure items of equipment for an electricity sub-station at the chemical weapons destruction facility at Shchuch'ye in western Siberia, and this overall project, which was managed by the United Kingdom, the Ministry of Defence, was completed in November on budget and six weeks ahead of schedule. That is a very concrete demonstration of how the EU can spend money effectively through its Member States in support of its strategy.

Q43 Lord Morris of Aberavon: How is destruction of chemical weapons monitored?

Dr Wells: The destruction of chemical weapons in Russia is monitored by OPCW, as provided for in the Chemical Weapons Convention.

Q44 Chairman: Coming back to the question of priorities, the document covers many fields, and your answer covers many fields. Has the United Kingdom Government got a priority? If it were asked to prioritise the various policies in the strategy document, what would those priorities be?

Dr Landsman: Chairman, I think that one of the characteristics of 21st century counter-proliferation is that the threat is increasingly multi-faceted and so the response has to be increasingly multi-faceted,

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clearly within each particular area, for example the Global Partnership where all the projects are extremely costly and resources are finite, and one has to prioritise between chemical weapons destruction, which is clearly a high priority in the Russian Federation, measures for EU security. We also support that under the G8 Global Partnership. Clearly, there is not enough money to do everything. More broadly, one has to pursue quite a number of different tracks at the same time: the multilateral underpinning of our non-proliferation efforts are treaties, the conventions, to some extent the export control regimes, and institutions like the Additional Protocol. We need all of those, and we need them to be strengthened and to gain further international legitimacy. We need to work on making sure that some of these aspirations are cashed out in reality, so we need to work on the export control measures to make sure they function, for example Security Council Resolution No 1540 on proliferation threats from terrorism is a measure that the EU has taken very seriously. It has produced its own report separate from the reports produced by Member States on what the EU is doing at Community level to strengthen its export controls and transit controls to ensure that dangerous materials do not fall into the wrong terrorist hands. The EU has a particular ability to intervene in offering technical assistance to third countries whose own controls and institutions are insufficiently developed to respond to the threat. I do not think that one could usefully prioritise between strengthening export controls and strengthening the multilateral regimes and undertaking dismantlement work in the former Soviet Union, for example. Clearly, in each of those we would have to make calculations as to how much time, effort and money to spend on particular projects.

Q45 Lord Tomlinson: My Lord Chairman, when I left the Foreign Office many years ago, a private secretary, who was trying to insult me I think, said to me that I had never allowed the language of diplomacy to confuse meaning. I have to say that the language of diplomacy this morning has rather confused the meaning for me because in relation to what I regard as a simple question about realistic priorities on an EU strategy, a specific document that we have, we went through the G8 Global Partnership; we went through transit controls and everything else. What I would like to know is this: on that specific document, which to me reads like a rather nice wish-list to Father Christmas—"Dear Father Christmas, can we have all these things"—which priorities does the Foreign Office support in that document? It seems unlikely that you are going to get them all. In your reply, Dr Landsman, you said that it was called for in theory in the EU strategy. I

want to know what you are calling for in practice in the EU strategy; what are the priorities? You referred to financial support. What is the view of the Foreign Office about the relative priorities of the demand of Her Majesty's Government to cut the European Union budget and the demand of this policy for additional financial support? Where do we stand in relation to joined-up government? I would like a couple of specific things out of that rather than a much more rounded global view on it.

Dr Landsman: I would like to return to the thought that one has to approach the proliferation threat at different levels. It is definitely a priority for the EU and for the United Kingdom that the multilateral non-proliferation regime be strengthened, and its legitimacy be further enhanced, essentially because whatever we do ourselves within the United Kingdom or the EU, if other countries do not believe in the system, they will not be prepared to take the necessary measures. When you are talking, for example, about export controls or transit controls, the chain is only as strong as its weakest link, so we need to work further on raising standards and raising acceptance for the need for those standards.

Q46 Lord Tomlinson: Unless my information is seriously out of date, physical checks in terms of transit controls apply to less than 1 per cent of movements. Is that still the case; and, if not, how can we make transit controls really effective?

Dr Landsman: Chairman, I would not be able to answer the numerical question, but it is obviously right that one is not working on a system of examining every cargo and checking whether it has some dangerous materials on board. The approach one has to take I suppose one would characterise as risk management, and it would be based in large part on the use of intelligence or law-enforcement resources to identify the likely sources of proliferation-sensitive material, the likely customers, the likely routes, and to take action there. This is another example where we need our own systems within the European Union to be tight and effective, hence initiatives like the peer review. We also need others to take the necessary action, hence the need for global measures. In that context, I would particularly draw attention to the Proliferation Security Initiative, the PSI. This is an issue that is a little over 18 months old, initiated by President Bush, with strong support from the United Kingdom and now very strong support from the EU as well. The EU has a particular relevance here, if you start talking about institutions where there is some sort of Community competence, customs for example. If it would be of interest, Dr Wells might like to say something further on why this is an important initiative and for the EU as well.

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Dr Wells: The Proliferation Security Initiative was launched by President Bush in Krakow in May of 2003, and over the last 18 months it has made quite significant progress in building a group of like-minded countries and developing their capabilities to intercept and interdict illicit trafficking in weapons of mass destruction precursors and their means of delivery. One of the key elements of the Proliferation and Security Initiative has been a series of exercises. Some, but not all, have been of a military nature, but they have also involved law enforcement agencies such as customs. These exercises have tested the abilities for nations to co-operate together in the transfer of information, and also to work together to intercept suspect trafficking, to bring in the case of maritime traffic the container shipments into port for further investigation. On the political side, the PSI nations agreed a statement of interdiction principles in Paris in September of last year, and the work of the exercise programme has really been to make sure that PSI nations are able in practice to undertake the sorts of operations that are called for in the statement of interdiction principles. We are looking very widely at how we can co-operate to improve our interdiction efforts on the PSI. To touch on Lord Tomlinson's point, one issue that is being addressed by nations, which the EU has collectively supported, is the proposal that container shipments give the importing country 24 hours' notice in advance of the import of shipments on that boat, which will clearly help the analysis before the ship comes to port. This is one specific example of a very broad range of approach that is being undertaken by PSI. In terms of the EU's involvement in PSI, clearly, if exercises, as they sometimes do, touch on EU competence, then the EU has sent observers to participate in the exercises. The EU has also sent individuals from the Commission to be part of the presidency delegations during the meetings of the operational experts, which discuss the exercise programme for PSI.

Q47 Chairman: Can I come back to the question of how the EU and its institutions are organised, and ask again about this report about the difference between the Commission and the Council. The report may not be directly referred to, but it was headlined: "WMD strategy hits the wall in Commission/Council dispute . . . It is hoping that the Council can proceed with adopting planned initiatives on nuclear disarmament in Russia and on applying the ban on chemical weapons before the end of this month. But bypassing the Commission could prove problematic, according to insiders, as the EU executive administers the Union's support to the Global Partnership on fighting WMD, set up by the Group of Eight (G8) industrialised countries in 2002." I quoted some of the other elements earlier. Again, I come back to the point that the report has some fine

words, but if you are on the ground it is not agreed who will implement it and who will finance it and how. It will not get very far. Do you have a view about this; has the Government a view about it?

Dr Landsman: First, can I draw your attention to the document that we have passed you, which is the most recent progress report under the WMD strategy. It sets out in more concrete terms perhaps than I have been able to do what has been achieved so far. This most recent six-monthly report was approved by the General Affairs and External Relations Council on Monday.

Q48 Chairman: I am afraid things do not travel quite that fast! It was approved on Monday.

Dr Landsman: I think you will find it useful as a more detailed summary of what has been achieved. I do not think that we recognise at all the idea that the implementation of the strategy has hit the wall. There are a number of European institutions that have a role in this process. An important step was the appointment last year by High Representative Javier Solana of a personal representative for WMD proliferation issues, Madame Annalisa Giannella. She and her office have significantly enhanced the capacity of the Council secretariat of Javier Solana to play an active political role in the European Union's efforts on counter proliferation; and indeed she was a major inspiration for the draft conclusion of the strategy. Clearly, in this area as in all others, the Commission has its competencies and budget lines, and the Council secretariat as the instrument of the common security policy, if that is the right term, has its competencies and budget lines. I do not recognise the idea that the programme has been derailed by individual differences between people on one side or the other. In Brussels it is clearly very important that we would set great store by these institutions working effectively together. We have, as a Government, seconded staff to Brussels, working on these issues. We obviously want to make sure that these various institutions work effectively. One particular example is that the Commission, which has pledged €1 billion for the Global Partnership over 10 years, which is a significant sum, is now embarking on a study which it is attracting independent experts to work on, to ensure that future money spent by the Commission in this process is spent effectively and according to appropriate priorities for the 21st century. The United Kingdom, has in a rather curious bit of Community practice, has been appointed as a co-sponsor of this project. We are making a financial contribution to it, and we will also be involved with others in discussing this project as it develops. We will obviously want to ensure that the priorities that are identified are sensible priorities. This group will report I expect during the United Kingdom's presidency of the EU next year, and we will want to

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make sure that sensible priorities are adopted and effectively carried through in what the Commission does with our money.

Q49 Lord Tomlinson: Can I ask that the Foreign Office look at that answer to the financial question again, because it was very clear to me that you said the Commission had pledged financial resources. My recollection of European Union budgetary rules is that the Commission had no control over it; they can make a proposal to the twin arms of the budgetary authority, the Council and European Parliament, and they can only then execute the budget as the budgetary authority have agreed it. The Commission itself has no power to make those pledges.

Dr Landsman: I accept that. The pledges effectively made—for a 10-year programme—certainly by the Commission, and I suspect also by a number of other partners in G8, will have been made obviously according to the laws which apply in the particular country or institution, in some cases no doubt subject to parliamentary ratification later on. The headline pledges are there, but in the case of the Commission it will, quite clearly, only get the money which is voted for it, to be able to implement those later. I accept that.

Q50 Lord Lea of Crondall: I deduce from Dr Landsman's penultimate answer that we have a certain fuzzy line now between what is EU and what is not EU; you have an EU plus, or within EU, United Kingdom or France takes the lead, or a bit of creative accountancy about whether contributions are through the normal code of budgetary contributions or whether we can do a bit more. Is this part of the way forward in the EU, in that Britain and France clearly are, for example nuclear powers, and want to be seen to be very good players within the EU, although on a wider basis dealing with proliferation at a wider level Britain and France have to play their cards in a bigger way by being active on this within the EU, although there would therefore be a fuzzy line between EU and what is not technically EU. Can you comment on that?

Dr Landsman: I see two points, Chairman. In the financial sense the Global Partnership was a G8 initiative coming out of the Canadian Presidency of the G8, and it is the case that contributors to the Global Partnership include both the European Commission and a number of Member States. It might be worth clarifying that the Global Partnership is not a single pot of money into which the United Kingdom offers a contribution or the Commission offers a contribution; it is an umbrella, a co-ordinating mechanism which the Commission for its part, the United Kingdom, France, Italy, Germany, and the other G8 members, for their part, have allocated funds which they decide individually how

and where to spend. However, the Global Partnership umbrella is the mechanism that allows the countries and the Commission to co-ordinate their work to avoid duplication to ensure that some agreed priorities are followed through in practical application. The Commission, within its legal capabilities, has pledged fund and is spending some money already, and we, the French, the Germans, and so on have done the same separately. The European Union, as the strategy shows, can do a great number of things under different headings towards the objectives of non-proliferation. I said earlier on that there will still be some areas where individual Member States will act in their individual capacities. The European Union is not a party to the NPT or the Chemical Weapons Convention, and though we will try—and I am anticipating a later question, I know—as best we can to maximise the leverage that the EU has, for example in the Non-Proliferation Treaty Review Conference next year, nevertheless individual Member States are parties to that treaty in their own right and will continue in some areas at least to express their own individual positions where there is not a common European Union position.

Lord Lea of Crondall: I found that very helpful. Thank you.

Q51 Lord Morris of Aberavon: You have just mentioned the EU's role and the individual countries of the NPT. Will the EU be able to reach a common position on the NPT at the conference next year; and, equally important, will that be compatible with the likely US approach?

Dr Landsman: It is important to distinguish between a Common Position as a term of art, as a legal term in the European Union, and common ground. There will certainly be a great deal of common ground between all the EU Member States in preparation for the NPT Review Conference. I do not know whether that will be translated into a Common Position in capital letters, but there will clearly be a great deal of common ground. This will be the case in large areas covered by the NPT. As the strategy itself embodies, there is a common EU understanding of the threat from nuclear proliferation and a common understanding of the need to strengthen the NPT. The question of the IAEA Additional Protocol is very much the business of the NPT and the Review Conference, and there will be a common EU approach to that issue. There will be a common EU approach to the importance of compliance with the Treaty; that there should be measures in place to deter countries that might be inclined not to comply with the NPT. Quite clearly, there will be some areas—and nuclear disarmament is the most obvious one—where there will not be complete common understanding between 25 members of the EU. There

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are two Nuclear Weapons States among the 25 of course, and there are some among the 25 that have been particularly proactive in their advocacy of some disarmament measures which the Nuclear Weapons States would not be able to accept in full. The Government's view is very much that the EU will maximise its leverage and influence by working closely together in all those areas where it is possible to have very strong agreement between the 25, and that is the approach which it makes sense for the EU to take in the Review Conference. I do not know whether Dr Wells would like to add anything.

Q52 Lord Morris of Aberavon: Can you touch on the compatibility between the EU approach and the US approach?

Dr Landsman: Again, I think there is a great deal of common ground between the EU and the US, and it is very much in the areas that I identified as reflecting common ground in the EU: the seriousness of the proliferation threat; the importance of strengthening the NPT and the associated instruments in order to address that threat; the importance of the Additional Protocol; the importance of measures on compliance. There are some known differences, one of which is the Comprehensive Test Ban Treaty, which is a matter that is always discussed in the NPT review context. There is a Common Position there in favour of early entry into force of the CTBT. The EU has taken an active role in encouraging those states that have not ratified the CTBT and those on the list of 44 that are required to do so for the Treaty to come into force. The United Kingdom has been active. There is clearly an area of difference with the United States, which has not ratified the CTBT, and where, as far as one can see, both the Administration and Congress remain opposed to it. There will be those areas and one or two others as well, but very largely there will be far more areas of convergence than divergence.

Q53 Lord Lea of Crondall: Can you comment on the hypothesis that you can tick a lot of boxes of what we are all doing to discourage proliferation of weapons of mass destruction and you can tick a number of boxes about how we are actually encouraging it—we are encouraging it by being seen to have prestige by being a nuclear power, for example—and the fact that it is somehow discriminatory against other countries that want to become nuclear powers. It might be five, 10, 15 or 20 over the years, and that is very dangerous and why we are doing the study, I suppose. However, can you comment on whether that you could do more whether by sticks or by carrots to persuade states which possess weapons of mass destruction or related material and know-how to reduce the risks of leakage to terrorists?

Dr Landsman: In respect of nuclear non-proliferation the NPT contains a number of obligations. Some of them apply to all states, some of them apply to the Non Nuclear Weapon States—that is to say that they should not seek to acquire nuclear weapons—and the Nuclear Weapons States are also committed to pursuing good faith negotiations on disarmament, which is article 6 of the NPT. This clearly reflects the nature of the bargain that was entered into when the NPT was negotiated. We believe that we are fulfilling our side of that bargain. We are making good progress as a nuclear weapons state against our obligations in article 6. We clearly believe that it is also vital that all states fulfil their obligations under the non-proliferation elements of the treaty, and the fact that the NPT enjoys the strong support of the European Union as a whole—23 out of 25 members of which are Non Nuclear Weapon States—demonstrates that non proliferation is in the interests of the international community as a whole, not just in the interests of the Nuclear Weapons States.

Q54 Lord Lea of Crondall: They are not the states we have in mind of course, are they, in this worry about proliferation? We can mention 10 states right now that are the worry in the next 10 years, can we not? Those states feel that it is discriminatory in favour of nuclear states.

Dr Landsman: It is certainly interesting and vital to examine the motivation of those states which have been tempted to develop nuclear weapons, or which might be tempted to do so. In our view it will be the case that the threat that they perceive would not be one that emanates from the United Kingdom and from our nuclear deterrent.

Q55 Lord Lea of Crondall: Discriminatory in a slightly different sense than being threatened by the United Kingdom, but there is no level playing field more generally.

Dr Wells: It is well known that the United Kingdom has taken its obligations under the NPT very seriously. Over the last several years at the NPT Preparatory Conferences⁸ we have presented papers on how we can verify disarmament. These have been well received by other governments who see disarmament as a key part of the NPT bargain, and we are planning a final presentation of this series at the NPT review conference in New York next year. These are seen as a very important contribution to the United Kingdom's obligations under the NPT under article VI.

⁸ Technically, these are sessions of the Preparatory Committee for the 2005 Review Conference of the NPT.

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Q56 Chairman: At this stage, we have lost a number of members, and we ought to bring this evidence session to a conclusion, unless there is something you particularly want to add.

Dr Landsman: I would welcome the opportunity to reply to the second part of Lord Lea's question. He asked whether the EU could do more through sticks or carrots to persuade states that possess WMD related material and know-how to reduce the risk of leakage. Specifically in those terms, we would think less of sticks and carrots where the problem of leakage rather implies lack of capacity, and the overwhelming problems that part of the former Soviet Union have been left with as a result of history. This is where initiatives like the Global Partnership comes in, the de-nuclearisation projects, the chemical weapons destruction projects come in, and so on. However, there is an important area where the EU's sticks and carrots do apply, and I would like to draw your attention to the so-called Non-Proliferation Clause, which was agreed by European Union foreign ministers should be included in all future European Union so-called mixed agreements, that is to say those agreements which relate partly to Council competence and partly to Community competence with third countries. This means that in all future agreements with third countries the EU will insist on a clause that recognises the seriousness of the WMD threat, requires the EU and the third country to work together in this areas; and requires in particular work towards adherence to all the international instruments, co-operation and export controls and so on. As an essential element of that, discussion on how this is being done, that is to say how the EU and the third country are implementing these commitments, will form part of the ongoing

political dialogue between the EU and the third country. This is what I would call the EU putting its money where its mouth is. We have the Strategy and we have a number of actions that the EU can take; now the EU is saying: "Third countries, if you want to have the benefits of one of the various kinds of agreement which the EU will sign with you, you have to make some commitments in this area." It shows that the EU is serious about non-proliferation and it is not something it does as a side issue one day and then gets on with the serious business of foreign policy, and agreements with third countries, another day; it is an integral part, just as there are similar mechanisms to deal with counter terrorism have been introduced. This is an important area under the sticks and carrots rubric.

Dr Wells: Lord Lea also asked about transfer of know-how and leakage of know-how. We have already discussed the issue of leakage of material and the work we have under the Global Partnership to destroy chemical weapons stocks, but a number of G8 states and also the European Union are actively involved in programmes to redirect former WMD scientists to gainful employment. The United Kingdom has a project for WMD scientists in Georgia at the moment, and we have also been involved in other cities. The EU has contributed finance to the two centres, one in Moscow and one in Ukraine, that co-ordinate these redirection projects. So in terms of prevention of leakage of know-how we are also active in this area, as is the EU.

Chairman: I am sorry that we have run out of time. There has been a leakage of members, I am afraid! Will you let us have replies to those questions that we have not been able to put, which would be much appreciated? Thank you both for coming with your officials. We are very grateful for your assistance.

Memorandum by the Foreign and Commonwealth Office and the Ministry of Defence

EU STRATEGY AGAINST PROLIFERATION OF WEAPONS OF MASS DESTRUCTION

1. This joint FCO-MOD evidence is intended to answer questions posed by the Sub-Committee in its call for written evidence on 8 November 2004 as well as those set out for the joint FCO-MOD oral evidence session on 16 December 2004 for which there was insufficient time.

QUESTIONS POSED IN CALL FOR WRITTEN EVIDENCE

Coverage

(a) *Does the proposed strategy adequately cover the ground? Are there dangerous loopholes left, or opportunities missed? Is it or should it be intended to address ways of dealing with the consequences of proliferation as well as its prevention? Is it or should it be concerned with dangers related to radiological material usable in "dirty bombs" as well as the three weapon categories customarily classified as weapons of mass destruction?*

2. As Dr MacShane stated when introducing the Strategy to the House of Lords European Committee in his letter of 4 December 2003, we believe the Strategy is a good paper, adequately covering what is, as the Sub-Committee recognises, a very large field. The paper sets out the threats and outlines responses that play to the

EU's strengths. We are unaware of any dangerous loopholes in the Strategy, and nor do we believe that any opportunities have been missed.

3. The Strategy was agreed after an intensive process of consultation in which the United Kingdom was closely involved. On 14 April 2003, the European Council instructed the Secretary General/High Representative, in association with the Commission, and the Political and Security Committee, to pursue work on proliferation of weapons of mass destruction with a view to making proposals for submission to the European Council. The General Affairs External Relations Council in June 2003 agreed a set of basic principles defining the broad lines for an EU strategy against proliferation of WMD. In order to ensure that existing initiatives could be pursued effectively while the strategy was formulated, it was agreed also to produce an Action Plan containing a series of short- and medium-term specific measures for action in the months to follow. These two documents were drawn up by the Council Secretariat and the Commission, drawing on specific proposals contributed by Member States, as well as on the targeted initiative to respond effectively to the international threat of terrorism adopted by the Council on 15 April 2002. The resulting EU Strategy Against Proliferation of Weapons of Mass Destruction ("the Strategy") was formally agreed by Member States at the European Council meeting of December 2003.

4. The Strategy does address ways of dealing with the consequences of proliferation. Although the main emphasis is "to prevent, deter, halt and, where possible, eliminate proliferation programmes of concern worldwide", the Strategy also identifies the need for "increased efforts... to enhance consequence management capabilities and improve co-ordination".

5. There is no formal definition of "weapons of mass destruction". However, some of the non-proliferation measures called for in the Strategy would substantially mitigate the risks of terrorists obtaining material for use in "dirty bombs" such as by enhancing the physical protection of nuclear materials and facilities, including obsolete reactors and their spent fuel.

Priorities

— *Where are the main priorities for action within this very large field? What is the most important, urgent and practicable? Is there clear focus on the areas where the EU as such can most effectively add value?*

6. These questions were answered in oral evidence of 16 December.

Interactions

— *How well do the strategy and the US approach to policies and programmes, such as the Proliferation Security Initiative, fit together? Are there either incompatibilities or useful complementarities?*

7. The oral evidence of 16 December addressed the EU and US approaches to the NPT Review Conference and to the Proliferation Security Initiative.

8. The Strategy makes clear that the EU "commitment to co-operate with the United States and other partners who share our objectives" is one of its guiding principles. Both the EU-US Joint Statement of June 2003 and the EU-US Declaration on the Non-Proliferation of Weapons of Mass Destruction made at Dromoland Castle on 26 June 2004 set out in unequivocal terms our shared approach to policies and programmes.

9. However, there are some well-known differences in the approaches of the EU and US towards meeting these common objectives, such as over a verification mechanism in the Biological and Toxin Weapons Convention, or the ratification of the Comprehensive Test Ban Treaty. The Government continues to engage the US on these subjects, both bilaterally and through the EU.

— *What interactions are there, and how are these to be managed, with other actors such as Russia (notably in respect of ex-Soviet material and know-how), China, India, Pakistan, NATO and the United Nations, and with the Group of Eight's Global Partnership initiative on WMD?*

10. The Strategy is very clear that the EU seeks an effective multilateral response to the threat of WMD proliferation, and that close co-operation with key partners is crucial for the success of the global fight against proliferation.

11. The "List of Priorities for a Coherent Implementation of the EU WMD Strategy", drawn up by the Personal Representative to the High Representative in co-operation with Member States and the Commission, sets out many points of interaction with both specific actors and with other third countries. The EU supports specific projects in Russia, the Balkans, Central Asia, and Caucasuses. The "List" also sets out EU objectives

and actions with regard to other areas or actors, including the ASEAN Regional Forum, India, Pakistan, China and Ukraine.

12. The interaction of the EU with the G-8's Global Partnership was covered in oral evidence on 16 December.

Management

— *How far may resource limitations, national legal frameworks (eg affecting the framing and enforcement of export controls, or the definition of offences or of public powers), and the constraints upon intelligence-sharing hamper the implementation of the strategy?*

13. This question was answered in oral evidence on 16 December.

— *What arrangements will there be for co-ordination among different EU organs concerned? And for monitoring and progress-chasing?*

14. The first question was answered in oral evidence on 16 December.

15. There are three working groups covering differing elements of non-proliferation: the Working Group on Global Disarmament and Arms Control (CODUN), the Working Group on Non-Proliferation (CONOP) and the Working Group on Conventional Weapons and Arms Export Controls (COARM). All 25 Member States, the Secretariat, and the Commission are represented at each, ensuring co-ordination between different EU organs in implementing the Strategy. The Personal Representative to the High Representative produces a six-monthly Progress Report on the implementation of the Strategy which is submitted to the European Council. The latest report was passed to the Sub-Committee on 16 December 2004. Individual projects contain their own provisions for monitoring and progress-chasing.

Questions Posed For FCO-MOD Oral Evidence Session

— *Where do the realistic priorities for action under the strategy lie?*

— *Have all EU countries equipped themselves with the instruments—legal powers, intelligence arrangements, finance, expertise etc—needed to implement the strategy? Has the United Kingdom?*

— *Is the EU itself—institutions, relationships, procedures—optimally organised for pursuing the strategy effectively?*

— *Are there incompatibilities or wire-crossing risks between the EU strategy and other collective initiatives against WMD like the G8 Global Partnership or the US's Proliferation Security Initiative (PSI)?*

16. These questions were answered in oral evidence of 16 December.

— *Have further measures in the formal global arms-control field (such as reinforcement of the BW Convention, or a new Fissile Material Cut-off Treaty) any likely part to play? If so, can the EU collectively help to advance them? and will attitudes in the US Administration be an obstacle?*

17. We believe that scope remains for further measures in the formal global arms-control field and that the EU can collectively help to advance them. For instance, the EU has consistently supported steps to strengthen measures to ensure compliance with the Biological and Toxin Weapons Convention (BTWC). While there is not currently international consensus on negotiations on any new multilateral instruments in this area, the EU is taking an active role in the continuing programme of work under the BTWC in Geneva. The United Kingdom has played a leading role in EU efforts in this area, and will continue to do so in 2005 as Chair of the BTWC Work Programme, covering the Code of Conduct for Scientists.

18. The Strategy calls for a new Fissile Material Cut-off Treaty. There are differing views within the EU on how best to make progress towards the shared objective. But despite these, the EU will use its diplomatic weight to encourage the international efforts to negotiate a new Treaty.

19. Paras 7–9 above set out the position regarding EU and US approaches.

— *Could the EU do more to buttress or extend the various voluntary-association restraint regimes like the Missile Technology Control Regime, the Australia Group and the PSI?*

20. The EU's strategy is both to deepen the export control regimes—strengthening their controls and the criteria used to apply them—and to broaden adherence to their principles. The latter will be achieved through encouraging both the membership of countries that do meet the criteria and the adoption by non-members of the same high standards. The EU's Dual-Use Control List is based on the technology controls agreed in each of the regimes and is widely recognised as the best guide to effective controls.

21. The EU seeks to extend the multilateral export control mechanisms to ensure that the broadest range of technology is covered. The EU Strategy calls for the promotion of “Catch-All” clauses in all the regimes which will enable even unlisted goods to be stopped if there is either knowledge or suspicion that they may be used in support of a WMD programme. Catch-All controls have been included in the guidelines of the Australia Group, the MTCR and the NSG, providing comprehensive coverage in the field of WMD export controls.

22. The Government believes that membership of the export control regimes should be open to those countries that meet the criteria, and believes that all Member States do qualify. In addition, the existence of the single market in dual-use goods means the effectiveness of export control regimes will be enhanced if all EU Member States are members. Therefore, the Government strongly supports EU efforts in this regard.

— *Will the EU be able to reach a common position for the NPT Review Conference next year? If so, will that be compatible with the likely US approach?*

23. This question was answered in oral evidence on 16 December.

— *What is the main risk about terrorist exploitation of WMD? That states of concern may deliberately transfer capability to them, or that there may be accidental or criminal leakage?*

24. Terrorist acquisition of WMD could be through deliberate transfer from a state or leakage by accidental or criminal means. But there have been examples of terrorists developing chemical weapons themselves, such as the Aum Shinriyoko cult in Japan. Therefore the risk is multifaceted, and the response should be flexible, as the EU strategy is, to allow it to cover the different natures of these different risks.

— *Could the EU do more, whether by sticks or by carrots, to persuade states which possess WMD or related material and know-how to reduce the risks of leakage to terrorists?*

25. This question was answered in oral evidence on 16 December.

— *What might the EU do to help diminish the desire of States to acquire or keep WMD?*

26. The Strategy makes clear the EU’s determination to play a part in addressing the problems of regional instability and the situations of conflict which lie behind many weapons programmes. The best solution to the problem of WMD proliferation is that countries should no longer feel they need them. The EU’s dialogue with third countries, for example in the Mediterranean region through the Barcelona Process, covers security concerns. Within these dialogues, the EU makes clear that there can be no justification for the proliferation of WMD.

27. The strategy also calls for the inclusion of a non-proliferation clause in all future third country agreements with the EU. The presence of this clause will ensure that non-proliferation occupies an important position in the EU’s political dialogue with third countries. Linking progress on non-proliferation with the benefits of broader co-operation with the EU should have a positive effect on decisions which states might make about acquiring WMD.

— *Would you regard anything in this section of the report [the UNSG High Level Panel] as pointing towards any additions to, or adjustments in, the EU Strategy?*

28. The proposals contained in the UN High Level Panel Report have not yet been debated in the UN. However, many of the ideas coincide with the EU Strategy.

29. The EU Strategy is intended to be a living document. We are strongly committed to ensuring that it continues to cover this large field in the most effective manner, and will seek to agree appropriate additions or adjustments as necessary.

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TUESDAY 18 JANUARY 2005

MORNING

Present	Bowness, L (Chairman) Dykes, L Lea of Crondall, L	Maclennan of Rogart, L Morris of Aberavon, L Tomlinson, L
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Examination of Witness

Witness: Ms ANNALISA GIANNELLA, Permanent Representative of the Secretary General/High Representative, General Secretariat of the Council of the EU, examined.

Q57 Chairman: Good morning and thank you very much indeed, and to your colleague Ms Lene Hove, for agreeing to give evidence to this Committee. As you will know from our earlier conversations, we are carrying out an inquiry into the European Union Strategy on Non-Proliferation of Weapons of Mass Destruction as a sub-committee of the main European Union Select Committee in the House of Lords. Obviously, as Dr Solana's Special Representative for WMD issues, the opportunity to discuss the Strategy with you is particularly valuable. I understand you would like us to proceed directly to questions rather than making any opening statement, but if there is anything you would like to say first in opening, please do.

Ms Giannella: If you want, we can go directly to questions, but maybe it would be useful if I could just briefly give you a few elements of information on the approach underlying the Strategy on Non-Proliferation of WMD. As you know, the WMD Strategy was adopted by the European Council on the same day it adopted the Security Strategy. Of course, this is because the Security Strategy had identified the WMD threat as one of the major threats for the next decade, together with failed states, terrorism and organised crime. The possible combination of WMD proliferation, terrorism and failed states is particularly worrying. I think it is good to underline the approach which is outlined in the Strategy. It is an approach based on effective multilateralism and international co-operation. It is also an approach very much in accord with the general policy of the EU because, on the one hand, we want to address the root causes of the problem, which means that we have to continue to act in the area of development assistance, support to peace processes, stabilisation processes, et cetera, and on the other hand we have to take measures to counter the proliferation in the shorter term. There are of course guidelines for our actions. The main lines are strengthening international non-proliferation regime, universalisation of international instruments, strict compliance with international instruments, and also assistance to third countries and co-operation with third countries. This is the approach outlined by the European Council. We are

implementing this Strategy in its various chapters. To give you examples of what we are doing, we carry out an intense diplomatic and political activity in order to reinforce the international system, to support the "universalisation" and also to support strict compliance with the various instruments. For instance, we support the Additional Protocol; we carry out a lot of work in order to promote the conclusion of additional protocols with the IAEA by states which have not yet done so. We now consider that the Additional Protocol, together with the comprehensive safeguard agreements, should become the verification standard. For chemical weapons, the Council has adopted a joint action in support of the OPCW. We are also doing some preparatory work in order to promote challenge inspections, because this, of course, will also reinforce the Chemical Weapons Convention. As to the Biological Weapons Convention, we have no verification protocol. We are reflecting among ourselves because of course we know that there is a major country, which is party to the Convention but is not in favour of concluding a protocol, and so we are trying to find some other solutions which would at least give some possibility of inspections and verifications, such as a roster of experts in the UN. This gives you an idea of how we implement the guidelines of the Strategy. Of course, we have a lot of activity in our relations with third countries. We have co-operation with our major partners: the US, Japan, and now even with China. There are joint statements on non-proliferation and disarmament with these three countries. With the US and Canada we have carried out exercises of comparisons of our assistance programmes in order to see whether there are duplications and loopholes, and we will do the same with Japan. With China, we are organising in a few days an export control workshop because China has very good legislation but we are not sure that they are in a position to implement their legislation in the most effective way. We are organising this workshop in order to promote better implementation, in particular because China wants to become a member of the different export control regimes and so they have to comply with the standards of the export

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control regimes. We have also included now a non-proliferation element in all the action plans we have prepared for the countries covered by the new neighbourhood policy, which means that in time we will also organise programmes of assistance, in particular in the area of export control, in these countries of the Mediterranean, in Ukraine, et cetera. We have already succeeded in including three agreements with third countries. We are trying to negotiate the same sort of clause with other countries with whom we are negotiating agreements. This gives you an idea. We have two tracks: on the one hand, specific actions and targets in specific regimes or in the area covered by specific international instruments on the other hand, there is the general external action of the Union and relations with third countries in the context of which the non-proliferation element has become important.

Q58 Chairman: Thank you very much. Perhaps before we go into questions generally, you mentioned, and it has been mentioned to us before, the question of the non-proliferation clause in these agreements. How do you see the European Union reacting in fact if the other party to the agreement turns out to be in breach? What is the EU likely to do or is that going to vary on a case-by-case basis and who is going to make the decision?

Ms Giannella: I think, first of all, we should try not just to discover one day that the country with which we have an agreement is in breach; we should try to monitor closely the implementation of the agreement and of the non-proliferation clause. I think there is a process; we have to accompany the implementation of the agreement. Once we have concluded the agreement, we should not leave the other country alone and then, after a certain period of time, assess whether they are complying or not; we have to work with this country and see what they need in order to comply with the clause. For instance, we have an initial agreement with Syria. If the agreement is concluded, we do not wait and sit in our offices and one year later say, "Ah, but Syria is not complying with the clause". Once the agreement is concluded, we have to talk to the Syrians and to say, "Now you have undertaken these commitments, i.e. to comply with the conventions and treaties to which you are a party, start taking steps to accede to other international instruments and to set up a national system of export controls". We have to encourage them to take these steps. If they need assistance, for instance in order to set up an effective system of export controls, we have to be ready to provide them with assistance. This is why the problem, in the end, is not only to work politically and diplomatically but also to have enough financial resources in order to be

able to provide this assistance. Otherwise our non-proliferation clause will become ineffective and prejudicial to our credibility.

Q59 Lord Tomlinson: Thank you for that very clear introduction, Dr Giannella. I find myself in some difficulty with the use of these generic words "weapons of mass destruction" because they are covering such diverse subjects. What I do not get a sense of from the Union's Strategy is what are the priorities in relation to the strategy—not priorities between the various weapons but priorities within each of them. If we are looking at the Strategy for nuclear non-proliferation, what are our priorities, one, two, three? If we are looking at chemical or biological weapons, what are our priorities, one, two three? It would be invidious to try to mention priorities between them because they are very different treaties, with nuclear being discriminatory and the others being non-discriminatory. Within each of them I do not get the sense of priorities. I have had some difficulties in trying to get my head round that.

Ms Giannella: Thank you for the question. If you read the list of priorities that I have brought today and which was endorsed by the Council last December, you might find there indications which are more clear about our priorities concerning each type or category of weapon of mass destruction. Briefly, I would say that in the nuclear field the first priority is to preserve the NPT, which is the cornerstone of our system, in its entirety, because this Treaty has different components, different pillars—and it is important that all the Treaty is preserved—and also to promote compliance with this Treaty. This is why we are working on the Additional Protocol. The Additional Protocol provides the IAEA with additional possibilities for inspection, and so it is a very good instrument to ensure that states which are parties to the Treaty comply with the Treaty. The Additional Protocol is important. Then we have the problem of the physical protection of nuclear installations. There, for instance, we are working in co-operation with the IAEA. There is a joint action which has been adopted by the Council in May 2004 by which we finance some projects which are being carried out by the IAEA in order to enhance the physical protection of nuclear installations in countries selected in the areas of south-eastern Europe, Central Asia and Caucasus. Since we are working in the area of foreign policy, we do not have competence for internal issues. But in the list of priorities, we have suggested that Member States could invite the IAEA to advise them on how to improve the physical protection of their nuclear installations. We cannot go beyond that. By the joint action in support of IAEA we are also financing projects for the protection of radioactive sources; not

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only nuclear installations but radioactive sources in non-nuclear facilities (industrial, medical etc), which is another area of concern. This is what we are doing. In addition we contribute not only through the CFSP budget but also through Community programmes, in particular, through the TACIS programme and to a lot of projects in Russia and in other countries of that region in the field of nuclear safety and nuclear safeguards. There is lot of money being spent in this region. This is what we are doing in the nuclear field. As to chemical weapons, we have a joint action in support of OPCW because we are trying to implement this concept of effective multilateralism. What does that mean? If there is an international agency with a mission in a specific regime, we think the best way of reinforcing that specific regime is to give our political and financial support to that agency and to co-operate with it in the implementation of projects of assistance to countries which are either already party to the Convention or which have to be encouraged to become party to the Convention. We work with OPCW mainly in two areas. We organise meetings and workshops in order to promote accession to the Convention by countries which are not yet parties. Another important area is assistance programmes to countries which are already parties to the Convention but need assistance to draft their legislation for compliance with the Convention to set up the national authorities in charge of the national implementation of the Convention. In addition, we have organised a seminar on challenge inspections because challenge inspections exist in theory in the Chemical Weapons Convention but no challenge inspection has so far taken place. There is some work to be done in order for these challenge inspections to become more "normal".

As to biological weapons, we have to prepare for the review conference which will take place next year. The main problem with the Biological Weapons Convention is that there is no verification mechanism; it is not certain that we will get the verification mechanism and protocol because the US so far have been opposing it but we are trying to find some other alternative solutions. The problem of compliance and verification is the main one. But also in the area of the Biological Weapons Convention, we think that there are countries which need to be assisted once they are parties to the Convention. They need assistance in order to comply with the Convention and so we are starting to envisage the possibility of providing assistance programmes ourselves [the EU] to these countries. Why should these programmes be carried out by the EU itself? Because in this case we do not have an agency. It has to be directly from the EU to the countries. There are Community provisions for the handling, storage and use of biological agents and public health aspects on which the Commission is working, (basically by the

Directorate in charge of health). I understand that this afternoon you are seeing my colleagues of the Commission and you might ask more details about this. It is, in fact, consistent with our strategy but it is not an activity which is discussed or reported to our non-proliferation group or PSC. You will find some mention of these elements in our progress report on the implementation of the Strategy.

Chairman: Before I call on Lord Lea, I should say to members that Dr Giannella has kindly brought copies of all the priorities. They are quite long. They might be a distraction in this session but they will all be circulated to members of the Committee, unless anybody particularly wants to look at some particular point in one.

Q60 Lord Lea of Crodall: I have a two-part question, and the first part of my question is to do with the title, the subject that we are discussing. I hope this does not seem to be a question of semantics. I notice in one of the press releases from the external relations part of your organisation that the title is "Non-Proliferation and Disarmament". It goes on to point out that in the context of Russia the title of one of the documents there is "CFSP EU Joint Action on Non-Proliferation and Disarmament". Of course there are many aspects of disarmament going on here, not just non-proliferation. There are two reasons for talking about disarmament. One is that in fact some of the things already in programmes are disarmament, but in terms of the psychology of this *vis-à-vis* particularly in the case of nuclear but it also I think it affects some chemical disarmament, many countries around the world, if they are just confronted with something called "non-proliferation", may feel, "It is all right for them, they have got these weapons and they are saying we cannot have them" but it actually is not as simple as that because we have a commitment to progress towards disarmament. Is there some international understanding about what the title of all the documentation for all these conferences is and why are some of them called "non-proliferation and disarmament" and some of them are just called "non-proliferation"? I link that with question 5 on the list we have given you about getting a collective view of the European Union in the NPT Review Conference. I guess, and I may be wrong, that some countries will be coming at this slightly differently from Britain and France, the two nuclear powers. Some countries may say, "There is going to be a big development in the world"—and I think there is and I think most people would think there is in the medium term going to be a civil nuclear power—"and so we had better start to think clearly about whether the five nuclear powers are always going to be different". The UN panel seems to be a little bit more concerned than it used to be about whether or not we are all committed to a

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medium-term process of disarmament as well as just talking about non-proliferation. I do not know whether that will come up starkly in that form at the Review Conference, but it does seem to me it is important that the question of disarmament is kept within the formula of what we are talking about here. I would be very interested if you could comment.

Ms Giannella: That is an interesting question. Why do we have different titles for different documents? Sometimes it depends on the content of the document; sometimes it depends on sensitivities expressed by Member States. In the title of the Strategy we only have “non-proliferation” because a couple of Member States, were against any mention of disarmament in the title of the Strategy. Despite that, once you start reading the Strategy, you find out, of course, that disarmament and non-proliferation are closely linked and that sometimes you need to disarm in order to avoid proliferation. If you have stockpiles of chemical weapons, either you destroy them or you run the risk that there will be proliferation. It is very difficult to work on non-proliferation without doing any disarmament activities. Some of the programmes we are carrying out, for instance assistance programmes to Russia, are programmes on disarmament. In fact, we assist in disarmament and dismantlement. But this contributes to non-proliferation. Coming to the NPT, the NPT is a subject for debate in the international community and also within the EU because of the different opinions we have between on the one side nuclear weapons states, and on the other side, the non-nuclear, and in particular those which participate in the New Agenda Coalition. It is true that there is potentially a very tense situation because a number of countries in the EU, outside the EU and among the “non” in particular, believe that nuclear weapons states have not complied with their disarmament commitments. On the other hand, I would say that within the EU we are bound to find a solution to this dispute before the NPT conference. I do not think that is impossible. It is very difficult but it is not necessarily impossible. Why is that? First of all, the United Kingdom and France in reality have done much more in terms of disarmament than the other nuclear weapons states have done. I think in a certain sense the United Kingdom and France are suffering from the fact that they are seen just as members of the group of nuclear weapons states. I know that there is a sort of solidarity among the P-5. On the other hand, this is detrimental to the perception of United Kingdom and France by non-nuclear states due to the fact that the US and Russia have not only probably not disarmed enough, but they are even envisaging new types of nuclear weapons. Since the United Kingdom and France are put in the same basket, in a sense that puts them at a disadvantageous position. On the other hand, it is

also true—and I was advocating this approach in the workshop we held in Paris in December on NPT—that those Member States that participate in the New Agenda Coalition tend to give their preference to the solidarity with the New Agenda Coalition rather than to EU solidarity. That is not very good either. I think we have to work a great deal before the NPT Review in order to find common ground. If we can find common ground, if we find perhaps some limited commitments which could be undertaken by the nuclear weapons states in the NPT Review Conference and on the other hand very strong support for the additional protocol, strong support for strengthening compliance with the Treaty, et cetera, (which every EU Member State should do under the Strategy adopted by the European Council), then we can contribute a document to the conference. We could give a contribution to the Chairman and since this would already be a compromise between very different positions, I am sure that this would constitute a basis for a successful outcome of the Review Conference. Maybe you think I am too optimistic. I am clearly by nature in any case “voluntaristic” otherwise I would not do this job. I think we have to work within this perspective.

Q61 Chairman: Could I ask you to follow up two points arising out of Lord Lea’s question and your answers? Firstly, on the Non-Proliferation Treaty view, what steps are being undertaken to see whether an accommodation or an agreement can be reached with the United States? What negotiations are going on in advance of that for the NPT? Secondly, on a separate issue, you talked about work being done in Russia. It is a constant topic of conversation in our Committee as to how effective the EU’s policy in this area towards Russia is, that there appears on the one hand to be a lot of money spent, some people say there is money committed but not being spent. Whilst the object of this exercise is not to go into individual cases, I do think for the purpose of our report if we were able to talk about some specific activity on the ground which goes beyond the realm of strategies and aspirations, that would be very helpful. Since you have mentioned Russia, perhaps you could enlarge upon that. Those are just two things which arose out of Lord Lea’s question and your reply.

Ms Giannella: First of all, the NPT and the US: of course we will consult closely with the US in the run-up to the Review Conference and during the conference. We have a tradition to do that whenever there are important international events in the area of non-proliferation and disarmament. We normally have troika meetings with the US at expert level, and of course at political directors’ level and at ministerial level we have the EU/US Task Force which meets regularly. There are a number of opportunities. In addition, there are consultations between Member

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States and the US. I am going to the US in February. There is a multiplicity of contacts. We will prepare the NPT Review Conference in co-operation with them. It is important in particular because one of the most delicate and sensitive issues is the fuel cycle. The Americans already have some suggestions on this question which might create a very difficult atmosphere in the Review Conference, so we have to see. This question is also being discussed currently in the G8. We have to see what the situation will be when the Review Conference opens. Clearly, there are consultations all the time with the US and there are also consultations on the spot during the conference. As for Russia, yes, the European Union is spending a lot of money in Russia, both the EU, the European Community—you are certainly familiar with this distinction—and Member States. There is a table prepared by colleagues in the Commission who participate in the G8 Non-Proliferation Working Group which we can give you. This table specifies the different projects which have been implemented, which are being implemented, or for which money has been committed but which are not yet implemented. You will see, as I told you before briefly, that there are some millions of euros in joint actions, which are CFSP instruments, so financed through the CFSP budget, in the area of physical protection of nuclear installations, chemical weapons destruction and ex-weapons plutonium disposition. These joint actions have one characteristic, in that they are implemented by one or two Member States. These are Member States that are working as a sort of implementing agency. The project on ex-weapons, plutonium disposition for instance, is implemented by France. For chemical weapons destruction there is a programme implemented by Germany and another by the United Kingdom. Physical protection of nuclear installations is being implemented by Germany. Then there is a lot of money, a huge amount, provided through the TACIS programme. That goes to nuclear safeguards, nuclear safety and also chemical weapons destruction and also to centres for the employment of former weapons scientists. Of course I am not, as you know, in charge of the implementation of the programmes financed through Community Programmes. I can tell you about possible difficulties in the implementation of these programmes, what I have learnt, but I have not experienced this personally. First of all, in Russia there is always a problem in finding a good interlocutor because there are frequent changes in the competent agencies and shuffling of agencies. The turnover of personnel and division of labour is not necessarily clear and it can be modified over the period of time we are implementing the project. It can be very difficult for the European Community or for the implementing Member State to understand with whom they should deal. Then there is the problem of

liability. This is a problem that the Americans are also encountering. There are also problems in terms of the EU Financial Regulation, which is very strict. Sometimes it is cumbersome but sometimes of course these strict rules are necessary to ensure that the money is spent properly. I understand that the Russians would sometimes prefer to receive the assistance in terms of financial assistance and not necessarily accept all the rules that accompany the provision of these funds. I have heard this, but not experienced this problem myself. I experienced another kind of problem with the Russians last November/December. We were preparing a joint action for adoption by the Council and suddenly the Russians conveyed to the Germans, who were to be in charge of the implementation of the project, that they wanted a change of site. If you change the site, of course you have to modify the terms of reference. You cannot simply change the name of the site and then say that the instrument to be adopted at the Council remains as it was for the previous site. That is impossible. This shows that sometimes there may be a problem of reliability, you might say. We faced the situation where either we should have no decision by the Council or we would revert to the site chosen originally. In fact, it is only because I reacted in a very determined manner with the Russian mission to the EU in Brussels, that I received within 24 to 48 hours a reply that there was a misunderstanding and of course the Russians would accept the joint action as previously foreseen. This is the only direct personal experience I have but it shows that it can be very difficult.

Q62 Lord MacLennan of Rogart: In your opening statement you described a multiplicity of tasks and approaches. I think the Committee might be interested to hear a little more about the organisational aspects, the machinery and the resources which you have and which the Union has to carry out these tasks. I notice in particular, though this may have been overtaken by events in the last few months, that the progress report of June on the European Strategy mentioned that the concluding recommendation of the Strategy to set up a unit for monitoring implementation had not been put in place. It is quite difficult, in the absence of such public reporting, drawing together the threads of what is being done, to know—and this is a communication issue—how effective the Union is being in seeking to give effect to its Strategy. It does sound, from what you have said, as though it might almost be a one-person strategy, a one-person operation, but that is obviously not true. It would be helpful for us to understand the relationship with the Commission and how you are using that and what particularly are the resources of the Council here being built up to take forward these many issues.

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Ms Giannella: First of all, the Strategy was adopted in December 2003. I was appointed mid-October 2003 and the Action Plan which was the precursor of the Strategy was adopted in June. The Action Plan became a strategy just a couple of months after my appointment. Of course, my appointment in a certain sense shows that Solana, the High Representative, wanted to give high priority to the implementation of the Strategy and wanted also to facilitate the relationship with third countries. Giving me this title of Personal Representative in the fight against proliferation implies that third countries would recognise their interlocutor on these issues. It is, in a sense, to promote the implementation of the Strategy and the enhancement of the non-proliferation element in the EU external action. The difficulty we are facing—it is a difficulty but also sometimes an advantage—is that the Strategy is an inter-pillar strategy. There are elements which are purely foreign policy, but there are elements which are within internal Community policy and sometimes elements which are cross-border. It is an advantage in the sense that, first, we have within the EU some instruments that others do not have to reinforce our fight against proliferation. Reinforcing our Community export controls is a Community activity, first pillar, but this is a very good contribution to the Strategy. There is another advantage. The advantage is that under the current circumstances the CFSP budget is very poor, very limited. This year and last year the whole CFSP budget is €62 million and I can only use a small percentage of this budget because there are, of course, other priorities, such as the Balkans, Iraq etc. I cannot use €60 million. Last year I managed to spend €15 million out of €62 million and this year I am afraid there will be even more difficulties. I will probably get less. Luckily, we have financial resources which are much more interesting in first pillar programmes, and we can use them, as is the case for the TACIS programme, for assistance to third countries. The difficulties, of course, are that the institutions in charge of these various activities and financial resources are not the same and so we need full co-ordination and transparency. This is not always easy. You are probably aware, because I believe you are working on the EU foreign policy and this is not a problem specific to non-proliferation, that there are certain sensitivities in the Commission, which wants to preserve its prerogatives under the EC Treaty. They are afraid of losing their prerogatives, in particular their right of initiative and their way of functioning, and this does not necessarily contribute to full co-operation and full transparency.

Q63 Lord Lea of Crodall: Do you mean the Commission versus the Council of Ministers? Are you talking about the relationship between the

Commission and the Council of Ministers? I did not understand your last point?

Ms Giannella: Yes, exactly. As I have said, there are procedures which are different; there are prerogatives which are different in the two pillars; and there are financial resources which are very different. Despite the fact that I believe non-proliferation is mainly a foreign and security policy area, I think there is a tendency to try, through the budgetary procedures and instruments, putting it in a simplistic way, to “communitarise” non-proliferation. If you look at the financial perspectives and at the stability instruments put forward by the Commission, stability instruments basically would work as a Community programme. There would be a sort of framework decision by the Council and then the programme would be managed and all the projects would be prepared and decided by the Commission with very little power in the hands of Member States. I am totally candid with you. Because I have been working and serving in the European Convention, in addition to the fact that I have been working in the Council for more than 30 years, I am aware that there has been a very thorough discussion on external action and CFSP and ESDP, et cetera. Clearly, the majority of Member States is not ready to delegate foreign policy to the Commission, to delegate entirely foreign policy to a supranational body. Clearly, Member States are ready to co-ordinate, to work together and to do many things together and they are more and more convinced that it is useful to work together, but they are not ready to give up totally their prerogatives. In the light of this debate and of the outcome of the Convention and of the IGC, I think officials should work in compliance with the Treaty provisions. That means that in my opinion non-proliferation, like other foreign and security policy aspects, should be developed and implemented in close contact with the Member States, taking all the inputs from Member States and reporting to Member States. We cannot act autonomously, if you see what I mean. The Member States have to feel the ownership of this policy.

Q64 Lord MacLennan of Rogart: As a supplementary, may I come back to the point that I raised about the unit which was proposed following Thessaloniki in the Strategy, the unit which, it was said, was going to function as a monitoring centre contrasting with the monitoring of the application of the Strategy. This was a government decision and whereas the six-monthly debates, which were also called for in the same clause, have taken place, the unit seems to be in suspension. Attention was drawn to that in the later meeting of which we have a copy; the issue, the scope of mission and possible modalities of a monitoring centre are still to be considered on the basis of a vehicle established by the

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Office of the Personal Representative. It seems to me that on that at least the Member governments seem to have been quite clear that they did want some reporting mechanism which would draw together the threads of these various actions and which would enable people to mobilise the necessary resources if progress was to be made. It seems to me it would help. I just do not understand what has happened.

Ms Giannella: I agree with you. I think it would help greatly and my personal opinion is that we should explore the possibility of having a WMD centre that would not only monitor but would put together different competencies and expertise. If I may distinguish the two sub-questions, I do not think that the fact that the WMD centre has not been set up means there is no reporting: not only do we have a full report every six months, but this is endorsed by the Council and published on the website, so we are working transparently. The absence of this WMD centre does not prevent us from complying with this obligation of monitoring the implementation of the Strategy.

Q65 Lord Maclellan of Rogart: May I say to you, who is “we” that is reporting?

Ms Giannella: The draft is prepared by myself in co-operation with the Commission. Then it is circulated to Member States and discussed first in the working groups and then in the Political and Security Committee; finally it goes through COREPER to the Council.

Q66 Lord Maclellan of Rogart: It is a one-person operation effectively, as you described it?

Ms Giannella: No, no, because, as I said, there are Community aspects which are covered by the Commission services, so of course they have to contribute to this first draft, as do all Member States. I must say that we also get from Member States a number of proposals on completing or amending the draft report, so I believe the reporting on the implementation does exist and is done. I think the WMD centre would be very useful to overcome this problem of the machinery with different pillars, et cetera. Why has it not been set up yet? That is because in a certain sense the WMD centre would be a sort of anticipation of the Joint Diplomatic Service. The advantage of this WMD centre would come if we can put together Council and Commission expertise.

Q67 Lord Maclellan of Rogart: Does it need a constitutional change to do that?

Ms Giannella: No. We would need a sort of agreement, maybe even an informal agreement, between the institutions because it would be very limited. You know that there are reflections on the Joint Diplomatic Service in fact we were waiting to have some more elements about the Joint Diplomatic

Service to see how we could elaborate the concept for this WMD centre. Personally I am convinced that this is the way forward to become really more effective and more co-ordinated.

Chairman: This is very interesting but we have to move forward if we are not to run out of time.

Q68 Lord Morris of Aberavon: May I focus very quickly on the chemical and biological weapons? On chemical weapons, it is said that there are no challenge inspections. When I went to The Hague the other day, they had a huge staff, 400 and more, and they spend a great deal of time getting more countries to ratify—they have 167—and they also spend some time on inspection. What exactly is a challenge inspection which is different to what the OPCW now do? Then quickly on biological, it is said the main problem was no verification. Are there not other equally if not more important problems in that there are serious industrial objections, particularly from the United States, to put teeth into the existing Convention? What would you suggest should be done to improve that particular Convention?

Ms Giannella: In that last sentence you said that there is an objection by the US?

Q69 Lord Morris of Aberavon: My understanding is that quite a few individual countries are loath to go further as regards biological weapons, inspections and prohibition, because of the conflict of interest with their own industrial structure, in particular the United States. What would you suggest should be done to strengthen that particular Convention?

Ms Giannella: On the Chemical Weapons Convention, challenge inspection basically means inspections with no prior information. The country inspected is informed about the inspection, but challenge means that inspectors actually get there in a few hours, in 24 hours. Inspections carried out currently by the OPCW inspectors do not include challenge inspections. There is a procedure of consultation with the country inspected. There is information, then they have to agree which sites have to be inspected on which day, et cetera, and so there is no surprise. In fact, if you have doubts about the compliance of a state party, the way the inspections are carried out now, does not give us enough assurances that a chemical weapons programme is not being carried out in that country. The country would probably have enough time to prepare for the inspection. That is why challenge inspections are important. Challenge inspections are in fact what the additional protocol provides for for the nuclear treaty. We have to try, in the area of chemical weapons, to implement what the IAEA is implementing in the area of nuclear programmes. By the way, you mentioned the number of staff in the OPCW. If I may say one word on that, I think the

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OPCW Secretariat is very effective. If you look at the activities they carry out, at the limited budget the OPCW has and what they actually do, in fact they are very cost-effective. BTWC: yes, the main problem we face is that there are some major countries that object to a verification protocol and the industry is probably behind this position. As I said, we try to work on a mechanism which is not necessarily a protocol but which provides the UN with some expertise and experts who could be deployed at the request of the Security Council or by the Secretary General. Maybe what we could envisage is involving the industry in some work preparatory to the Review Conference because sometimes there are misunderstandings. If you do not address the concerns of industry, then these states will never change their positions. Probably an activity of preparation in co-operation with the industry could lead to the identification of possible modalities for verification. As I said, we are trying now to identify what we can do to prepare for the BTWC Review Conference.

Q70 Lord Dykes: Thank you very much indeed for your explanation, Dr Giannella. You were referring earlier on to the positive steps the nuclear powers might be able to agree upon. I was wondering, in connection with the UN High Level Panel and its recommendations, whether there would be any possible linkage in that field with the recommendations. You will remember there was 122 and then 120.b. that the nuclear weapons state must take several steps to restart disarmament, they should re-affirm their previous commitments not to use nuclear weapons against non-nuclear weapons states; they believe it would be valuable if the Security Council's specifically pledged to take collective action in response to a nuclear attack or the threat of such attack on a non-nuclear weapons state, and various other elements connected with those assertions. Would it be valuable for that to be picked up explicitly by your own office and yourself and your colleagues to co-ordinate and link up with them and support them?

Ms Giannella: I have read the report by the High Level Panel. I think there are a number of very interesting ideas. I cannot, of course, guarantee that all these suggestions are acceptable to the nuclear weapons states but our Non-Proliferation Working Group has started the examination of this report, not only in order to prepare a common reply but also in order to see which elements might be useful in the preparation of the NPT Review Conference or of the BTWC Review Conference. Certainly it gives a number of good ideas. As I have said, we also organised a workshop in Paris to prepare for the NPT Review Conference. One or two experts made suggestions on what the nuclear weapons states could do in order to restore a climate of

mutual trust between the nuclear and non-nuclear weapons states in the Review Conference. We will certainly work on that. Of course the report is very authoritative because of the people who contributed to the preparation of it. I also think that the suggestion concerning the six-monthly report by the IAEA Director General and the OPCW Director General to the UN Security Council is a very useful one.

Q71 Lord MacLennan of Rogart: I am sorry, I did not quite understand what you said the mechanism was for considering this collective response to the High Level panel.

Ms Giannella: There is a working group, the Non-Proliferation Working Group, which is examining the report.

Q72 Lord MacLennan of Rogart: That is a working group of the Council?

Ms Giannella: Yes. They are preparing a common reply.

Q73 Lord MacLennan of Rogart: When can that be expected?

Ms Giannella: They have started already. There is another meeting in a couple of weeks. I do not know whether the work will be finished but I would say by February the common reply will be issued.

Q74 Chairman: Right at the very beginning, you said that your writ did not run to the Member States in fact, that the arrangements for the Member States were outside your area of responsibility. Who actually makes sure that all the Member States have all the necessary instruments in place to implement the Strategy? We were advised somewhere that there was a difficulty about some of the new Member States participating in the Missile Technology Control Regime. Where does the responsibility lie in EU terms as opposed to Member State terms for making sure that the Member States are up to speed on all these things?

Ms Giannella: First of all, in order to become EU members, the new Member States had to comply with all the existing EU legislation. Export controls are a key element within our area of concern and so all the new Member States had to incorporate into their national legislation the regulation on dual use export controls. Again, legislation is not enough. To have good legislation is not enough. We have to make sure that the legislation is implemented in an effective way. That is why the Council decided some time ago that a Peer Review process should be carried out in order to verify that the export control legislation is effectively implemented everywhere in the Community. The first stage of this Peer Review has been completed. We now have a report with

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both general recommendations for everybody and specific recommendations for some Member States. We have done our homework concerning the export control area. There are other areas related to non-proliferation on which we do not have EU legislation or we do not have common standards. If you ask me for instance whether all Member States have enough human resources or financial resources to combat the spread of WMD, I cannot reply to you. Maybe I could reply with regard to a couple of Member States because I have some personal contacts but I have no means to inspect the situation in Member States. We now have an opportunity to assess the situation because all Member States had to make a report to the UN according to the UN Security Council Resolution 1540. In this report they had to explain how it works at national level. If we examine these reports now, I think we could draw some interesting conclusions about the state of play in different member countries. What we are missing—and this is something I should have mentioned in response to the question concerning the machinery for the monitoring of the implementation of the WMD Strategy (because we have these working groups consisting of experts coming from capitals but that do not meet very frequently)—is a sort of committee or working group, Brussels based, of people who would be in the Permanent Representations of the Member States in Brussels. People who would liaise with the national counter-proliferation department and export control department since sometimes export controls do not come under the ministry of foreign affairs. If we had such a committee, we could for

instance proceed to an examination, to a comparison of the national reports under the UN Security Council Resolution 1540. We could see whether there are big loopholes or deficiencies. Of course we do not have legislation and we do not have a very strong instrument to impose but we could put political pressure on those Member States where there are weaknesses. There are also areas—and, if I may, this is a problem which is very relevant to the United Kingdom—for instance on criminal sanctions where we have a European Council statement saying that we should make sure that all Member States have criminal sanctions for illicit trafficking, et cetera, but then we are just there at the level of a statement, and we are not able to go beyond that because that would probably imply the adoption by the Council of a decision based on the Third Pillar, on justice and home affairs co-operation. This is a very complicated instrument. It is very sensitive because it relates to harmonisation of criminal law. On this issue, the United Kingdom is not very encouraging. Non-proliferation touches upon many different areas. I think a good start would be to have a permanent committee in Brussels and to have at least a sort of peer review examination of the situation and a dialogue among Member States in order to try, not to harmonise, but to bring the national provisions closer.

Chairman: I think that is probably a very happy note on which to end and perhaps an appropriate thought for us to take away. Thank you very much indeed, Dr Giannella, for your time and for answering our questions. I am sure I speak for the whole Committee when I say it has been a very interesting, helpful and useful morning.

Memorandum by Dr Annalisa Giannella, Permanent Representative of the Secretary General/High Representative, General Secretariat of the Council of the EU

Please find attached some additional replies to questions 4, 6 and 8, which we did not have enough time to address at this mornings' meeting.

Question 4: Has the Union made adequate funds available for the Strategy? And can anything be done to shorten the interval between pledging funds and actually applying them on the ground?

Answer:

- There are not enough funds. The Strategy was adopted without additional budget provisions.
- The financing comes from existing budget lines on the EC and CFSP budget.
- As for the CFSP budget, which in total was only 62.6 Mio in 2004, we used around 15 Mio of it on non-proliferation. I do not expect 2005 to be any less expensive, but as of now, only some 6 Mio Euro are set aside for non-proliferation on the CFSP budget in 2005. And we have already used half Mio Euro for an ECOWAS disarmament project. The CFSP budget is too little in general, as the CFSP Ambassadors have said on several occasions. And the non-proliferation part of it is not impressive either. There is nothing we can do about it for 2005, but I would recommend to everybody who has an interest in strengthening the CFSP to make sure that their wishes are taken into account when the Ministers of Finance discuss the Financial Perspectives for 2007–13.

- As for EC funding, i.e. first pillar, the Council is presently examining proposals from the Commission on new financial instruments for 2007–13—amongst others a “Stability Instrument”, which is meant to address crisis management as well as long-term stability risks for the EU, including WMD (EC/first pillar only).
- The Stability Instrument Proposal is a bit “muddy”—there is a mix of responsibilities and also problems on comitology—the Council’s Relex Committee is responsible for examination of it and highlighted some of these problems in a recent report to the Council.
- WMD activities may actually not belong in the same programme as crisis management. We need flexibility—not heavy long-term Commission programmes.
- The Stability Instrument will also not solve the multi-pillar “problem” of the WMD Strategy—perhaps it will even enhance them. It may be better to put all WMD related activities in one basket—regardless of pillars. A sort of an umbrella type “EU WMD Centre” could be one possibility.
- The CFSP budget funded activities are very fast. The Community budget funded projects may be slower. This may be due to the need for long-term planning and of the procedures applying to the management of the programmes.

Question 6: *Can the Union ensure that all its member countries participate in the various voluntary agreements helping to reduce WMD risks?*

Answer:

- In the WMD Strategy, EU Member States have committed themselves to the universalisation of non-proliferation regimes. UNSCR 1540 also includes commitments.
- All EU Member States are parties to the international instruments such as the NPT, the Additional Protocol to the IAEA Safeguards Agreement, the CWC and the BTWC.
- As for the various export control regimes, all 25 EU Member States are in the Australia Group and in the Nuclear Suppliers Group.
- As for the Wassenaar Arrangement: EU 15 is in as are the Czech Republic, Slovak Republic, Poland and Hungary. Cyprus, Estonia, Latvia, Lithuania and Malta have all applied but some non-EU Wassenaar members (US) do not support them. They question whether their export control systems are adequate. The EU position is that their export controls are in conformity with EC requirements (a Peer Review of national systems has just been carried out) and that as members of the EU Internal Market they are also potential re-exporters, even if they do not produce certain products. The EU hence supports their candidature.
- As for the Missile Technology Control Regime: EU 15, the Czech Republic, Poland and Hungary in. The rest have applied. The applicants have, however, not gained support from US and Russia. The EU supports their candidature because members of the EU Internal Market are potential re-exporters of missiles and missile technology, even if they do not produce such items themselves.
- Many EU Member States also participate in the PSI and both Poland and Denmark have hosted conferences within that framework. The Council has expressed its support to the PSI.

Question 8: *Has the European experience in dialogue with Iran over nuclear-weapon issues any lessons for the future?*

Answer:

- It shows that the EU can be an important international broker on security. EU is no longer only an economic power, but the economic power creates the basis for entering the international security scene. The EU uses its economic strength in pursuing security policy objectives.
- An important lesson for the future is that the EU must get involved at an early stage if it wants to influence an international proliferation issue. The emphasis on prevention in the EU’s WMD Strategy seems to be confirmed.
- The involvement of the EU via HR Solana in the process seems to be perceived as an important added value.
- Iran appears to be very interested in a new, more developed political relationship with the EU. The re-opening of the negotiations on the Trade and Co-operation Agreement and the parallel Political Agreement with the EU will be crucial for reaching a result with Iran.

- Finally, the experience with Iran confirms another crucial strategic element of the strategy, namely the fact that proliferation problems cannot be addressed without looking at the political and economic context: security perceptions, regional stability (in this case the Middle East and all of its aspects, including the Arab-Israeli conflict.), a country's geopolitical and economic situation, religion, history, ie the root causes of potential proliferation have to be analysed and addressed as well for an EU involvement to become successful.

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Supplementary memorandum by Dr Annalisa Giannella, Permanent Representative of the Secretary General/High Representative, General Secretariat of the Council of the EU

COVERAGE

1. *Question:* Does the proposed strategy adequately cover the ground? Are there dangerous loopholes left, or opportunities missed? Is it or should it be intended to address ways of dealing with the consequences of proliferation as well as its prevention? Is it or should it be concerned with dangers related to radiological material usable in “dirty bombs” as well as the three weapon categories customarily classified as weapons of mass destruction?

Answer: The European Council endorsed The EU Strategy against the proliferation of weapons of mass destruction in December 2003 at the same meeting at which the EU Security Strategy was agreed. It is hence not a “proposed strategy”—it is already endorsed by the EU Heads of States and Governments.

The Strategy adequately covers the ground. There would not seem to be any “dangerous loopholes” left or opportunities missed.

The Strategy is a preventive Strategy. This does not mean that the consequences of proliferation are not dealt with at EU level. As for civilian protection, the “Civilian Protection Mechanism” and the “Centre for Communicable Disease Control” provide a valuable input when it comes to civilian protection. Furthermore, the “EU Solidarity Programme on the consequences of terrorist threats and attacks” adopted by the Council in December 2004 addresses the issue (Council document 15480/04).

As for radiological material, it is indeed covered by the Strategy. A Euratom Directive adopted in December 2003 (Council Directive 2003/122/EURATOM of 22 December 2003 on the control of high-activity sealed radioactive sources and orphan sources, *Official Journal of the EU* No. L 346/57 of 31.12.2003) imposes even stricter rules in this area on the Member States of the EU than does the IAEA Code of Conduct. When it comes to concrete action, it is also worth noting that one of the IAEA Programs, which the EU supports via a Joint Action, concerns the protection of radioactive sources in Central Asia, the Balkans and Caucasus.

PRIORITIES

2. *Question:* Where are the main priorities for action within this very large field? What is most important, urgent and practicable? Is there clear focus on the areas where the EU as such can most effectively add value?

Answer: The Strategy itself already sets out the overall priorities. In concrete terms, a list of priorities for a more coherent implementation of the Strategy was established in December 2004. It was endorsed by the Council together with the obligatory six-monthly progress report on the implementation of the Strategy. The Council hence got the opportunity to be informed of the state-of-play and discuss priorities for the future. The list of priorities was made on the initiative of the PR and prepared in close consultation with the Commission, the Presidency and Member States (see also answer to question 5). It takes account of the areas where the EU can be particularly effective because of its own expertise.

INTERACTIONS

3. *Question:* How well do the strategy and the US approach to policies and programmes, such as the Proliferation Security Initiative, fit together? Are there either incompatibilities or useful complementarities?

Answer: The EU and the US have ample opportunities to discuss and co-ordinate their non-proliferation activities in the framework of various dialogue meetings. There are also staff-to-staff contacts and the EU and the US have compared notes on their respective non-proliferation assistance programmes. Furthermore, at the latest EU-US Summit, a joint statement on the commitment to fight non-proliferation was issued.

The Proliferation Security Initiative (PSI), which some EU Member States are members of and which the Council as such has expressed its support to, focuses on interdiction whereas the thrust of the EU's WMD Strategy is prevention. The Initiative and the Strategy are therefore complementary. But as the PSI moves in the direction of more focus on regulation, and not only interdiction, the already existing vast EC legislation could be very useful to the PSI.

4. *Question:* What interactions are there, and how are these to be managed, with other actors such as Russia (notably in respect of ex-Soviet materiel and know-how), China, India, Pakistan, NATO and the United Nations, and with the Group of Eight's Global Partnership initiative on WMD?

Answer: There is interaction and co-operation with all of the actors mentioned. The EU has for many years assisted Russia and a number of ex-Soviet Republics (Kazakhstan, Ukraine) financially and technically in the area of non-proliferation and disarmament (protection of sites, conversion of scientists).

India, Pakistan and China are all on the priority list of the Strategy. There have been recent joint declarations on co-operation in the non-proliferation area with China, Japan, the US and India. The EU intends in particular to assist China, India and Pakistan with the setting up of export control legislation and systems to implement it. An EU-China workshop on export control is being organised in January 2005, following which more concrete projects may follow. China has legislation, but needs more efficient implementation, for instance.

After the Kanakaskakis meeting, the EU decided on a number of programs to honour the commitments made within the G8 Global Partnership. For historical reasons, the European Commission participates in the G-8 in general. The involvement of the EU CFSP High Representative's Personal Representative on WMD in the G-8 Global Partnership would enhance efficiency and possible EU response to the Partnership even further.

As the EU Strategy by definition supports multilateralism, support to the UN Security Council and to the UN and its various agencies in charge of verification and control at the heart of the Strategy. Joint Actions in support of the IAEA and others have been adopted and are being implemented. In implementing UNSCR 1540, the EU Member States launched a joint reporting process, and prepared joint answers to the UN. The EU is also demarching and assisting other countries in complying with their reporting commitments in relation to UNSCR 1540.

With NATO, the EU has staff-to-staff contacts.

MANAGEMENT

5. *Question:* How far may resource limitations, national legal frameworks (eg affecting the framing and enforcement of export controls, or the definition of offences or of public powers), and constraints upon intelligence-sharing hamper the implementation of the strategy?

Answer: The priority list presented to the Council in December 2004 will help implement the strategy in a more focussed, coherent manner. But due to the relatively limited CFSP budget (62.5 Mio Euro in 2005), choices will inevitably have to be made. It will be important that sufficient attention be paid to non-proliferation in the 2007–13 Financial Perspectives.

As for export control, the Peer Review has been a very useful exercise and the implementation of the recommendations by the Task Force should take place immediately.

As to legal sanctions, the European Council, in light of UNSCR 1540, made a statement on criminal sanctions in June 2004. It invited the relevant Council bodies to review the appropriate political and legal instruments, including in the Justice and Home Affairs Area, in order to impose appropriate sanctions for the violation of measures preventing the proliferation of WMD and their means of delivery. In its statement, the European Council recalled the commitment Member States had made in the WMD Strategy to adopt common policies related to criminal sanctions for illegal export, brokering and smuggling of WMD related material. Further progress on criminal sanctions will require specific efforts in the area of criminal law, which is a difficult and sensitive area.

On intelligence sharing, the EU's Situation Centre offers a useful framework.

6. *Question:* What arrangements will there be for co-ordination among different EU organs concerned? and for monitoring and progress-chasing?

Answer: There is already an organisational set-up, which caters for much of the needed co-ordination among EU organs. The "Council machinery", including the relevant CODUN, CONOP and COARM Council Working Groups in which Member States, the Commission and the PR meet once a month, as well as the PSC, the Coreper and the External Affairs Council, provide for the backbone of co-ordination, monitoring and progress chasing. There are also day to day contacts between the PR's Office, the Commission, the Presidency and Member States at staff level. Likewise, there are both informal and formal contacts and meetings with the European Parliament. It is felt, however, that the implementation of the Strategy would greatly benefit from the setting up of a so-called Brussels based Council Working Group. This would imply that Member States devoted resources to keep a non-proliferation expert at permanent basis at their EU Representations in

Brussels instead of sending experts from Capitals to Brussels once a month. A permanent non-proliferation expert presence in Brussels would improve co-ordination and give Member States more influence.

As for monitoring, there is already an obligation to produce a six-monthly progress report to the Council. The report is produced collectively by the Member States, the Commission, the Presidency and the PR. The PR's Office acts as initiator and draftsman. The Progress Report is accompanied by a priority list focussing on the future. The two papers help evaluate and frame the implementation of the Strategy and serves as a basis for discussion.

24 January 2005

TUESDAY 18 JANUARY 2005

AFTERNOON

Present	Bowness, L (Chairman) Dykes, L Lea of Crondall, L	Maclennan of Rogart, L Morris of Aberavon, L
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Examination of Witnesses

Witnesses: MR MARC DEFFRENNES, MR JOHN MATTIUSI, and MR DAVID SPENCE, Non-Proliferation and Disarmament Section, European Commission—DG RELEX, examined.

Q75 Chairman: Mr Deffrennes and your colleagues, thank you very much for meeting with the Committee this afternoon. I know it has been explained to you but, for the record, we are carrying out an inquiry into the European Union Strategy on Non-Proliferation of Weapons of Mass Destruction. Since we have been in Brussels, we have talked to various people, including Dr Giannella, Mr Solana's Representative, this morning, and indeed the NATO Weapons of Mass Destruction Centre over lunch. Clearly, there are a number of issues. I think you have had notice of some of the questions we would like to raise. There will be other questions probably arising out of our other discussions we would like to put to you. Before we move on to questions, would you like first to tell us a little bit about your organisation and where you fit into the scheme of things and the relationship with other parts of the European Union, including Dr Giannella. Perhaps, at the same time, you can indicate the priorities that you have, or the Commission has, in implementing the Strategy?

Mr Deffrennes: Yes, certainly. First of all, welcome to the European Commission. We are certainly pleased about your visit here. It is a great pleasure and also an honour to be in front of such an important audience. From the Commission perspective, we most welcome the inside view you are trying to have on these things. We believe it is important that the parliaments of the Member States representing European public opinion at large try better to understand what is being done at the EU and Community level. Hopefully, this might also be looked at in the same way by other national parliaments of Member States. Having said that, I propose in a short introduction to give you, perhaps, the historical development of the non-proliferation file from an EU/European Community perspective. In fact, we can say that the Commission and the Community started to look at this issue as early as the Nineties. After the end of the Cold War you know large programmes were developed to support the former Soviet Union, in particular the Russian Federation, in the transition phase. The European Community has financed a large programme through the TACIS Programme of

technical assistance to the CIS. Within that, specific support has been provided to set up and develop the International Science and Technology Centre in Moscow and then, a little after that, the equivalent centre in Ukraine, the STCU. They now cover not only Russia and Ukraine but also all the other countries of the former Soviet Union. That is clearly a kind of target for a non-proliferation programme with the purpose of avoiding the proliferation of experts, scientists, who formerly worked on weapons of mass destruction related programmes in the former Soviet Union. The Community has built some expertise over the years in this specific field. Again, activity started on the ISTC in Russia as early as 1994 with active programmes in 1996. We have tried at Commission level to develop a kind of co-ordination mechanism to ensure that different projects within a specific field were looked at and co-ordinated with what Member States or other main donors were doing. I remember myself setting up in 1997 the first contact expert group, as it was called, for the ISTC programme on the issue of fissile material disposition, in particular weapons-grade plutonium disposition. That was a way for us in the Commission, and in the Community also, to build relations with other main contributors, in particular in this case the US and Japan, who were also active in Russia in this specific field. That is the starting point, the origin, as to how the Community and the Commission started to be involved in the issues of non-proliferation of weapons of mass destruction in the former Soviet Union. The next stage was the decision which was taken by the Council in 1999 to launch an EU Joint Action for non-proliferation and disarmament in the Russian Federation. EU joint action is a specific tool, a specific instrument, within the Common Foreign and Security Policy of the EU. I think launching that specific joint action was the first time a kind of visibility was provided from an EU perspective, from a Member State perspective, from a Council perspective. At that time, in 1999, the Council asked the Commission to implement the joint action. We did that but we did it by making sure that we were involving the experts of the Member States and the Member States themselves in the implementation of these specific

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programmes, which are by nature rather sensitive. Through the programme of the joint action on Russia, over the last five years, we have basically implemented, at a value of around €20 million, projects in two fields. One is fissile material disposition, again in particular the weapons-grade plutonium disposition. We are talking about 34 tonnes of weapons-grade plutonium coming from the disarmament process in the Russian Federation. The other main axis of activity has been chemical weapons destruction, again in the Russian Federation, where we have supported projects on three sites where chemical agents were stored. At Gorny and Kambarka we are working with the Germans and on the site of Schuschye we are specifically working with the United Kingdom and the United Kingdom organisation the MoD is involved on their side also on the bilateral relations and bilateral activities with the Russians. That was 1999. The next stage in this historical development was the Kananaski Summit of the G8 in June 2002 where the Community committed €1 billion over a period of 10 years to foster co-operative programmes—non-proliferation, disarmament, weapons of mass destruction—again with the former Soviet Union, first with an accent on Russia but then, at later stage, to cover the full range of the countries of the former Soviet Union. Basically there we have committed €1 billion for a period of 10 years. Certainly the other G8 members, including the United Kingdom, have also committed important amounts of money for this endeavour. We are now in the process, year after year, of implementing this commitment and the various programmes. I have here with me a table which I have developed for the specific group of the G8, those countries which are following the implementation of the global partnership, which gives commitments and spending from the Community budget for the fulfilment of the objective of the G8 global partnership. We can come back to that at a later stage if there are specific questions or if we want to enter further into the detail. The important thing to keep in mind here is that today, if we look to the fulfilment of the commitment from the Community side, we are more than fulfilling our commitment if we include in that fulfilment also our standard activities to improve nuclear safety in the former Soviet Union, the wide range of activities to improve nuclear safety. If we focus specifically on non-proliferation and disarmament of weapons of mass destruction, then we are basically providing around €40 million a year specifically for non-proliferation disarmament. Within this €40 million, we continue to contribute to the non-proliferation of expertise, which is ISTC/STCU; we are contributing to safeguards of nuclear materials, in particular in Russia; we are

contributing to nuclear security improvement in north-west Russia. We are also contributing through the joint action, which is part of this endeavour, to chemical weapons destruction and to plutonium disposition. All in all, the figure is €40 million a year. That means that the reading you could get from these figures is that we are somewhat below the commitment we had made of €1 billion over 10 years, which is €100 million a year. It depends from what angle you look at this and whether or not you integrate the full spectrum of nuclear safety activities, which was indeed included in the wording of Kananaski but, nevertheless, it is a global partnership against the proliferation of weapons of mass destruction. The next stage in the process is June 2003 when the Council of the European Union adopted its Action Plan of Thassaloniki, which was the first time the issue of non-proliferation of weapons of mass destruction was raised to the highest level of political decision at EU level. The Action Plan of Thassaloniki was drafted jointly by the Council Secretariat—and in April/May 2003 there were very few people working at the Council on these matters—and also with myself and a few colleagues on the Commission side. The Action Plan of Thassaloniki is really a joint product from the Council Secretariat under the leadership of the Greek Presidency at that time and the Commission. Within 2003 two other main events have demonstrated the importance that non-proliferation had taken politically from an EU perspective. First of all, clearly there was the nomination of Mme Giannella as the Personal Representative of the High Representative in charge of non-proliferation and disarmament of weapons of mass destruction; the second important event was the adoption, in December 2003 by the Council of the EU Strategy against the Proliferation of Weapons of Mass Destruction. That is the evolution of the file. It started at a low level with a few projects handled through regular and standard funds and the means of the European Community. This allowed us in the Commission to build different pieces together to acquire a certain view, to establish contacts and relations with other main actors, in particular the US side and certainly also the Member States, and to build the different blocks. The file has taken a higher profile politically at EU level, in particular as a result of the tragic events of 11 September 2001, but it took a while after that before the profile really came on board at EU level, which was within 2003. Where are we today from a Commission perspective? Throughout the year 2004 we have actively contributed to the implementation of the WMD strategy. We are prepared to come back to that with more details. We have been very actively involved with the file on export control of dual-use goods. We have been really a driving force

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beyond the peer review process which has been engaged at EU level to look to recommendations to improve the export control of sensitive materials. We are also deeply involved in discussions and negotiations of agreements with third countries, which now, as you certainly know, will also include in future a clause related to weapons of mass destruction. Another main area in which we are deeply involved is with continued co-operation and assistance programmes, and in the year 2005 that will be, from the Commission perspective, our main target and objective. We want now to concentrate on trying to ensure that over the medium to long-term perspective, which means in the next budget cycle, the period 2007–13, there will be financing means available for activities and programmes to foster co-operation assistance on non-proliferation and disarmament with third countries. That is one of the main elements and lessons we have learnt from the past. That political visibility has been raised but it is always very hard to follow up with practical cases, practical projects and programmes, because up to now that was not really foreseen within the budgets of the Community. We want to try to avoid this type of problem in future. We are now starting the work, within 2005, to lay the ground for the next financial instruments in order to prepare the programming for that. We will run with one particular case. Before this meeting there was a prep meeting with other people in this room to start work on that. Thanks to the efforts of the European Parliament, we are paying for a scoping study, which will be done by a well-known institute, SIPRI, the Swedish international peace research institute. They will do a scoping study to help us to define an area of priorities for further EU and Community programmes and projects that we will then use to do the programming and to justify the requests we will have for budgets over the period 2007–2013. I come back to what I said previously and that is to fulfil completely the commitments we have taken on within the G8 global partnership at Kananaski in 2002.

Chairman: Thank you very much.

Q76 Lord MacLennan of Rogart: Mr Deffrennes, you were kind enough to say at the very beginning that you welcomed the national scrutiny. I have to say that I am quite surprised at how difficult it is to scrutinise what is going on. This is because it appears that one proposal at Thessaloniki has not actually been implemented, and that is the very last proposal that was made to set up a unit which would function as a monitoring centre—and I see your colleague smiling broadly—entrusted with the monitoring of the consistent application of the EU strategy and the collection of information and intelligence in liaison with the situation centre. This

would be set up by the Council Secretariat and fully associate the Commission. You said the work that was done on the strategy was very much, and I think your words were, a joint action by the Council and the Commission. So I presume that you were fully engaged in that proposal. It was reported 18 months later that it had not happened. It is now two years since this decision was taken, even if you do not include its trailing at Thessaloniki. It still does not appear to have happened. When we talked with Mme Giannella about it this morning I have to say it was not entirely clear to me why it had not happened, whether, as might have been a possible implication, it had not happened because of certain difficulties between the Commission and the Council, or whether the Council has such a restrained budget and we understand certainly a reduced budget this year that it cannot give this development any kind of priority. I am puzzled because it seems to me that if the outside world is to look at what is going on and to consider whether your performance indicators and maybe your prioritising are right, it would have been hugely assisted by that recommendation being implemented. I am personally very grateful for your explanation and your priorities about what is happening and so forth but we are quite a bit down the line and it is hard for us to judge, for example, whether the money that has been devoted to a Russian project of chemical weapons and other Russian projects which you referred to is actually giving us value for money. We do not have this sufficiently in the public domain. I am sorry to concentrate right at the beginning on something that may seem to you a secondary issue, which is communication, but it seems to me a pretty primary issue in terms of maintaining international European support for what is going on. As we have also understood, there are not all that many member countries of the Union who really care about this particular issue. It is important that more than three actually feel charged up by the successes that you have to report.

Mr Deffrennes: There are two aspects to your question. One is the issue of co-ordination of the implementation within the European institutions. The other is the issue of transparency and information for the outside world if we talk about the European institutions. Coming back to where you started, which is the issue of this monitoring centre, indeed, as I have told you, I have myself been directly involved in drafting of the recommendations for Thessaloniki with colleagues in the Secretariat. That was prior to the time when Mme Giannella was appointed Personal Representative for these matters. I think what we had in mind at our working level when we developed the initial ideas—and I must say that in the first draft maybe it was not “monitoring

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standards” which was used, we used another word for that which somewhere was changed in the adoption process of the documents—was that we wanted to have a kind of joint mechanism for the implementation of this strategy. We were convinced, both at the level of my colleagues in the Secretariat and ourselves at our level in the Commission, of the kind of double dimension to the issue. It is clearly a very political dimension with a clear decision-making process by the Member States through the Council mechanism. On the other side, there is longstanding expertise and there are specific Community competencies which might be affected by these different issues, plus all the budget aspects coming from the Community Budget anyway—even this year this budget is a Community budget—where the Commission has both the expertise, the experience and a central role in terms of the implementation. We were convinced of the importance of having a kind of joint implementation structure. That is the origin of what then became after that the monitoring centre. Today we are working very closely with colleagues in the Secretariat and the Office of the Personal Representative. It is clear that things are changing. As you know very well, the Commission is looking at the process to be adopted, as we will probably see. This will lead to a new structure where a foreign minister will be in charge of foreign affairs and external relations. He will also be the Vice President of the Commission and in charge of the DGs for external relations at that time. All that will then be merged together within one structure. That is not yet the case today, which means that we need to have this type of co-ordination on a regular basis. It is not always easy. Indeed, clearly we still have the two structures, so we need to reinforce this co-ordination. It would be better to have a unique structure which will cover the various aspects. I am talking here on a personal basis. In terms of transparency and information, you are probably right that we should improve our information process in these specific matters. I must say that it is also a matter of capacity and manpower. You referred to the very limited means of the Personal Representative. Nevertheless, there are 10 persons working for her. If you look to the equivalent in the Commission, we are one or two people, in fact one and a half, myself and half of the time of John Mattiussi, in charge specifically of the dossier of non-proliferation and disarmament of weapons of mass destruction. Again, you can have different readings of that. You could also say, “Yes, but there are so many other people looking at this issue inside the Commission”, and that is true. We have all the budget people who are looking to the budget and financial aspects of the programmes; you have our DG energy people who are looking to the safeguard issues through the Euratom Treaty, et cetera; you have all the desk officials of DG

RELEX—the person in charge of Pakistan, the person in charge of Syria, the person in charge of Iran—who are looking at these non-proliferation issues. This requires even more co-ordination effort if you want to look at it from a demotic perspective and point of view as to what are trying to do where we are in the Commission system. We are spending a lot of effort and time inside our system. We should clearly improve, and I agree with you, the communication. Nevertheless, I want to say that for that specific purpose of transparency and communication, we specifically organised two years ago, in November 2003 in Strasbourg, an inter-parliamentary conference to which we invited the members of the European Parliament but also representatives of the parliaments of the various Member States. We explained what we were doing and what we intended to do within the framework of the G8 Global Partnership but also at a wider level. At that time, Mme Giannella was already in place, so she was also certainly invited to participate, and she contributed with a presentation. We have tried to do things. We also have this type of information that we have assembled through the G8 Global Partnership mechanism, which is open and public, as was decided within the G8 framework. I certainly take your point and I must say that we should improve our communication, transparency and information to people outside.

Q77 Lord MacLennan of Rogart: May I just very shortly ask: who is blocking the setting up of the unit or has a formal decision been taken to postpone this until the implementation of the Constitution because we understood that this unit was not requiring the constitutional changes to set it up; it was envisaged years ago. Frankly, if it existed, it would be far better than a one-off conference with parliamentarians every however many years to bring us up to speed. This would be something that was actually delivering on a regular basis the information and intelligence in liaison with the Situation Centre. If we had that, we would then be in a position to act as your mouthpieces, as your spokesmen, because the information would be there. It seems to me an extraordinary thing that that was foreseen as being necessary and now it has just gone into the sands.

Mr Deffrennes: I do not think there has been a decision not to set it up. The only point is that it has not been seen to date as a priority in the implementation of the Strategy on WMD.

Q78 Lord MacLennan of Rogart: By whom? The Council has repeatedly said, “Why has it not happened?” in their reports on the progress. Who says it is not important?

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Mr Deffrennes: Again, I do not think that we can say one person has said it is not important or we do not want to have it put in place. It has not been put in place because at this stage I have not seen a real discussion taking place on the mechanism and the structure to set it in place. At least from the Commission side there has not been a blocking. There has not been any formal discussion on that up to now, so there is no blocking mechanism inside the Commission not to set up that monitoring centre. Specifically in terms of its monitoring role, what is a little more difficult is indeed the setting up of a joint structure to implement the strategy because for that the upcoming evolution in the framework of the Constitution is certainly an element and we are looking at priorities.

Q79 Chairman: I think I understand broadly in terms as to why because we sort of go round in circles. Lord MacLennan has quoted to you from the Thassaloniki Council but the most recent monitoring paper that we have—I know there is another one in December but the one from last June—actually talked about the issues, scope, mission and possible modalities of a monitoring centre being still to be considered on the basis of a paper established by the Office of the Personal Representative. That would suggest that the initiative rests there, and then we were told this morning that of course she could not get it. I think this is the basis of the question: whose fault is it?

Mr Deffrennes: I would not say it is the fault of the Personal Representative but it is clear that these updates go back to the Strategy and each point of the Strategy. The wording is related to the wording of the Strategy. The first draft on these reports is now provided by the Office of the Personal Representative. Clearly, when we see that type of wording, on my side I am certainly for an input from the Commission side and that is written in the report. Again, there is no antagonism between the Personal Representative or the Council Secretariat and the Commission on that. It is just a matter which today has not been discussed.

Q80 Lord Dykes: Obviously the overall architecture and structure of this is still in its infancy and therefore we must make allowances for that and allow time for it to develop. When a number of institutions are swirling around each other anyway, it does make understandably for institutional delays. I think Lord MacLennan put his finger on a number of weaknesses which are of concern to us all during this meeting. Could I come back to the question of funding because it does seem to me that both in respect of particular attributions and certain sectors, there is a very modest amount of money in play. Then, when you take the larger global amount,

as you cited, the large amount agreed for a 10 year period for these operations in Russia, that does seem to be a much more substantial amount of money, but then one learns subsequently that the releases of course are much less than the actual original appropriations. Again, that happens with the budget process in many areas, so it is not necessarily something to be too alarmist about but it does cause some concern. Coming to one specific example, I believe there is still a delay and a dispute about the chemical weapons approach, the allocations to that organisation, OPCW, and that is a terribly small amount of money to deal with all the global interests coming from the European Union. Can you say anything more about that and can you let your hair down a bit, to use an English phrase, and talk frankly about your frustrations about the lack of adequate funding for these new programmes?

Mr Deffrennes: First of all, on the specific question related to the financial support to the OPCW, this issue is now solved. The financing agreement between the Commission and OPCW was signed at the end of last year, 2004, and now the discussions are going on. In fact, it is now the OPCD that has to propose areas of action within the general terms of reference which were agreed. That issue is solved. The reason why there was a delay here, as is the case and might be the case in future, is related to the discrepancy between a political will to do something with an organisation or with a country in a specific field on the one side and, on the other side, I would say that because of the restrictions arising from the financial procedures not every type of project can be financed in any type of organisation. For example, if you go back to the Russian programme for chemical weapon destruction, the easiest way would be to go to the Russians and say, “You need how much? €100 million. Here is €100 million. Spend it.” That money would be in the Russians’ hands, but then you have no control. That too is not acceptable. As Commission officials sometimes we have to live with great frustrations because we have heavy procedures which have to be respected. One lesson learnt for the future may be that when we develop a programme or an idea for a project or a programme with a third country or with a third organisation, it is important that at the same time as we develop the political ID for the scope of the project, we also look at the feasibility of it from a procedural point of view. In the case of OPCW, the programme came from there, and so it was a political decision: we want to do something with OPCW. Then the people come back and say, “Now you just implement it”. No, it does not work like that because we cannot just implement it; it takes time and it is expensive and we need to sign a financing agreement. In terms of the overall financial allocations, indeed the

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budget side of this is working over a period of five years, or in this case seven years. We are still today within 2002–06. All this programming is done at the beginning of the cycle and after that it is very difficult to change the priorities, except if there is a priority, for example like the reconstruction of Iraq or the tsunami or stuff like that when it is still possible to have a kind of reallocation of budgets. In the budget cycle which started in 2002, which means the programming was done in 2001, this issue of non-proliferation and disarmament was not at all a priority at that time at EU level. Prior to Thessaloniki, the issue of weapons of mass destruction was not a priority, either in the Council, the Parliament or the European Commission. There were some programmes here and there but it was not a priority. It only became a priority in 2003. Again, we cannot change things like that. It is a permanent frustration for the Council and for the Member States in the Committee on Non-Proliferation, the CONOP and in the Committee on Disarmament, the CODUN, to have to say, “As the EU, we would like to have action here”, or “Can the Commission do something there?” No, we cannot, because we did not foresee it. That is why from our side this year and next year we consider that our priority is to focus on that and to prepare the ground for 2007–13 to try to ensure that we will have the financing means available. That is not easy to do. It is also not easy inside the Community system or even inside the Commission system because all that is also a matter of priority. As you know, there are also discussions in other frameworks within the overall Community budget. Will it be 1 per cent, will it be 1.24 per cent, will it be 1.13 per cent on average, et cetera? I will not say more about that. It is clear that after that this leads to a need to define priorities. When you talk to my colleagues in other areas, they will certainly consider that their area is the area of priority and that most of the focus should continue to be given there. It is really a matter of defining the priorities. That why again what we want to do in our unit this year is that scoping study in order to have a very sound and in-depth analysis and justification for our request to justify the priorities that we see there. In the end, in 2006, it will still be a decision by the Council and the Parliament to approve the request for budgets by the Commission. That is what we are trying to do but it is a hard task looking to the future.

Q81 Lord Lea of Crondall: When we met NATO, and obviously they are closer to the world intelligence community I guess than you are but my question is about intelligence, we started with a bit of a discussion about how far you would worry if you were on Mars and looking at the earth. Would you say that the biggest worry for Member States

should be about states like North Korea, states like Iran, states actually or quasi states or non-state actors? Where should the worry now be focused? The UN Panel says a little bit about this but they are expressing some alarm. Of course I think you are, in conjunction with Mme Giannella, drawing up some commentary on the UN Panel leading up to this conference in May. Could you comment on where you get your intelligence from? Presumably someone is looking at trade in illegal weapons, or illegal trade in weapons, whichever way you like to put it. Can you tell me how you get information and where from?

Mr Deffrennes: You are right to point to the fact that in the Commission we do not have access to intelligence information. That is clear. The Council has some access to intelligence information through citizens and other sources more than we have in the Commission. I explained to you at the beginning how we entered into this area of non-proliferation. We have concentrated in the past on a certain number of projects which may not be focusing one hundred per cent on the weapons themselves but which are critical in supporting non-proliferation and the disarmament process of these weapons. In terms of infrastructure projects, for example, we give support to the Suchi site with the United Kingdom MoD in particular in supplying an electricity transformer, which will supply the destruction facility. Electricity is a critical element. If you do not have that, the destruction plant cannot run. This does not touch the weapons themselves. There is an area there for Commission/Community activity which is not seen as too sensitive from the perspective of the Council or the Member States. That is why we want to do a scoping study this year. Up to now, we have been pushed a bit to the back and we have being told we should do this or that. We have been asked why we do not start a project here or there. With the scoping study we want to make up a bit of distance this year to prepare the ground for 2007–13 when we hope to have serious budgets available and to take an objective look. We will start to do a kind of threat analysis by discussing this with the Member States and the Office of the Personal Representative. From there, we will define possible priorities for action. There is no doubt that today from a non-proliferation perspective, both DPRK and Iran are very critical files. It is not certain how far a Community programme can really help today directly in Iran when it touches the issue of the potential weapons of Iran. Certainly there are all the other aspects like economic support and the trade and co-operation agreement which is in negotiation between the Commission and the Iranians where things can be done. It is also clear for non-state actors that if they co-operate on non-proliferation and weapons of

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mass destruction—and we are talking about potential CBRN terrorism—that is also an area where things have to be done. There are so many things to do and so many priorities that certainly we deserve to take a further look at the issue of what we want to do within the year 2005. Nevertheless, I would also like to say here that it is important when a decision is taken that something is important and a programme is started to keep on going and to implement it up to its end and not to change priorities every year. There are various good reasons to change a priority. In particular, we have started to work with the Russian Federation. There are large amounts of stocks of weapons related to materials which are still there. A continued, long-term operation is required to secure and get rid of these materials. Even if you have important priorities like Iran, DPRK, et cetera, which may be more political priorities which need to be handled politically first of all, when we talk about big assistance programmes, we should certainly not forget to continue to work on what we have already launched which deserves a long-term operation.

Mr Mattiussi: May I add a couple of points? Obviously you realise that the Commission does not work in isolation. We are just one part of the overall machinery. We are trying to fulfil the aims of the European Security Strategy, which identifies WMD proliferation as a major risk. It also identifies terrorism as a major risk and the combination of the two as potentially very serious. That is Member States setting the objectives. We are fitting into that. Marc Deffrennes has led a lot of work on the G8 Kananaski Agreement. The agenda is being set at the world level and the Commission is playing a role. We support the work of the UN on multilateralism, so there are UN activities. We know the Commission has done a lot of work to support the UN SCR1540. Whilst we do not at the moment have the same sort of intelligence background that NATO does, the situation centre is coming on-line and there is growth of intelligence data. We do have a lot of indicators that are pushing us in that direction, and we are not working isolation on any of this; we are fitting into overall UN, G8, European objectives.

Lord Lea of Crodall: I would say that is fair comment. Thank you.

Q82 Lord Morris of Aberavon: You have just mentioned not working in isolation. Could you tell us what is the relationship at your level with your opposite numbers in NATO and the WMD Centre? How often do you meet and are there any difficulties in keeping in touch, agreeing meetings and agendas?

Mr Deffrennes: I am afraid the answer will not be very satisfactory to you. We have very few relations with NATO. This is not really on purpose but just

because it has happened like that. We meet them from time to time during outside events, conferences and seminars. From time to time, we have an informal meeting—and it is not very frequently—with them at working level, with Ted Whiteside. That is an area where, clearly, we should improve in future. Through our scoping study, we also want to have discussions with them, with other organisations too but with NATO in particular, to see what they are doing and how best we can co-ordinate the actions that they have and we have. John Mattiussi knows better than I because he has worked with NATO for a while. I do not think we are really competing in terms of the nature of the projects they are handling and we are handling. Certainly, this deserves better contacts at least, if not co-ordination, in future.

Q83 Lord Morris of Aberavon: Is it policy not to work together?

Mr Deffrennes: It is not policy not to work together. It is has just happened that way. It is a matter of prudence, in a way, but it is not a formal policy not to work with them. There are close relationships between the European Union and the Council, the Political and Security Committee in particular, and the NATO committees. There are exchanges in these areas but at working level, up to now it has not happened.

Q84 Lord Morris of Aberavon: When did you last meet at working level?

Mr Deffrennes: One year and a half ago at the meeting at the Council.

Mr Mattiussi: It may be less and that may time be for the Commission. I think perhaps the Council has met with them more recently. NATO has not, to my knowledge, asked for any meetings. I can give the perspective. I worked in the United Kingdom Delegation to NATO and was responsible in the United Kingdom Delegation for non-proliferation. There are two issues here. Are we in the same business and what are the overlaps? There are overlaps. When I was involved in non-proliferation for NATO, a lot of the priorities were on protecting NATO forces against proliferation threats, the ability of troops to fight in WMD environments. There were also detection abilities and, after 9/11, the terrorism threat was looked at. NATO is not in the business of risk reduction. NATO has no funds. The G8 do not go to NATO. They are not invited to G8 meetings and the Commission is. The Commission is invited to G8 meetings because the Commission brings assistance. It can access and deliver money on risk-reduction activities. The second part of the question is asking if there are institutional problems. Sometimes there are institutional problems between NATO and the EU,

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and there is no point in trying to hide it, but my experience is that most of those problems actually originate in NATO and that sometimes the WMD Centre has got into trouble for talking to the EU. These are not problems so much with the institutions but some delegations in NATO sometimes block NATO talking to the EU. It can happen both ways but our experience over the recent years is that the problems have been more with the NATO side than with the EU side.

Q85 Lord Dykes: Incidentally, and as a small supplementary to that, is it an inhibiting factor that there are four members of the EU who are not members of NATO? Do they discourage contacts? They probably do not.

Mr Deffrennes: They do not do so at working level.

Mr Mattiussi: That does not happen at working level but under the Berlin Plus arrangements there are security problems. On the ESDP side certain nations have been excluded from meetings.

Q86 Lord Dykes: At the practical working level there is no problem?

Mr Mattiussi: There is no problem at all.

Q87 Lord Morris of Aberavon: Could I just complete my questions? Recognising that you are in different businesses, as you described, and there is a difference in the membership, would you welcome a closer association at your level with your counterparts in NATO? How do you suggest, if you would welcome it, that could be achieved? Who could achieve it?

Mr Deffrennes: I certainly would have no objection. This is what I was trying to say when I said that we were not playing on the same ground, and John Mattiussi also said that. Our understanding today is that the way NATO approaches an issue and the way we in the Community and the Commission in particular approach an issue are different. We are looking to assistance programmes, to Russia, et cetera, and they are looking at it from the perspective given by John Mattiussi. Up to now, we have not felt the need really to have regular exchanges with NATO because we need co-ordination. Having said this, that is probably one thing we will look at in future, and again the scoping study we are going to do will look at the issue of NATO. NATO will be visited. Out of that scoping study we will also be able to determine if, in the future, there will be further interest in having these types of exchanges. Certainly, I think at working level we can just decide it ourselves. If we need to have these types of exchanges, to have a better view and better co-ordination, it is our duty and responsibility to make the best out of it. NATO and our people can certainly set up this type of informal

exchange meeting. If it needs to be formalised at a later stage, we will see if there is any interest in doing that and how that happens, but from tomorrow if there is such a need or interest, we can certainly establish a relationship at working level with them. *Mr Mattiussi:* To add to what Marc has said, in the meeting we had earlier, and this goes back to the intelligence point, there was recognition that one area where NATO is way ahead of us at the moment is in terms of threat assessments, both in the states and in equipment. In the discussion we had in our previous meeting and the scoping study on what we should aim our priorities, Marc Deffrennes, encouraged our researchers to contact NATO to see if the EU might gain access to some of that threat information. That is a practical example of where we have actually initiated work and steps to try to talk to NATO.

Q88 Lord Morris of Aberavon: What became of the initiative?

Mr Mattiussi: It was only an hour ago you gave the order, so we do not know.

Mr Deffrennes: That happened earlier today and we were preparing the scoping study.

Q89 Lord Morris of Aberavon: Why could it not have happened earlier?

Mr Deffrennes: There are so many things to do in a day!

Q90 Lord Morris of Aberavon: I am not talking about a day but in a year and a half?

Mr Deffrennes: Even at that.

Mr Spence: May I make two points, one on reinforcement and one on a different point? Mr Deffrennes is a very modest man. In some of the questions you are asking, I think the answer he would not give, because he is too modest, is that he is the only Commission official doing it. Part of your answer is that if he had a team, if he had the unit that was recommended, and you saw the recommendation for that, it probably would be done. He is on his own and that is part of the answer. The second thing is, and I have partly to disagree with my colleagues in terms of relations with NATO, that I have personally been reprimanded for having relations with NATO because the Commission is not supposed to do that—and this is not by the Commission but by a Member State. I think this may not be the case in the area that Mr Deffrennes is talking about but certainly we do have a history of reticence on the side of certain Member States for the Commission to have direct relations with NATO as an organisation.

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Q91 Lord Maclean of Rogart: You have mentioned work is being done on the response to the High Level Panel's recommendations on the Non-Proliferation Review Conference. Is there a prospect that the Union will be able to speak with one voice on any of these recommendations in a manner which will lend real weight to them? The High Level Panel's report was quite worrying and concerning. They saw that these weapons are underlying a very serious threat. What I have rather taken from the discussion is that, for entirely understandable reasons, not least the low priority being given to it by member countries, this is a programme which has been spread over a number of years and gradually developed as the budget allows and so on, but here we have a direct challenge to do something and some of it may not cost anything, like the proposal that the Security Council should be required to issue warnings to countries or at least to respond to countries that have used nuclear or other weapons. I have asked people how this response is going to be put together and if it is too low a priority for the Member Countries. Is the European Union not a forum where even like-minded people can actually distil their agreements and present them together in an impressive fashion, because that would lend enormous weight to these things if that were to happen.

Mr Deffrennes: I think there will be one response from the EU to the UN Secretary General on that report. It will also be a unique EU response which will embrace all aspects covered by the report where, as you know very well, on proliferation of weapons of mass destruction there is only one element. That will be co-ordinated through the Council group in the UN. There is a committee on relations with the UN. That group has been charged to provide, through the presidency, the formal EU response to the UN Secretary General. The input into that reply on the non-proliferation side is provided by the groups on non-proliferation and disarmament, so again there are two groups there providing their inputs. I must say that the time line is very challenging because basically the expectation is to have the group on UN discussing at the end of this month, which means that the other group should have met earlier and discussed this in detail and provided their concerted and consensus views on it. I think it will end up with a very general and light feedback. There will be feedback which will include non-proliferation issues but it will not be an in-depth analysis and review of the report. One of the elements which will be mentioned, for example, is that much focus should be put on the nuclear side; there should perhaps be more focus placed on the biological side, compliance, verification, et cetera. That is one of the elements. There should also perhaps be more mention of the UN Security

Council 1540 within the UN report. That is mentioned but it is not focused on much. That is a very important resolution which has been taken. If you really focus now on the Commission input into that report, again I think the input is channelled through our desk in charge of multilateral relations and in particular relations with the UN that will then provide from the Commission the Commission input into the EU report. It will not appear as a Commission input to the Secretary General but as an input from the Commission into the EU report to the Secretary General. We are at an even lower level. We might also provide input from our perspectives on that. Let us be frank, due to the lack of resources and the important task we have in future of preparing the financial instruments, et cetera, from my personal perspective, I would like to have more time to look into the report, to make contacts and provide written input, et cetera, but we really do not have the time and resources to do that. That is one of the programmes from a Commission perspective. When you look to the non-proliferation and disarmament issue as a theme, the fact is that it really starts from inside the Commission, then it goes all over the system. The UN desk is looking at some of these aspects. The Iran desk is looking at another programme. Our financial people are looking at the implementation of the programmes. We try to have overall co-ordination. I have not mentioned the other DGs. DG Trade is looking at the issue of export control and the dual-use regulation for export control, et cetera. We have tried very hard in the Commission to convince our system of the need to have at least a core or minimum group of people to focus on the theme of non-proliferation and disarmament and yet still do the co-ordination. We have not been successful from that perspective. It still very much diluted and we have a lot of work to do on co-ordination, in addition to all the rest of the work.

Q92 Lord Lea of Crondall: I have a brief supplementary on that. You mentioned the time line. I am beginning to think that I have not understood it properly but we have not had the time either in doing our little study to go to Geneva, Vienna, and The Hague, Buenos Aires or wherever else everybody operates from. There is clearly a global picture in the United Nations. You have mentioned this Review Conference, which is in May, but the UN Panel had a chapter on weapons of mass destruction as part of the review of the United Nations, which goes to another conference in September. Presumably, the United Nations' machinery grinds forward with its own logic towards September and then to the General Assembly in some way in the autumn as well as feeding back from this Review Conference, which will

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not draw up a new treaty, in May. Can you say a bit more about the time line? Clearly there is a time line of a few days to start to get your committee to look at a preliminary draft reply. Will not some of this grind on until the autumn, and with what sort of thing—a new treaty possibility? What sort of thing are we talking about later in the year?

Mr Mattiussi: Am I right that you are breaking out the NPT Review Conference, and that is being discussed separately in the EU?

Q93 Lord Lea of Crondall: Yes. What is the outcome of the NPT Review Conference? What sort of output are people generally expecting it will recommend to somebody else? The NPT Review Conference cannot make the decisions.

Mr Mattiussi: Where we are at the moment is that the EU is deciding on what its position as the EU will be at the Review Conference.

Q94 Lord Lea of Crondall: A minor feed into that is that by February someone is drawing up a comment on the Panel chapter on weapons of mass destruction. Both of these things are going in a time line which leads to the NPT Review Conference in May. I am just asking if I have understood all this. Then there is the process of the UN review going to New York in September.

Mr Deffrennes: That is another story.

Q95 Lord Lea of Crondall: It is not another story in the sense that anything which is a treaty change would have to go to a higher level of the United Nations Treaty.

Mr Deffrennes: Unless I have misunderstood something, I do not think there will be a treaty change. There will be no change of the NPT. The NPT is what it is. This is a Review Conference on the NPT, which will be a very interesting and difficult one.

Q96 Lord Lea of Crondall: What if somebody wanted to say, as the UN Panel have said, that the powers should be taken, by treaty presumably, to say that every Member State should agree to respond by not using nuclear weapons against a non-nuclear weapons state, or something like that? I do not know what the legal and juridical basis of some of these agreements would be. Presumably it is not the end of the game when you get to an NPT Review Conference?

Mr Deffrennes: For the NPT, and also for relations with the UN, it is clear that the Member States at this stage want to keep all their freedom in terms of their position within these frameworks. Nevertheless, work is going on in the Committee on Non-Proliferation and in particular to prepare to try

to go as far as possible in terms of defining a European Union common approach, maybe a common position or an opinion on the common approach, and certainly a declaration within these international frameworks. It is also clear, if you talk about the NPT in particular, that there will not be one hundred per cent consensus on the various aspects covered by the NPT. That is clearly the case. Since there is not one hundred per cent consensus, clearly again once more the Member States want to keep their own freedom and flexibility within these frameworks. There the role of the EU and certainly of the Community is looking more to progress which can be made globally by the Member States together. This is more a question, I would say frankly, for the Council than for the Commission.

Q97 Chairman: Mr Deffrennes, can I as a boring chairman come back to the rather more mundane situation, the issue of Russia? You have pointed out that it is a big part of the work, certainly in financial terms. We were told informally somewhere else while we have been here that really everybody was too patient with Russia. We seem to hear criticisms about the EU's programme, that they cannot get their act together and they cannot spend the money. How much is this actually down to Russia's default in terms of co-operating and are we actually getting real progress for the money we spend?

Mr Deffrennes: It is clear that, first of all, we should not hide, and clearly there is heaviness on our side. Perhaps some of my colleagues would not like me to say that too loudly, but it is a fact. We have heavy procedures, heavy bureaucracy, and it takes time between a decision-making process to run a programme or a project, the start of implementation, and the end of implementation. All that is very long and heavy. I can give you just one example. I organised a seminar in November 2002 in Moscow to launch the idea of a project on the export control of dual-use goods with the Russians. For different reasons, which I will not detail here but they are all good reasons, the project will start at the earliest at the end of 2005. That is three years between the seminar to launch the process for dialogue with the Russians and the start of the project, let alone the end. That is just one example. That is not just the Commissions' fault. That is about the heaviness of the procedures and the bureaucracy. This comes about because there is a very strong desire for scrutiny, audit, verification and monitoring, and that is imposed by the Member States on the Community system. We too are suffering from that. Certainly you need verification, audits, et cetera, but then sometimes this enters the situation of what the priority is. Is the priority the implementation of a programme or is the priority

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respect for the procedures? That is one thing. On the other side, it is also true that working with the Russians is very hard. I have been working with them since 1992. I was in Moscow for the first time in February 1992 for the first TACIS programme on nuclear safety. It is as difficult today basically as it was at that time because they have their own priorities. They want to get as much benefit and as much money as possible out of the programmes. We see that in the programmes in which they themselves have a direct interest or a direct responsibility, these programmes are progressing reasonably well. If you are not on their lines of priority, then they will still find a way to get you money but it will take a long time and you are not very sure of the effectiveness of the implementation. One lesson learnt is to make sure that when you devise a programme with them, it is a programme which is important for them as well and ideally a programme where they themselves are putting in quite a lot of money.

Q98 Chairman: Are you suggesting, in the case of those programmes where they are not particularly interested, that some of the money might end up not particularly in someone's pocket but actually financing something different from the project?

Mr Deffrennes: No, because you still have a verification mechanism. When you have this type of programme you can still do monitoring and there are still the auditing processes, et cetera. What you have said certainly happens sometimes, that is clear, but in general you can certainly verify. In terms of progress, in terms of efficiency, that is certainly impeded if you have such situations.

Q99 Chairman: I fear that is the end of our time.

Mr Deffrennes: My colleagues and I in the Commission are certainly at your disposal for further meetings if you need them.

Chairman: Thank you very much for the time that you have given us.

THURSDAY 27 JANUARY 2005

Present	Bowness, L (Chairman) Boyce, L Dykes, L King of Bridgwater, L	Lea of Crondall, L Morris of Aberavon, L Tomlinson, L
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Examination of Witness

Witness: DR GARY SAMORE, Director of Studies, International Institute for Strategic Studies, examined.

Q100 Chairman: Dr Samore, good morning. Welcome, and thank you for coming. I hope you have recovered from your previous week's illness.

Dr Samore: Thankfully, I have.

Q101 Chairman: As you know, and forgive me for emphasising this just for the record, this is a Sub-Committee of the European Union Select Committee of the House of Lords. We are carrying out an inquiry into the European Union strategy on non-proliferation of weapons of mass destruction. As you know, we have a number of questions. Before we move to the questions would you like to make an opening statement?

Dr Samore: Thank you, Mr Chairman. It is quite an honour to have an opportunity to testify before the Sub-Committee. I would like to make a very brief statement. As you go about your work, I would recommend that by far the single most important issue facing the Europeans in the non-proliferation area are the current EU3 negotiations that are going on with Iran. If those negotiations succeed, it will do far more to strengthen the regime and prevent the spread of nuclear weapons than any other single measure I can think of. So far, the EU has played its hand pretty well, I think: threatening referral to the Security Council if Iran does not suspend its fuel-cycle activities; and at the same time offering modest political and economic inducements if Iran will agree to abandon those activities. My guess is that right now Tehran is undecided about which course of action to take. On the one hand, they would clearly prefer to complete their nuclear weapons option, which they have been working on for nearly two decades now, but on the other hand I think they are quite reluctant to risk a confrontation with the big powers at the UN Security Council. Therefore, there is still room to try to influence calculations in Tehran, and I would recommend that the EU look at ways to strengthen their negotiating position in the coming months. That means strengthening both sticks and carrots. On the sticks side, the EU is in a very strong position to try to get agreement among the UN Security Council members on a resolution that would require Iran to restore a suspension on its fuel-cycle programme if it walks away from the talks

and resumes those fuel-cycle activities. If the Iranians know that the Council has already agreed to take such a measure, it will act as a very powerful deterrent from them calling a halt to the talks. I think, just based on my discussions with the other big powers, with the P5, there is a pretty good chance you could get agreement on such a draft resolution. The EU is in a strong position to lead the way, since they are the ones that are doing the negotiating. On the carrots side, the inducement side, it really means that the EU has to use its influence with Washington, to persuade the United States to more actively support these negotiations. In rhetoric the US supports the talks but in actual fact the US has not decided what steps it would take to help the Europeans implement any agreement that might emerge. It is important for the British, French and Germans to use what political influence they have on Washington in order to try to pressure the United States to more actively support their efforts. To the extent that there is limited leverage, the talks with Iran are probably much more important than other contentious issues which the United States is likely to resist in the disarmament in the non-proliferation area. I would be happy to discuss those in the course of your questions.

Chairman: That was a very stimulating opening, and I think members of the Sub-Committee will probably want to pursue both Iran and the issue of co-operation with the United States before we address anything else.

Q102 Lord King of Bridgwater: How is the time looking on this?

Dr Samore: In terms of how soon Iran will have a nuclear weapon? Right now, the key facility is their enrichment facility. Right now they have quite a small capability actually installed. They have 164 centrifuge machines in a single cascade; that is far too small to produce any significant quantity of weapons-grade uranium. They would need something of the order of 2,000 to 3,000 centrifuge machines before they could produce about one bomb's worth of highly enriched uranium, in the course of operating for a full year. They only have on hand, as far as we know, enough components for a few hundred more centrifuge machines, none of

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which is installed. I would say that it is probably at least a couple of years before they could manufacture the other components, actually install a few thousand centrifuge machines and then get them to run reliably. Fortunately, we do have some period of time where there is an opportunity for diplomacy to work. As long as the freeze is in place and Iran is not cheating on the freeze, then time works in our favour.

Q103 Lord King of Bridgwater: What assessment do you make of the risk of them obtaining materials elsewhere?

Dr Samore: I think it is very small. As a general matter, as far as we know the history of efforts to acquire nuclear weapons usable material on the black market has been mostly hoax and fraud. A lot of groups and countries that have tried to purchase material have ended up buying worthless fraudulent material. To the extent that there has been some actual sale of nuclear weapons usable material, it has been relatively small amounts. The period of greatest danger was really in the early nineties, right in the aftermath of the collapse of the Soviet Union when their internal security system was no longer operative. The threat has significantly diminished since Putin has taken over.

Q104 Lord Dykes: Do you detect even just nuances of difference in the policy approach of any of the EU3, or are they all exactly the same in their approach, both to Washington and to the discussion with the Iranians?

Dr Samore: My sense is that, as in any negotiation, there will always be some subtle differences among the three. In the beginning the British and the French were probably much more convinced of Iran's intent to acquire nuclear weapons capability than the Germans were, and I think the British and the French somewhat more than the Germans appreciated the importance of threats as a component of any negotiating strategy. My sense is that as the talks have gone along and the Germans have come much more in line with the British and French position, to the extent that there may be some subtle differences among the three, there may still be some residue of the British and French being more willing to contemplate coercive measures if the negotiations collapse, and the Germans being a little bit more on the side of trying to find ways to provide proper inducements to Iran. I think those differences are very modest now. I think the three are fairly well united on the main elements of their negotiating strategy; and they certainly all agree on what they are trying to achieve, which is an abandonment of Iran's fuel-cycle programme.

Q105 Lord Dykes: Coming back to both the *Realpolitik* and the street politics in the whole area, the Mullahs' regime in Iran has a wonderful propaganda gift which is saying: "The approach to us is interesting in comparison with any approach to Israel, which seems to 'get away with murder.'" *Dr Samore:* Yes.

Q106 Lord Dykes: Although Israel, with 200 nuclear bombs, would not be able to just attack Iran without assistance from the US, because it is too far and problems in regard to air-to-air refuelling and so on, there is an irony there that is exploited in the Middle East and the Arabian countries as well. Does this policy and the approach of the EU3 to Iran mean that they have to build in those arguments as well into their discussions, and will it also mean, and should it mean, fairly and for practical purposes, that there are equivalent negotiations with Israel later on?

Dr Samore: Any deal that might emerge between the Europeans and the Iranians will pay lip service to the objective of achieving a Middle East nuclear weapons-free zone, or a Middle East zone free of weapons of mass destruction. However, as a practical matter all the European powers recognise that the achievement of such a zone or even the beginning of serious negotiations are premature; that the peace process really has to make much more progress before one can imagine a serious regional discussion or before one could imagine that the Israelis would be prepared to give up their nuclear weapons. The Europeans recognise that if Iran makes Israel disarming, as a condition, that will not be considered a serious negotiating position. You are right that there is a handicap for any Western negotiator, perhaps less for the Europeans than the Americans—and that is one of the advantages that the Europeans have in this negotiation, because they are not seen as being close to Israel. You are right that nuclear inequality gives Iran an easy propaganda argument and a talking point, but I do not think anybody, including the Arab countries in the region, realistically expect that a solution to the Iranian threat lies through disarmament of Israel; that is just not a realistic policy, and it is seen as more of an Iranian negotiating gambit than as a serious proposal.

Q107 Lord Morris of Aberavon: You mentioned the possibility of active US support for the German, French and United Kingdom efforts, which are perceived to be making considerable progress, and is to be welcomed; but is that really the issue? How would you categorise the attitude of the United States? Is it lukewarm, supportive, or antagonistic?

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Dr Samore: I would say confused and undecided. Most politicians and most government officials in Washington would genuinely welcome an agreement, although they are very sceptical that the Europeans will succeed; but the US has its hands full in the Middle East with both challenges and opportunities from Iraq and trying to get the peace process started again. I do not think the United States is looking for a confrontation with another Middle East country. As I said, I think the US is very undecided about how or whether to support the European efforts, for three reasons. First, most people in Washington are convinced that even if the Iranians agreed to end their nuclear weapons programme, they would cheat on it. Even if the diplomats are sincere, there are other elements of the Iranian government who control the nuclear programme who would just ignore any agreement. Secondly, as Secretary of State Rice said in her confirmation hearings, the US is concerned that if it gives up some of its carrots for a nuclear deal, it will not have enough leverage left over to deal with other problems like lack of democracy in Iran and support for terrorism or opposition to the peace process. Further, there is an element in Washington that believes that a nuclear deal would help consolidate the rule of the Mullahs and would therefore make regime change more difficult. Washington has to make a decision about where its priorities are, whether the nuclear threat is so great that it should be willing to expend some of its leverage. Even if the United States does not believe that the negotiations will be successful, it seems to me that the US has an interest in appearing to be as supportive as possible of the Europeans, so that if the talks collapse it will be blamed on Iran and not on Washington. So far the United States has not yet been able to reach an agreement on letting the Europeans play some of the cards that would require Washington to go along. Let me give one obvious example. One of the things the Europeans were offering if there was a deal would be to support Iran's entry into the World Trade Organisation. The US has to be willing to go along with that; that is something the Europeans cannot deliver on their own. Washington, if they were interested in really supporting their allies, could say that the Europeans could say to the Iranians, if there is a deal, Washington will not block WTO membership, if Iran meets all the other criteria. So far the US has not been able to agree on those kinds of practical measures.

Q108 Lord Morris of Aberavon: They seem to be on a different planet on some of the matters. You said earlier the US was not looking for another confrontation in the Middle East: one of the recent newspaper reports certainly saw there are some

elements in the United States that are of the view that a confrontation seems to have some support. Is that realistic or is it sabre-rattling?

Dr Samore: Certainly Washington believes that the threat of force serves an important diplomatic function in terms of healing to persuade Iran to make a deal with the Europeans in order to avoid a war with the United States. There is no doubt that there are some tactics involved in that.

Q109 Lord Morris of Aberavon: But they are not muddled on that aspect!

Dr Samore: I do not think they are muddled, and privately I think most of the Europeans would say that they do think that is helpful, that the American threat is useful. At the same time, most Washington officials that I talk to—maybe I am talking to the wrong people, but most of the people I talk to think that a military attack on Iran's nuclear facilities is a pretty unattractive option, and there is a real question about how effective it would be—if, for example, most people think that if the US bombed the key nuclear facilities most likely Tehran would withdraw from the NPT and that would be seen actually as a justified action, and then they could rebuild their nuclear programme over a period of years without any international inspection whatsoever. So the best you can do with a military tack is buy some time. There would be tremendous political downsides, both in the region and internationally in terms of US relations with key allies and with countries in the Middle East. I do not think the prospect of having to attack Iran is very attractive as an option for the United States. In any event, it is a premature question. As I said, it will be at least several years before the Iranians are able to reach the point where they can begin operating these facilities on a large-scale basis. The sabre-rattling you are hearing now I do not think indicates that there are imminent plans to carry out a strike; it is partly just media frenzy, but to the extent that it is an element of government policy I think it is intended to put pressure on Iran and try to intimidate Iran.

Q110 Lord Morris of Aberavon: What is your view of the efforts of the United Kingdom, France and Germany as regards Iran? Would you endorse it as a good thing, and if it succeeds a very good thing?

Dr Samore: Yes. It is the best available approach because if we do get into a situation where we have an international confrontation with Iran and try to take coercive political and economic measures, it will be very tough because obviously, given Iran's importance as an oil and gas producer, the extent to which the international community is going to be prepared to suffer the consequences of applying sanctions is going to be real. The Iranians do not

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want to run that risk right now, but I also think there is a risk that the Security Council will be unable to act effectively as they have, for example, in the case of North Korea, which would be very damaging. I also think that the military option is pretty unattractive, so a diplomatic solution, if possible, is the best course of action. As I said, I think the Europeans are playing their cards pretty well, but they need to strengthen their hand, both on the threat side and on the inducement side. I also think that, as in any negotiation, to the extent that the Europeans are able to demonstrate that they have made a genuine effort and given Iran a very credible and attractive deal, and Iran turned it down, that makes it much easier to mobilise international support for follow-up measures.

Q111 Lord Lea of Crondall: There are two points arising out of your very interesting remarks. We are not discussing the whole of the Middle East, but you made a point about Israel not giving up its nuclear weapons, which is very interesting. The UN panel report, which will be discussed in the autumn when conclusions will be reached ranging from this chapter through to the new membership of the Security Council, states that Germany should be added to Britain and France as far as Europe is concerned, and we now have this phrase EU Big 3, or EU3, and it may be that we ought to have a footnote in our report about what this means. Is there such a thing, or is it just a tabloid headline? It is not a bad tabloid headline because it focuses people's minds on a couple of things you have said. We all know that President Bush is going to Brussels next month but do you think the EU should be putting more pressure on the United States? The converse of that is that it could lead Bush to be even more wary of the European future profile of the world if the EU is seen as putting that sort of influence on Washington? It is totally uncertain territory at the moment, and I would be very interested in that. The other point is that the UN report also refers to the idea of there being no first use or no use by a nuclear weapons state on a non-nuclear weapons state; and that is relevant to Israel. It is different to your phrase "giving up nuclear weapons". I assume that Israel has nuclear weapons but it is something to do with not using them. Can you comment on both those points?

Dr Samore: I agree with you that the EU needs to pick its fights with Washington carefully. There is no point in expending political capital on an issue on which Washington is simply unbending, for example a comprehensive test ban treaty, or, as we may discuss later, a more clear statement of NSA or negative security assurance. Those are issues on which, even if the EU used all its leverage it is not likely to have much success. On Iran, in part

because Washington is divided and uncertain, and in part because there is a very strong strategic and tactical argument in favour of the US being more supportive to the EU3 negotiations, there is an opportunity for the Europeans to persuade the US to support their diplomatic efforts. In addition, the Russian foreign ministers to Washington and the statement to Secretary of State Rice reflects the interest of the Europeans in trying to change Washington's mind before it has made up its mind. On the question of Israel and giving some kind of negative security assurance for non-nuclear weapons states, from Tel Aviv's standpoint that is just a total non-starter. The reason why they have nuclear weapons, or the original reason why they developed nuclear weapons, was to defend themselves against what was seen at the time, in the 1950s and 1960s, as a potentially overwhelming conventional Arab threat, and to the extent that the Israelis retain any strategic rationale for their nuclear weapons, that still remains one of the elements, so it is very unlikely that Israel would agree to give up the right of first use, just as NATO would not give up the right of first use during the Cold War.

Q112 Lord Lea of Crondall: That is rather begging the question as to whether we are looking at just a non-proliferation treaty or a treaty—you used the word "disarmament and non-proliferation". In fact, this is a very good example of the asymmetry that some people would say is in the treaty—if the treaty does not mean what it appears on the face of it to mean—which is that there are obligations on people in the current nuclear weapons states.

Dr Samore: I completely agree with the argument that both Article 4 and Article 6 have to be implemented. Unfortunately, as a practical reality, the prospects for making much dramatic progress on either those Articles is very, very limited. I do not think there is an international consensus. There are lots of interesting ideas floating around and they should be fully discussed, and smaller groups of countries can agree on measures, like the G8 for example. In terms of an international consensus, meaning all the nuclear weapons states, all the *de facto* nuclear weapons states—Israel, India, Pakistan and North Korea—all of the potentially nuclear weapons states like Iran and all the non-nuclear weapons states, I just do not see right now a real opportunity for any of these bold new ideas to really command a consensus.

Q113 Lord Boyce: At the risk of knocking the United States out of sight, because we have covered a lot of the points, by way of clarification, you are saying there is no deliberate policy co-ordination between the EU3 and the United States. Do you

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think that is what Iran believes, and do you think they might believe there is a hard cop/soft cop activity going on here; and what does that do to the EU3's negotiating stance?

Dr Samore: It is a very good question because the one thing about the Iranians is that they will never take anything at face value. Everything always has a hidden meaning—there is always an effort on the part of your adversary to deceive you and mislead you. My guess from talking to them is that they are probably very unsure whether or not the apparent lack of connection and co-ordination between the Americans and the Europeans is real or whether it is a ruse intended to trap them into taking some unwise action. Certainly they believe that the Americans are much more hostile than the Europeans are—that is obvious to them. They understand that the United States is much more willing to take coercive measures than the Europeans are, and from that standpoint they do appreciate there is a good cop/soft cop division of labour. I think that from Iran's standpoint, they would like very much to have the negotiations fail because the Europeans thought Washington was too intransigent and too stubborn. They have not reached that point yet because they have not actually put on the table a very realistic proposal to solve the problem, but if the negotiations get serious and the Iranians are prepared to take the kinds of steps that the EU3 are demanding, at some point it is inevitable that the Iranians will say, "we will do this; we will give up what you want us to give up if Washington does X, Y and Z". At that point, the Europeans will probably be in a pretty strong position to go to the United States and say, "we can get a deal but only if you do these things". It is going to be very hard for the US to say "no" because then the US will be blamed for the failure of the negotiations, and Washington will find it very hard to convince anyone else to join it in sanctioning Iran. We have not reached that point yet.

Q114 Lord King of Bridgwater: You said that the Germans—and you distinguished between the British and the French and Germans—are perhaps less aggressive in their approach, or inclined towards the possibility of taking coercive actions. Is it right that they have much the closest industrial link in some of these areas? Would you like to say anything about the effectiveness of export controls in respect of any of these materials that might be useful to the Iranians?

Dr Samore: I do not actually know enough in order to do a comparison with the financial and economic links among the big three with Iran. I would put the German difference more down to structural/cultural reasons. The French and the British are more used to the exercise of power in a *Realpolitik* way. They

understand much more than the Germans do, coming out of World War II, the use of both threat and incentive in order to achieve a diplomatic objective. That is more of a reason.

Q115 Lord King of Bridgwater: I am sorry, but is it not historically true that there have been more equipments coming out of Germany and going to Iran, that there has been—

Dr Samore: For the nuclear programme?

Q116 Lord King of Bridgwater: In some of the dual use areas.

Dr Samore: It is a very good question. I do not know enough about the origin of some of the key equipment that the Iranians have bought to be able to say exactly where it came from. In terms of the most important sources of external supply, Pakistan is clearly the key because that is where all the key technology came from including sample centrifuge machines, in the late 1980s. After that, I would probably put Russia and China as the most important suppliers for the Iranian nuclear programme, both in terms of nuclear technology and in terms of dual-use material and commodities. There may be some specialised manufacturing of equipment that has come from Germany, but I do not actually know of any such cases. One of the reasons why it is much more difficult to prevent proliferation now is because many more countries than a couple of decades ago manufacture and sell the kind of high-quality machine tools that can be used by countries like Iran. If you wanted to buy a computer-controlled machine tool, you do not have to go to Germany any more; you can buy it from a lot of countries in Eastern Europe, even in East Asia. Their export controls are much worse than the German export controls.

Q117 Lord King of Bridgwater: You think export controls—well, Pakistan is presumably closed off after the exposures.

Dr Samore: Yes.

Q118 Lord King of Bridgwater: Do you think that Russia is closed off?

Dr Samore: That really requires access to intelligence information, and I just do not know in the last three years whether there are still concerns going on. That is something you have to ask somebody who follows that day-to-day. Put it this way, I am not aware of any but that does not mean anything; there may be lots of things going on that I just do not know about.

Q119 Lord Lea of Crondall: One of the biggest risks in proliferation—we have had some evidence which almost suggests a galloping proliferation with

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numbers going from 10, 12, 15, 18. Numbers are going up like that from states, leaving aside the question of terrorists. Which is more important—and will you comment on that? Which states within the list would you think are the biggest threats? We want to know which classes of weapons you think can be discounted as a second-order problem as opposed to other classes of weapons.

Dr Samore: Let me start with the nuclear area, which is the one I know best. I think the nuclear proliferation threat is very limited. The vast majority of countries that are parties to the NPT do not have nuclear weapons programmes; they have no ambitions to acquire nuclear weapons. Most regions of the world do not pose a nuclear proliferation threat. It is really just two parts of the world that you have to worry about: East Asia, where North Korea could potentially spark nuclear weapons programmes in Japan and South Korea; and the Middle East. If Iran acquires nuclear weapons, that could put pressure on Arab countries to follow suit. The situation in the Middle East and East Asia is really a mirror image. In East Asia the technical constraints to proliferation are minimal. Japan and South Korea could have nuclear weapons in a very short period of time. But there are still very powerful political constraints, both domestic, especially in Japan, but also because of the US security relationship. Neither country right now feels an urgent security need to have nuclear weapons because they are protected by the US umbrella. I am relatively unworried about the North Korean programme driving Japan and South Korea to acquire nuclear weapons, as long as the US security relationship remains strong. Even if North Korea does something very provocative like test a nuclear weapon, I do not think that will lead to an immediate collapse of the regime in East Asia. In the case of the Middle East, there is very little political constraint. All the Arab countries think it is very unfair that they do not have nuclear weapons and Israel does; and if Iran gets nuclear weapons, that will really create a lot of political pressure on Arab countries to follow suit. At the same time, the technical constraints on the Arab countries are very great. Now that Iraq is no longer in the business, there is no Arab country that can quickly develop on its own a nuclear weapons capability. It would take many years, and there are a number of political constraints. Countries like Egypt, for example, have to be worried that if they start a nuclear weapons programme and were found out by the United States, it could result in a cut-off of vital foreign assistance. Again, in the case of the Middle East, if Iran acquires nuclear weapons I do not see an immediate collapse of the regime; it would be more of a long-term unravelling if the Arab countries feel compelled to begin to expand their nuclear

capabilities in order to develop a nuclear weapons option. Outside of the Middle East and east Asia it is very hard to construct scenarios where other countries in Europe, Africa, Latin America and south-east Asia would seek to acquire nuclear weapons. It is a very limited problem, but very tough because both North Korea and also Iran pose very tough threats. On the threat from terrorists, I think that is really a biological weapons threat. The amount of damage they can do with chemical weapons is very limited. The likelihood that they can acquire nuclear weapons is very small, although obviously it would be devastating if they did so you need to take some measures to make that unlikely; but the biological threat strikes me as the one that is the most serious. Unfortunately, it is just about unstoppable. To me, it is amazing that terrorists have not used biological weapons yet, and I find it very curious because it is relatively easy, even for terrorist groups, to acquire simple biological weapons.

Q120 Lord Lea of Crodall: They are not that dangerous, are they? Somebody wrote in evidence that the US experience was that in the scale of things this is a second-order level of destruction.

Dr Samore: It depends. The thing about biological weapons is that it depends a great deal on quantities and types. If it is ricin, you are probably not going to be able to kill a lot of people; if it is smallpox you can probably kill a couple of hundred thousand people. It depends a great deal. The magnitude of the threat of biological weapons is very variable. I am thinking of the upper end threat rather than the lower end threat.

Q121 Lord Boyce: Your analysis of where the threat possibly exists in other regions of the world, other than the two you have mentioned—out of interest, it is difficult to see why it should happen, but how fast could South Africa regenerate a capability if something very strange happened down there?

Dr Samore: I would say very fast. They still have the production capability, and of course they have the know-how since they manufactured half a dozen nuclear weapons. I would say that within a very short period of time, certainly less than a year, they could manufacture nuclear weapons.

Q122 Chairman: Can we come back to the EU strategy itself, which everybody acknowledges is very wide-ranging and covers everything. On the assumption that it is not possible to do everything at once, which particular elements within the strategy should the EU be concentrating on; or perhaps more accurately what decisions should Member States be making to ensure the priorities?

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Dr Samore: I think that is the key, Mr Chairman, because when it comes to non-proliferation policy it really is driven by the Big 3. I think the British, French and Germans have done a good job of coming up with a number of very interesting ideas to strengthen the non-proliferation regime. Certainly the British are in a very strong position, as a host of the G8 this year, in order to try and put together a joint position that would be adopted by all of the G8. From that standpoint, many of the very innovative ideas will probably not command a very strong international consensus, or even be accepted by Washington for that matter, but there are lots of good ideas out there on the table. I will expect to see coming out of the G8 strong agreement on some modest measures like making the additional protocol a condition for nuclear supply, or the idea that countries in violation of their safeguards obligation should be denied fuel-cycle technology—which is a British proposal. Those kinds of things can be pushed both by the separate European countries, as well as by the EU as a whole.

Q123 Lord Morris of Aberavon: You have dealt for the second time with the Big 3, France, Germany and the EU, and if I may say so you are right to commend what has been achieved. All this is outside the EU machinery, with the Big 3 acting on their own as if the EU hardly existed.

Dr Samore: My impression is that an effort is being made by the Big 3 to at least their activities within some kind of EU umbrella. As I said, as a practical matter, in the non-proliferation business countries like the United Kingdom and France are going to have a special role because they are P5, because they are nuclear weapons states under the NPT; and thereby have a much more important role than the EU can have because of that special status.

Q124 Lord Morris of Aberavon: What evidence do you know of, in your own words, that the Big 3 are trying to integrate their activities with the EU as a whole?

Dr Samore: My impression is that in some of the negotiations with Iran, the EU has formally supported what the Big 3 are doing. I do not think they are part of the negotiations or anything like that, but they have tried to dress it up to have some kind of EU support.

Q125 Lord Lea of Crondall: For the people drawing up evidence in Brussels and Washington to the non-proliferation treaty review conference, what do you think is a reasonable agenda for the EU and what do you think is a reasonable agenda for the Americans?

Dr Samore: I think we should have very low expectations for the NPT review conference. For one thing the new Bush administration will just be getting its bearings, and it is unlikely there will be any dramatic change in long-standing US positions, especially on Article 6 issues. I think the Americans and Europeans can agree on a number of measures to strengthen safeguards and Article 4 issues, and it is important to have those presented and discussed at the review conference, but I think it is very unlikely that there will be an international agreement in the final document to support any of these very interesting ideas. For every idea that the Western group can put on the table for strengthening the non-proliferation side of the treaty, others can put forward ideas to strengthen the Article 6 element of the treaty, and I do not see any consensus.

Q126 Lord Lea of Crondall: Instead of you having a scenario where Europe and America go to this conference and say “look, old chap, there is not a lot that can be done here; let’s all have a drink and go home”—the others will not play that, will they? I am talking about what the agenda is, given the fact that politically to draw attention to the fact that Europe and America would then be in the dock, Europe standing behind Britain and France, and America standing behind its own range of international positions—it does not sound like to anybody in politics as if there is any plan B in your pocket. What is plan B in your pocket?

Dr Samore: I think the best you can achieve is a good discussion of the issues. Think of the 2005 conference as a preparation for the 2010 conference. At that point, you might have been able to achieve enough agreement so that you could put forward a document that would command support among the 188 countries. My impression is that there is no intent on the part of the EU to try and isolate the US on issues where there is clear disagreement, like the CTBT. In fact, as I suggested, I think there will be a fair amount of consensus in the Western groups on the steps that are necessary to strengthen compliance, export controls and safeguards, and even some ideas perhaps to try to limit the spreads of sensitive technology under Article 4. The Western group can put forward a pretty strong position in terms of the kinds of things they would like to achieve. That would be important for a discussion. However, I do not think that the conference would be able to endorse those ideas.

Q127 Lord Lea of Crondall: Is there a driver you can identify in the world, for example Brazil or some place, of what you might call a G77 position, or some big coalition of other forces in the world that would have other things on the agenda? How would

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that work? Who is driving positions, or who is the leader?

Dr Samore: I was talking to a diplomatic who is working on the review conference, and one of the reasons why he was so sceptical that anything useful would come out of it is that in fact there is a lot of fragmentation. The various groups that were able to negotiate with each other in the 2000 conference really do not exist now, and of course you cannot have 188 countries negotiating—that is impossible. You have to have a few groups that can speak and work out the language in a final document. The new agenda coalition, for example, which was very instrumental in the 2000 conference in getting the 13 steps, are really very fragmented now. One of the problems is that there is not any clear alternative group to work out language with the Western group. Individual countries will fight very hard on specific issues. Egypt, for example, will hold everything hostage to language on universality, i.e., Israel. Obviously the Iranians are going to fight to the death to prevent any language that would try to institute restrictions on fuel-cycle technology. Brazil will have its own particular issues. Individual countries will fight very hard.

Q128 Lord Lea of Crondall: Lord Hannay cannot be here today, but he was on the UN panel and he thinks that we ought to look at the UN panel report because there is a chapter on this, containing some ideas in it, and it was agreed by high representatives from all parts of the world. This has to feed into the General Assembly and the Security Council at some point, and it may well be that a lot of people will get behind the chapter in the UN panel report.

Dr Samore: I was told that you would not want to discuss this, but I think there are a lot of interesting ideas here. A lot of them are unworkable and impractical, in the sense that they are not going to be supported. That does not mean they should not be advocated because sooner or later there will be elections in certain countries that may bring the power of governments that are prepared to take different actions. You should not be under the illusion that most of the recommendations in the high-level report are going to be accepted. I just do not think they will be, but I am happy to discuss them individually.

Lord Lea of Crondall: We are running out of time, but if there are any points, if you could put them on paper, I am sure we would all be enormously in your debt.

Q129 Chairman: If there is anything that we do not cover which you feel we should have asked—

Dr Samore: I am happy to have a conversation with you at some other point about it.

Q130 Lord Morris of Aberavon: You have mentioned biological weapons, and the comparison in my view is always with the BWC Verification Protocol; the chemical weapons structure that we have, which I have visited, and which, apart from the comparative—I would not say modest but partial success in implementation—the machinery is there; it is substantial, running to 400 and odd staff; and 167 countries were ratified at the convention. What can be done similarly in the biological field? Is it a problem so far as the United States is concerned, the industrial interface—maybe other countries, and I am sure other countries as well—that it is not easy to disentangle a strict biological weapon and the implications of prohibition on the industrial interface?

Dr Samore: It is a very good question. When I worked in the White House, the worst issue that I dealt with was the BWC Verification Protocol, because except for the White House no other element of the US Government was enthusiastic. The Commerce Department thought it would jeopardise the interests of industry; The Defense Department thought it would jeopardise US bio-defence efforts; the State Department thought it was pretty worthless because it is so easy to hide biological weapons, and it was a real bureaucratic struggle to try to push the process forward. At the end of the Clinton administration I thought we had come up a proposal, thanks in large measure to the help of the FCO. That was a modestly helpful verification measure. It was not very strict because we had to protect our own industry and bio-defence efforts, but I thought it would have been a useful tool, or at least it would not have done much harm. When the Bush administration came in early on, given their predisposition for international arms control effort, went along with the rest of the US bureaucracy and decided that it was not worth it. I do not see any likelihood that that position will change, so for the next four years you are not going to see any shift in the US hostility to any legally binding protocol to support the BWC. Maybe that will change after the next election. In the meantime, one of the ideas in the high-level panel, which is a very good idea and I think workable is the idea of trying to come up with some bio-security measures that could be applied under the terms of the BWC, and also under the terms of US Security Council Resolution 1540, which mandates that states put in place very effective measures to protect sensitive bio materials and to put in place proper export controls. That is an area where you can make progress in the next four years, but in terms of a verification protocol, I just do not think that it is going to go anywhere.

Q131 Lord Morris of Aberavon: You are saying that in relation to what you have identified as the biggest danger—not nuclear, not chemical but biological—the chances of verification are slim.

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Dr Samore: Well, remember that the BWC Verification Protocol is directed against states. The intent is to try to detect states that are developing biological weapons. I actually think that is, in relative terms, not as serious a threat as the danger that individual terrorist groups will seek to acquire biological weapons. In order to address the terrorist threat, the BWC is a very limited utility. Of much greater utility is to protect hazardous materials, to have strong export controls and to strengthen co-operation among intelligence agencies. The treaty is not designed to deal with the terrorist threat; it is designed to deal with the state threat. I do not think there is a huge state threat from biological weapons. I think the terrorist threat is much more likely and much more challenging. Fortunately, as I say, for interesting reasons, that I am not sure I understand, Al-Quada has been content to use conventional explosives rather than to make any serious effort to mount biological attacks, although there have been a few individual cases where, fortunately the police and intelligence services have been able to act before the terrorists could use their weapons. I think it is just inevitable in the next 10 years that there will be use of biological weapons by terrorists. It may not cause a lot of casualties but it is bound to happen.

Q132 Lord Lea of Crondall: Does it not mean that the non-proliferation treaty is a side-show, and the rules of the game on dealing with terrorists and non-proliferation are being made up as we go along? We have one regime in the world that is a Non-Proliferation Treaty, treaties made between states, ratified or not by parliaments and so on—so then you are talking about a whole different world governed by intelligence agencies and relationships that we cannot fully understand between them and people that are dealing with agents going into some place. Can you give us some final reflections on the consequences of what you have just said, that there is a parallel universe that it is very hard to report on?

Dr Samore: I think you will just have to distinguish in your report between two very different kinds of threats. There is the state threat, which is a traditional threat that the non-proliferation regime was constructed to deal with, and, as I suggested, I think that is working pretty well in the nuclear area except for these isolated cases, which pose very difficult challenges. At the same time there is a new threat, which we have become aware of, which is terrorist groups, and especially Al-Quada type groups, which have been willing to use weapons of mass destruction if they could obtain them. To deal with that threat you need to develop other instruments. The treaty-based systems that are designed to apply to states have a limited utility, but there are lots of other things that can be done, for

example Security Council Resolution 1540, which was a tremendous accomplishment. If it was fully implemented it would make a dent in terms of making it more difficult for terrorists to acquire the kinds of technology and materials they need. My impression—and I am sure that Lord Hannay could comment on this—is that the implementation of 1540 has not been very impressive so far, and that a lot more resources need to be devoted to the special committee that was set up in order to ensure full implementation. This is an area where the EU can be very active in offering assistance to countries that do not really have very effective export controls outside of the normal industrialised group and offer help in terms of making it possible for them to set up more effective export control systems, as well as enforcement systems.

Q133 Chairman: That leads on to our remaining questions about what the EU can do to stop leakage of weapons of mass destruction from countries that already have them and similar material, and what we can do to stop other people wanting them—although I am not quite sure whether anybody is capable of doing that. In answering that, can you let us have your views about the very considerable efforts both in terms of the manpower and money that has been put in to try and help Russia?

Dr Samore: Sure.

Q134 Chairman: There appear to be differing views from the evidence that we have seen. In some cases it seemed to be a success and other people seem to think we are having the wool pulled over our eyes; and other people just think that the Russians are being difficult and rather unco-operative, somewhere in the middle.

Dr Samore: Of course. I think the various co-operative threat reduction programmes have been quite successful in a number of areas, especially in the early nineties when the threat of leakage out of Russia was very serious. In the last five years or so I think the Russians have done a pretty good job in beginning to reconstitute their internal security capabilities, and the threat is probably lower, although my friends who follow this issue in great detail say that the level of Russian security is still not we would like it to be, so there is an important area for working with the Russians to try to help secure and dispose of hazardous materials. The primary obstacle to speeding up or completing these activities is Russia. They are much less willing to co-operate with the United States and the EU in carrying out these programmes for a variety of reasons. In part, they do not really need the foreign assistance as much as they used to because the price of oil has taken care of some of their financial problems, and in part it is because as they tighten down internal security, and

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the FSB has taken a greater role, they are much more resistant to the kind of transparency and access that the US and the EU have asked for in order to carry out these programmes. In part, I think the Russians think they can handle the problem themselves. They just do not need outside assistance. To the extent that we worry about lack of good security in Russia, I think the focus has to be not so much on bigger budgets in the Western governments as it should be on convincing the Russian Government that there still is a problem, and that steps need to be taken to correct that. Part of the reason why people are frustrated and unhappy with the various programmes is because the Russians are basically demanding a big bribe. They are saying to the West, “we will help you in the areas you are worried about like securing nuclear material, if you will help us in the areas that we really worry about, which is

helping to dispose of chemical weapons and helping us to dismantle general-purpose nuclear powered submarines”. They are much more environmental problems than they are serious proliferation problems. That is okay; I do not think there is anything wrong with that kind of a deal, provided that it actually gets the job done. I talk to my friends who work in the nuclear area, and there is a lot of frustration that the Russians are not really being very co-operative in terms of their part of the bargain, which is to try to secure nuclear materials and nuclear technology.

Chairman: We very much appreciate your coming to this Committee. It has not only been very useful, but I can probably speak for all the members of the Committee when I say that we have enjoyed the evidence session. If there is anything that you want to add, please let our clerk know.

THURSDAY 3 FEBRUARY 2005
MORNING

Present	Bowness, L (Chairman) Dykes, L Freeman, L Hannay of Chiswick, L Inge, L	King of Bridgwater, L Lea of Crondall, L Maclennan of Rogart, L Morris of Aberavon, L Tomlinson, L
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Memorandum by the Stockholm International Peace Research Institute

**SUBMISSION TO THE CALL FOR EVIDENCE TO THE INQUIRY ON THE EU STRATEGY
AGAINST PROLIFERATION OF WEAPONS OF MASS DESTRUCTION**

INTRODUCTION

In December 2003 the Heads of State and Government of the European Union adopted a Security Strategy that identified the proliferation of weapons of mass destruction as a key threat confronting the EU.¹ In 2003 the EU also adopted a strategy against the proliferation of WMD (hereafter WMD strategy) setting out measures to be used, ideally to prevent proliferation from taking place.² These documents were intended to place all the wide-ranging activities being carried out by the various parts of the EU—the European Commission, the Council of the European Union and the Member States—in a single framework and thereby increase their coherence and effectiveness.

The WMD strategy was developed and adopted in a very short time and by a small group of people. The process was partly in response to the requirements of the wider security strategy being discussed at the same time and the role of WMD issues within it. However, the document was also partly an effort to repair relations both with the United States and within Europe following the damaging rift over the question of how to respond to the failure of Iraq to comply with its obligations under UN Security Council resolutions. These circumstances and the process of elaboration coloured the contents of both the WMD strategy and the wider security strategy.

Prior to adopting the WMD strategy the EU had made declarations and taken certain actions in the field of arms control. However, the WMD strategy represents a new level of activity in a number of ways. In documents associated with the WMD strategy the EU has gone beyond the declaratory level and defined specific actions to be taken, identified who will take the actions defined and attached costings to them.³

Since it was necessary to conclude the WMD strategy document in a short period of time and within existing budget constraints, the contents of the document had to be oriented towards achievable and affordable objectives. As a result, any measures that were known to be contentious among EU Member States, that would require new decisions of principle on major questions of the common foreign and security policy or that were extremely costly were of necessity excluded from the document. This approach also tended to focus the document on strengthening established processes that address the proliferation of weapons among states, where principles are already agreed and remedial instruments already exist, rather than the newer and less well understood threats from non-state actors.

The WMD strategy was not adopted in the form of a Common Position, a Joint Action or a Common Strategy—the legal instruments available under the EU Common Foreign and Security Policy (CFSP).⁴ Concern that the informal character of the document, in effect a political declaration, would undermine implementation was offset by the commitment to review implementation regularly and at a high level. In order to satisfy the commitment to regular, high-level scrutiny of implementation, the External Relations Council

¹ Council of the European Union, *A Secure Europe in a Better World: European Security Strategy*, Brussels, 12 December 2003, URL <http://ue.eu.int/uedocs/cms_data/docs/2004/4/29/European%20Security%20Strategy.pdf>.

² Council of the European Union, *EU strategy against proliferation of weapons of mass destruction*, Brussels, 12 December 2003, URL <http://ue.eu.int/cms3_applications/Applications/newsRoom/LoadDocument.asp?directory=en/misc/&filename=78340.pdf>.

³ Contained in the Action Plan for the Implementation of the Basic Principles for an EU Strategy against Proliferation of Weapons of Mass Destruction adopted by the Council on 16 June 2003.

⁴ Portela, C., “The EU and the NPT: testing the new European nonproliferation strategy”, *Disarmament Diplomacy*, No. 78 (July/Aug. 2004), URL <<http://www.acronym.org.uk/dd/dd78/78cp.htm>>.

(composed of the foreign ministers of the EU Member States) has been informed about the actions taken to implement the strategy on a six-monthly basis and has debated the progress of implementation. During 2004 information about implementation was presented to the EU Political and Security Committee and to the Permanent Representatives Committee prior to each of the discussions in the External Relations Council.⁵

The WMD strategy covers a broad range of weapon technology and has already provided the framework in which actions can be taken relevant to nuclear, biological, chemical and radiological weapon proliferation. The strategy has also provided a framework for considering how a range of different legal, diplomatic and practical measures can be combined to achieve a collectively agreed objective. Nevertheless, a number of shortcomings will need to be addressed in the next phase of implementing the strategy—which is not limited in its functional scope and is of unlimited duration. Four issues should be addressed as a matter of priority.

1. During 2005 considerable attention should be paid to the question of resources. The EU has made a significant financial commitment to non-proliferation in the framework of the Global Partnership Against the Spread of Weapons and Materials of Mass Destruction launched in 2002 by the G-8 group of industrialised States. It is necessary to ensure that the EU has the resources needed to fulfill this pledge in its common budget for the cycle 2007–13 and that the resources can be applied in an effective manner for non-proliferation purposes. In addition, the budget agreed in the next cycle needs to be adequate to cover EU spending on programmes outside the Global Partnership framework but needed to implement the WMD strategy.
2. The EU institutions do not currently have the legal authority or bureaucratic flexibility needed to implement a comprehensive programme in the area of non-proliferation, which a number of EU Member States continue to regard as an inter-governmental prerogative. In conditions where the EU participates fully in, for example, G-8 deliberations and the discussions in some of the multilateral export control regimes, Member States should consider whether it is still sensible to maintain restrictions on the way in which common resources are programmed.
3. The WMD strategy has taken the EU into uncharted waters in its relations with other States, including those States that host weapon programmes of concern. The interaction between the EU and these States will not always be smooth and critical decisions will be needed about how to respond when bilateral processes encounter roadblocks and setbacks.
4. The WMD strategy addresses the issue of weapon programmes in States elsewhere in the world but does not consider the impact on the effectiveness of the strategy of the military posture and programmes of the EU Member States themselves. How will the long-term effectiveness of the WMD strategy be affected by the national and collective choices about military capabilities and how those capabilities should be applied?

SUMMARY OF IMPLEMENTATION

The measures taken by the EU to implement its WMD strategy can be grouped under four elements.⁶

Reinforcing EU non-proliferation credentials. A number of companies located in EU Member States were active participants in the AQ Khan network and provided items that contributed to nuclear weapon programmes. Between February and July 2004 the national export control systems of Member States were scrutinised by mixed teams of officials drawn from elsewhere in the EU. On the basis of this “peer review” the EU has recommended concrete actions to improve the efficiency of national systems.

Immediately prior to the enlargement of the EU the then 15 Member States completed the ratification of their individual and collective agreements with the IAEA to bring into force an Additional Protocol to their safeguards agreement. The first declarations under the Additional Protocol from these States were submitted to the IAEA in October 2004. As of December 2004, three of the 10 States which joined the EU in 2004 (Estonia, Malta and Slovakia) had not completed the process of ratifying an Additional Protocol.⁷

Under the EU Council, the Working Group on Non-Proliferation (CONOP) has begun a review of criminal sanctions for illegal export, brokering and smuggling of materials related to weapons of mass destruction with a view to harmonisation.

⁵ The Political and Security Committee, composed of political directors from the foreign ministries of all EU Member States, is expected to keep track of the international situation in areas falling within the CFSP, help define policies by drawing up opinions for the Council, either at the request of the Council or on its own initiative, and monitor implementation of agreed policies. The Permanent Representatives Committee, usually known as Coreper, consists of the ambassadors that are the permanent representatives of the Member States at the EU. It is responsible for helping the Council of the European Union to deal with the items on its agenda. The Coreper also lays down guidelines for, and supervises, the work of the expert groups that report to the Council.

⁶ For a more detailed overview of implementation activities see the document *Implementation of the WMD Strategy: 6-monthly Progress Report and List of priorities for a coherent implementation*, Council document 15246/04, 3 December 2004 available at URL <<http://ue.eu.int/uedocs/cmsUpload/st15246.en04.doc>>.

⁷ IAEA, “Strengthened Safeguards System: status of additional protocols”, 25 November 2004, URL <<http://www.iaea.org/OurWork/SV/Safeguards/sg—protocol.html>>.

Strengthening global arms control processes in order to stimulate what has been termed “effective multilateralism”. The EU has continued to provide financial support to conferences and meetings intended to promote the universal ratification of, and adherence to, the NPT, the IAEA safeguards agreements, the 1972 Biological and Toxin Weapons Convention (BTWC)⁸ and the 1993 Chemical Weapons Convention (CWC)⁹ as well as to bring into force the Comprehensive Nuclear Test Ban Treaty (CTBT).

Diplomatic activities represent one main emphasis of effective multilateralism. The country holding the EU Presidency has continued to make statements on behalf of the entire EU and associated States at international meetings and in international organizations. Member States have delivered a large number of démarches on a range of issues. These démarches were prepared by States according to terms of reference agreed collectively.

In November 2004 the EU agreed to provide €1.8 million to finance several measures to promote universal participation in the CWC and to assist States already party to it with effective implementation. This will support projects carried out by the Organisation for the Prohibition of Chemical Weapons (OPCW), the body responsible for the implementation of the CWC.¹⁰

In contrast with the level of engagement in nuclear- and chemical weapon-related arms control processes, the EU has not been particularly active in supporting the strengthening of the BTWC and has only recently begun to consider collective efforts in the field of nuclear security in regard to radiological materials.

Unlike the NPT and CWC, the BTWC has no associated formal verification and compliance mechanisms. Following the withdrawal by the USA in 2001 from negotiations on a protocol to strengthen the BTWC, it has remained the policy of EU Member States that this Convention requires strengthening. The Government of the Netherlands, during its Presidency in the second half of 2004, sponsored efforts to look at what actions the EU could take to promote a positive outcome at the next five-yearly BTWC Review Conference scheduled for 2006, including enhancing EU Member States own implementation of BTWC obligations and activities. In addition, the “List of Priorities For Coherent Implementation of the EU WMD Strategy” prepared in December 2004 by the Council Secretariat suggests the establishment of an expert group on the BTWC, promotion of a UN roster of experts for verification of compliance in the biological weapons area, and assistance to BTWC states parties in national implementation.

Providing financial support to practical measures to secure weapons and materials of concern. This financial assistance has included contributions by Member States as well as contributions from the EU common budget (which can include both Joint Actions under the Council and projects and programmes administered directly by the Commission).

Historically, the EU has made relatively minor contributions to international non-proliferation and disarmament assistance in comparison with the USA. The EU WMD strategy gives a prominent place to reinforcing programmes targeted at disarmament, control and security of sensitive materials, facilities and expertise. However, the new achievements in 2004 in this regard were modest. In addition to the support for the OPCW noted above (only some of which was to be used for practical assistance measures) the EU agreed a Joint Action to support the IAEA in May 2004.¹¹ Under this Joint Action the EU will provide €3.3 million to support nuclear security projects over a 15-month period. Overall EU spending (including by the Member States) is still far short of what is required to meet the financial pledges made in the context of the G-8 Global Partnership Against Weapons and Materials of Mass Destruction.¹²

In addition to activities carried out by Member States, at the 2002 G-8 summit the EU committed itself to spend €1 billion over a period of 10 years-equivalent to approximately 20 per cent of the total commitment by the EU.

⁸ The Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction is available at URL <<http://projects.sipri.se/cbw/docs/bw-btwc-text.html>>. For complete lists of parties and signatory and non-signatory states see URL <<http://projects.sipri.se/cbw/docs/bw-btwc-mainpage.html>>.

⁹ The corrected text of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction is available at URL <<http://projects.sipri.se/cbw/docs/cw-cwc-texts.html>>. For complete lists of parties, signatories and non-signatory states see URL <<http://projects.sipri.se/cbw/docs/cw-cwc-mainpage.html>>. Austria has presented a draft Action Plan on Challenge Inspections to the CODUN Working Group.

¹⁰ “Council Joint Action 2004/797/CFSP of 22 November 2004 on support for OPCW activities in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction”, *Official Journal of the European Union*, L349/63 (25 November 2004).

¹¹ “Council Joint Action 2004/495/CFSP of 17 May 2004 on support for IAEA activities under its Nuclear Security Programme and in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction”, *Official Journal of the European Union*, L 182 (5 May 2004).

¹² Anthony, I., “Arms control in the new security environment”, *SIPRI Yearbook 2003: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2003), pp. 567-70; and Anthony, I. and Bauer, S., “Transfer controls and destruction programmes”, *SIPRI Yearbook 2004: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2004), pp. 758-61.

In the period up to 2006 a number of programmes are being carried out that are financed from the common budget of the EU and that are specifically relevant to non-proliferation objectives. These programmes include projects agreed under the Council Joint Actions noted above as well as the contribution from the EU to some Nordic Dimension Environmental Plan (NDEP) projects carried out in Northwest Russia, nuclear security projects, export control and border security-related projects and the financial contribution to two international organisations (the International Science and Technology Centre in Moscow and the Science and Technology Centre in Ukraine, located in Kyiv). Taken together, the value of these programmes is estimated to be roughly €150 million in the period 2004–06. Continued funding at this level would mean that the EU would not meet its €1 billion Kananaskis commitment.

Until 2007, when the next common budget cycle will begin, the spending priorities reflect decisions taken at a time when the issue of non-proliferation was a relatively low political priority for the EU. It is likely that the level of spending on non-proliferation projects will be increased in the next EU budget cycle between 2007–13.

“Mainstreaming” non-proliferation policies. EU non-proliferation objectives are becoming a more central element of the wider relations between the Union and its partners, including States and international organisations.

Annalisa Giannella, Personal Representative on Weapons of Mass Destruction in the cabinet of the High Representative for the European Union CFSP Javier Solana, has asserted that as a result of actions taken in 2004 this process of mainstreaming has given the EU “real leverage” in negotiations with partners. According to Giannella, “non-proliferation has now been placed on a similar level to human rights and the fight against terrorism. If you don’t meet certain standards it affects your relations with the EU”.¹³

On 19 October 2004 a non-proliferation clause was agreed as part of the Association Agreement initialled by the EU and Syria.¹⁴ The clause has also been included in agreements with Albania and Tajikistan.¹⁵ EU negotiators have discussed how to include the text in inter-regional agreements with Mercosur,¹⁶ the Gulf Cooperation Council (GCC)¹⁷ and as part of the Cotonou agreement with African, Caribbean and Pacific countries.¹⁸ Similar language was also to be included in agreements with a range of other States, including the Action Plans that form part of agreements with Israel, Jordan, Moldova, Morocco, Tunisia and Ukraine under the European Neighbourhood Policy.¹⁹ However, the highest profile case of “mainstreaming” has been the EU discussion of Iran’s nuclear programme.

At the end of 2004 the EU resumed its negotiations with Iran on a Trade and Cooperation Agreement. This came prior to the November 2004 meeting of the IAEA Board of Governors at which a resolution welcoming “the fact that Iran has decided to continue and extend its suspension of all enrichment related and reprocessing activities” was adopted. Before the IAEA meeting Iran had reached agreement with the United Kingdom, France and Germany to continue and extend its temporary suspension of all activities related to uranium enrichment and plutonium reprocessing. In addition, in December 2004 the EU and Iran established a steering committee to launch negotiations on a long-term agreement intended to “provide objective guarantees that Iran’s nuclear programme is exclusively for peaceful purposes. It will equally provide firm guarantees on nuclear, technological and economic cooperation and firm commitments on security issues”. The steering committee will have separate working groups on political and security issues.²⁰

CONCLUDING OBSERVATIONS

The WMD strategy should signal the beginning of the process of developing the EU as a coherent and effective actor in the field of arms control.

The credibility of the WMD strategy depends on defining achievable, measurable objectives and ensuring that the resources needed to implement agreed programmes are available and delivered effectively. Existing programmes to consolidate, secure and, in some cases, destroy existing weapon stockpiles and to prevent the diversion of dangerous knowledge will need to be completed. The sphere of application of such programmes

¹³ Giannella, A., “The role of export controls in the EU’s Strategy for the Non-proliferation of WMD”, Speech at the Conference on New Challenges and Compliance Strategies, London, 17-19 November 2004.

¹⁴ European Union (EU), “The EU’s relations with Syria”, URL <http://europa.eu.int/comm/external_relations/syria/intro/>.

¹⁵ The decision by Tajikistan to introduce national legislation to ensure compliance with the BTWC was taken just after the EU agreement was signed and the two events appear to be connected.

¹⁶ EU, “The EU’s relations with Mercosur”, URL <http://europa.eu.int/comm/external_relations/mercosur/intro/>.

¹⁷ EU, “The EU and the Gulf Cooperation Council (GCC)”, URL <http://europa.eu.int/comm/external_relations/gulf_cooperation/intro/>.

¹⁸ EU “The Cotonou Agreement”, URL <http://europa.eu.int/comm/development/body/cotonou/agreement_en.htm>.

¹⁹ See the EU’s European Neighbourhood Policy Internet site at URL <http://europa.eu.int/comm/world/enp/index_en.htm>.

²⁰ “Iran-EU Agreement on Nuclear Programme”, 14 November 2004, URL <<http://www.globalsecurity.org/wmd/library/news/iran/2004/iran-041114-eu-iran-agreement.htm>>.

may need to be extended to new regions and countries. New programmes are being promoted by the United States, by the G-8 countries and in international organisations intended to strengthen nuclear security, bio-safety and bio-security.

In implementing the WMD strategy in regard to particular countries of concern EU Member States are likely to be confronted with options that challenge the positions they have previously adopted in multilateral arms control forums, and in multilateral export control regimes. An open, EU-wide dialogue about the role of arms control in meeting current security challenges is likely to be needed to develop a realistic arms control programme, anchor this programme in the policy and budget of States and sustain it over time.

In examining how the EU WMD Strategy, the G-8 work on non-proliferation and the individual conventions interconnect, the committee might like to note that the the United Kingdom holds the EU presidency during the second half of 2005, chairs the G8 during 2005 and chairs the two meetings of the BTWC during 2005. It is rare for a State to hold all of these positions at the same time.

12 January 2005

Examination of Witnesses

Witnesses: DR IAN ANTHONY, Research Co-ordinator at the Stockholm International Peace Research Institute (SIPRI) and Project Leader of the SIPRI Non-Proliferation and Export Controls Project, DR CHRISTER AHLSTRÖM, Deputy Director of SIPRI, and MR RICHARD GUTHRIE, Leader of the SIPRI Chemical and Biological Warfare (CBW) Project, examined.

Q135 Chairman: Thank you for coming to meet this sub-committee. I should perhaps just explain to you, although you may already know this, that we are a sub-committee of the main European Union Select Committee. Our remit is to look at foreign affairs, defence and development policy. As part of that work, we are looking at the European Union Strategy on Non-Proliferation of Weapons of Mass Destruction. We are endeavouring to focus our report on that strategy and the European Union element of it. Clearly, there are questions as to how that relates to other organisations. Dr Anthony, I do not know how you wish to handle this morning and whether the three of you are the only ones who are going to contribute. Certainly, if any of your colleagues want to contribute, I am sure the Committee would be very happy to hear from them so long as we know, for the record, who they are. May I ask you whether you would like to make any opening statement or to proceed to questions and answers straight away?

Dr Anthony: We would like to proceed straight to the questions and answers. We have submitted written information in advance which can serve as an opening statement.

Q136 Chairman: I am sure the Committee will be content with that. Perhaps I could ask you a very short question on what is a massive subject and in an area where there are all sorts of people playing a role: where do you think the European Union can best contribute, and indeed do you think the strategy is, in fact, directed properly to that area to achieve those ends?

Dr Anthony: I think there are two areas really where the European Union can best contribute. First, I think there is a practical need to release resources, meaning intellectual as well as financial resources,

to new tasks in managing security problems. It is very appropriate to put this into the context that the problems really should define the activities of the institutions and not the other way around. I think the strategy does take that approach, which is a useful and correct approach. This practical need to release resources reflects the fact that this is now a much more important issue area for the European Union. It is a new and complicated set of issues, many of which have their roots outside of Europe. A lot of the intellectual and financial resources in the security field are still orientated towards managing problems that were inside Europe. So we do need this re-targeting, if you like, of the activities, and the EU can help play a role, not only in establishing priorities but also in helping to release the resources through better co-ordination and through reduction of the transaction costs of inter-governmental co-operation. The second area where the European Union really can make a valuable contribution is as a force multiplier. Because the EU is the only one of the European institutions which has the full spectrum of activities and a full spectrum of capacities to address security problems, it does have a special role to play, not only in harmonisation and co-ordination but in giving a new quality to European contributions in the management of security problems. Partly that reflects the capacity of the EU to draw on the comparative advantages of the Member States, but I think it is also important to keep in mind that there are common resources which can and should in future be applied to the management of security problems. In that regard, I think it is interesting to pay particular attention at the moment to the development of the next Community Budget for the cycle 2007-2012, which is really an opportunity to make sure that the resources are both adequate in

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volume and also targeted in the right way to help the management of security problems. When thinking about the size of the common budget and also the structure of that budget, we need to keep in mind that the European Union now has these responsibilities and a role to play in the management of security problems.

Q137 Lord Tomlinson: Can I ask one very specific question that arises from that? You talk about the inadequacy of the budget. What do you regard as being the imperative minimum that the European Union budget should have for the non-proliferation activities, bearing in mind that the 2005 budget was only allocated something like €6 million?

Dr Anthony: That is a critical issue. If you look out over the period of the next budget cycle to the year 2012, the first starting point is that there are already certain commitments that have been undertaken in the framework of the G8. If you look at the volume of spending that has occurred in the period between the G8 Kananaskis Summit in 2002 and the onset of the next Community budget cycle, they would add up to roughly a quarter of what the Community Budget was committed to contribute. There is a very significant shortfall. If the G8 commitment is going to be met, you are probably going to have to allocate resources in the order of €750 million in the next Community budget if you are going to get to this €1 billion total that was committed at Kananaskis. We are talking about a dramatic increase in the scale of the resources to meet that financial commitment.

Q138 Lord Tomlinson: If I may interrupt, the difference between €6 million and €750 million is taking us really into Alice in Wonderland figures. What do you believe is practicable in terms of getting a realistic budget, bearing in mind the commitment of governments such as this to see the financial perspective for the forthcoming years confined within a 1 per cent of Community national income ceiling? In talking about €750 million, we can all say that is not going to happen. What is a realistic figure?

Dr Anthony: Personally, I hope that that is not already clear, that that is something still open for discussion. If you take the follow-on, this commitment is in fact addressed to a set of issues which was discussed in Kananaskis, which has now been supplemented by additional discussions in the G8, which increase the functional scope of the G8 non-proliferation activities and which may well bring new areas of responsibility to the table in the next few years. If it is the case that this is a more serious security problem facing the Union and if it is the case that the resources have to be there in order to make a serious attempt to tackle these

problems over an extended period of time and the problems are too complex for us to believe that they can be addressed through any simple solution, then the only way to square that circle is to make the resources available. I hope it is not correct to say that these things are already off the table as possibilities.

Q139 Lord Maclellan of Rogart: You spoke of the transactional costs of inter-governmental co-operation. I would like to know where you think the work should practicably be carried out. Are you speaking of your view about a new institutional development beyond what already exists to use the common funds which you are advocating should be available? Our understanding is that rather small numbers of individuals centrally are engaged on this within the Commission.

Dr Anthony: I think, in terms of the transaction costs, it is a particular issue of concern for a number of the Member States which have limited human capacities as well as more limited financial resources. The capacity of the smaller Member States to run large, complicated programmes is extremely limited, so they will have to think in future about functional divisions of labour and the extent to which one country can support activities which are, in effect, led from an administrative perspective by others, what you could think of as a kind of piggy backing, if you like, the contribution of certain elements of the much larger programme from individual Member States. Some form of structure which facilitates that kind of functional division of labour I think would be very valuable in terms of increasing the overall effectiveness of European Union actions. This is one aspect of the problem which is really directed at the way in which Member States organise their activities. A second area where it is necessary to consider the future is the way in which assistance is delivered. Here we are at an early stage of thinking through what the institutional implications would be. There probably would have to be clear guidance about where the main responsibility for developing and implementing programmes should be in conditions where the European Union would both be carrying out functional activities, for example in the technical areas such as nuclear security, but will also be carrying out increased activities in the context of the new neighbourhood policy with specific countries. Should the lead in programme development and implementation be with the country programme officers, should it be with the functional elements? These are the kinds of things that need to be thought through to make sure that we have the minimum possible overlap and duplication.

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Q140 Lord Maclellan of Rogart: I wonder if Dr Anthony could help us more specifically. You have expressed the considerations that ought to be borne in mind. Do you actually have a clear view as to what kind of institutional changes might be required to make this effective?

Dr Anthony: I do not have that today. This is something we are actually in the first stages of considering in a project we are carrying out in co-operation with the Commission and with the United Kingdom Foreign Office. We are now at the first stages of carrying out a project which is going to evaluate exactly this basket of issues. It would be premature to try to come with a very detailed picture of what we think would be necessary.

Q141 Lord Maclellan of Rogart: Can you give any indication as to how it might fit in to the collapsing of the pillars, for example, and the new role of the Minister for Foreign Affairs and whether it would be a separate agency, or how you see it? I have not got a picture. You have raised a lot of issues and a lot of considerations that need to be in mind but what are the consequences?

Dr Anthony: The implementation of the constitutional treaty would actually be enormously helpful because already a lot of thinking has been done about how this would fit together, but we have to keep in mind at least the possibility that the full Community budget cycle 2007–12 might be played out in conditions where the constitutional treaty is not in effect. Although at a macro level I think it is fair to say that the situation would be very much improved by the most rapid possible ratification and implementation of the treaty, nevertheless we cannot simply suspend operations until the day when that occurs. In the meantime, we do have to think about how to make the existing system function as effectively as possible.

Q142 Chairman: Can we just clarify the question of the money? You referred to €6 million. Is that not the CFSP budget and not taking account of the Community budget?

Dr Anthony: I did not introduce the €6 million. My own understanding is that the figure is somewhat higher than that. Current spending occurs in a number of different ways. You have some projects which are financed under existing assistance programmes, like the TACIS programme. A certain number of TACIS projects, a small part for sure, are directly relevant to issues of non-proliferation. You also have financial contributions that the European Union already makes today to some institutions which have a non-proliferation relevance, such as the STCU in Ukraine and the ISTC in Moscow. Added to that, you have specific actions which are taken in the form of joint actions financed from the CFSP

budget. When you add all that together, you come to more than €6 million. We could probably provide you with more precise figures if you were interested.

Q143 Lord Tomlinson: My Lord Chairman, I introduced the figure of €6 million but I did take it from the answer to question 4 that we had given to Dr Giannella and in that reply she says: “I do not expect 2005 to be any less expensive but, as of now, only some €6 million are set aside for the non-proliferation on the CFSP budget in 2005”.

Dr Anthony: To clarify, she is referring to financing which is available through individual specific joint actions that are financed through to the CFSP budget, but you also have spending which comes from the Community budget which is administered by the Commission, and that is non-proliferation relevant. If you add that in, you come to a figure that is significantly higher than the €6 million. The Kananaskis commitment was made for Community spending, so it covers not only the CFSP budget but the full spectrum of activities. This is why I very much hope that the €750 million is not in question.

Q144 Lord King of Bridgwater: You started by saying you need more people and more money, which is a common cry on this programme. If it does not happen, what are the most important things that will not be done?

Dr Anthony: Then really the question really is: if you have to prioritise, where should the main priorities be?

Q145 Lord King of Bridgwater: It is the other way round: what will you not do? Having prioritised, what will be the things that will get left off?

Dr Anthony: If we start from that way round, there is a long list of things in the overall spectrum of non-proliferation activities that really need to be done, but the priority will inevitably be given to those things where there would be the highest consequences of failure of policy and those things where we believe that actions taken today could have some meaningful traction on the problem. I would say that that would mean that the efforts would be concentrated in the nuclear area, if this was to be the way it was approached. That would mean that a range of things in the biological area, in the area of radiological weapons, would probably fall by the wayside if the priorities are structured in this way.

Q146 Lord King of Bridgwater: Such as?

Dr Anthony: If you take the questions in the radiological area, we have now the development of the Code of Conduct within the IAEA, which is part of their overall nuclear security programme that is specifically intended to reduce the risks that radiological weapons would be used by making sure

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that powerful radiological sources are under close control. This is a very useful project. It has a direct link to the current security imperatives but also, by the way, has very useful environmental impacts in the sense that these radiological sources can also be environmentally unfriendly.

Q147 Lord King of Bridgwater: That is being done by the IAEA presumably under their budget?

Dr Anthony: But they do not have adequate resources. This is exactly the kind of area where, through co-operation between the EU and the IAEA, you could facilitate the implementation by the IAEA. I am not suggesting that the EU duplicates or undertakes this but it could certainly help to finance a project like that.

Q148 Lord King of Bridgwater: What you were saying when you talked about a force multiplier—a phrase you used before, or reinforcement of resources—is that in one aspect all the EU would do would be simply to give money to other people's programmes that were under-funded?

Dr Anthony: It is a big "all" but that is certainly one of the most valuable things it could do.

Q149 Lord King of Bridgwater: Would there be an alternative route to suggest that if those agencies are to avoid the complication, they should be properly funded themselves?

Dr Anthony: We have been having that discussion for a long time now.

Q150 Lord King of Bridgwater: Is there any reason to drop it?

Dr Anthony: I am not suggesting it should be an either/or. I think it is certainly very important that the IAEA receives the resources from its Member States that it should receive. The reality is that a number of EU Member States, even today, do not pay what they should into the Nuclear Security Fund.

Q151 Lord King of Bridgwater: You said this would be quite an important part of it. For which other programmes of other people do you see the EU simply being an additional source of funding?

Dr Anthony: Partly it is an additional source of funding. The IAEA example is one where they have a set of international standards that have been developed by the agency and which need to be implemented. In other areas like, for example, bio-security, we are still in need of the highest possible international standards to be accepted by the international community. Here there is an important role for the EU to play in standard-setting. This area of bio-security, if the resources are not available,

could easily also be one that at an early stage is just pushed to the side.

Q152 Lord King of Bridgwater: The question I really ask is: for what other agencies did you see the IAEA being asked to reinforce their funding?

Dr Anthony: In the context of bio-security, and I should turn to Richard Guthrie. I think the World Health Organisation is one where the question of standard-setting would certainly be on the agenda.

Q153 Lord King of Bridgwater: Do you see the EU contributing and making a contribution to WHO?

Dr Anthony: It would be working with WHO to develop the highest possible standards in bio-security and then making sure that adequate resources were available to implement those standards.

Q154 Lord King of Bridgwater: Rather than hold this up, could I ask if we could have a list of bodies for which you think the EU would be asked to be a supplementary funding source?

Mr Guthrie: Perhaps this conversation is ending up focused at a particular angle. I certainly, for example on bio-safety and security, would not see the EU necessarily giving money directly to WHO, as you were suggesting.

Q155 Lord King of Bridgwater: I am not suggesting it. It was your colleague who did so.

Mr Guthrie: That could happen. One place where I see the strengths of the EU is, because of its ability to set standards and then encouraging others to adopt those standards, that quite often they will end up having to give some form of contribution to the adoption of those standards. One of the important things in the entire weapons of mass destruction field is that we are dealing quite often with technologies that have both benign and hostile uses, and the EU is a major trader in those technologies. So if we adopt standards within the EU countries for dealing with some of these technologies and then say that these would be very valuable for non-proliferation purposes and we want other countries and other organisations to adopt those standards, very often they will not want to do that unless there is a contribution to that activity. Quite a lot of the time a contribution to an organisation may be along those lines rather than a simple direct financial one. Perhaps I could just clarify one thing about the budgeting questions. Some of the figures that have been talked about are figures for five years and some are annual figures. The figure of €750 million that was being discussed in the G8 context is over a five-year budget cycle, so that is €150 million a year rather than any annual budget.

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Q156 Lord King of Bridgwater: I asked about a list. Would you be able to provide a list?

Dr Anthony: Yes. I have made a note and we will supply that.

Q157 Lord Morris of Aberavon: As a former spending minister in many departments, one has to satisfy the Treasury when one has a proposal. Where precisely would you propose, given your order of priorities, money needs to be spent?

Dr Anthony: As to the first part of your question, we have now made in the European Union, in the context of the Security Strategy that was adopted in December 2003, a very clear statement that non-proliferation is one of the highest priorities for the European Union. Within that Security Strategy and then the WMD strategy, we have made certain statements about what we need to do in order to secure the EU. This is presumably a convincing argument for making sure that we have the adequate resources available. In terms of what really needs to be done as a matter of priority, as I said before, personally I think just at the moment the most critical issues in terms of the problems to be solved are in the nuclear area. That is true both from the perspective of state-centric problems and also in the field of non-state actor security problems. Personally, I think just at the moment, partly because of the urgency of the problems and partly because there are certain processes which are already under way in the nuclear area that could be fairly easily, in my view, supported by the EU, that would be the place to focus the immediate attention.

Q158 Lord Morris of Aberavon: I still do not know where the money would go? I understand the priorities. You come to me as a Treasury minister and tell me where precisely the money is going to be used before I hand the money over. Can you tell me?

Dr Anthony: What I have been focusing on so far is the Community budget. What you are asking me, as I understand it, is a question about where the priorities should be at the Member State level.

Q159 Lord Morris of Aberavon: You said that you would put the nuclear problem at the top of your priorities. There is a shortage of funding but for what?

Dr Anthony: That is a fair question. We have a number of things where we can make good progress at the moment. One is in the area of nuclear material security, where again, the IAEA has developed standards which countries should introduce at a national level in order to make sure that fissile materials are under the closest possible control. We need to have a situation where countries, as a matter of urgency, introduce these standards. To do that, we probably need to provide them with technical

assistance to explain to them how to do that. That is one important priority. The second important priority is in the area of export control systems. We have seen now in the last few years a lot of information coming out to suggest that the quality of enforcement of export controls in a lot of countries that have significant technical capacities is inadequate. We need to have the highest possible standard of export control legislation in place in the widest possible number of countries, and then we need to make sure that that legislation is enforced. That again requires technical assistance to be provided by people who already understand the problems and have some idea of what the solutions might be, so that export control technical assistance is another urgent priority. In the area of nuclear security, as I said before, there are large numbers of powerful radiological sources which are inadequately secured and which are potential components of a radiological dispersal device. Again, we need to support those processes that will make sure these radiological sources are under control and that we know how many there are and where they are so that we have adequate measures in place to make sure they do not get into the wrong hands. These are the kinds of priorities which I think should be at the top of the list or the first steps.

Q160 Lord Lea of Crondall: I think you have dealt with the broad question to some extent of where you think the biggest dangers lie, but there is one big danger at the moment and that is Iran. How does all this relate to the political level? We have now something that our tabloids call the “EU big three”—Britain, France and Germany. How do you think that where we are with the Non-Proliferation Treaty fits into the UN backing for what people might want to do—this is behind my question—of putting a security umbrella over the Middle East and Israel and so on? What do you think is the relationship between the EU three, which on this occasion has announced that they are reporting to the Council of Ministers, and the stated strategy, which is not just about what is going on in Omsk but it is also about backing up the Non-Proliferation Treaty, including, in your interesting memorandum, drawing our attention to the fact that there is a disarmament leg, which is to some extent what you we are doing in Russia and North Korea, or wherever it is, as well as what you might call technically a non-proliferation leg. Could you comment on that broad territory?

Dr Anthony: That is a very interesting basket of questions. What is happening in Iran I think is evidence of the way in which the EU is becoming a more critical actor in the management of urgent security problems. I think that what is happening there is a very pragmatic attempt to make a contribution to the solution of a critical problem. It

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simply would not have been realistic to try to produce a policy by harmonising the views of all 25 Member States on every occasion that we were going to have any interaction with the Iranian side. The management of this by a smaller group, which reports back to colleagues, seems to me very appropriate and pragmatic. Iran certainly is an example, but only one example, of the fact that the global non-proliferation regime is facing a number of threats which, if they are not managed successfully, might lead to deterioration within the regime overall. We have already seen one country, North Korea, withdraw from the Non-proliferation Treaty, having spent a considerable period of time building up its technical capacities while still nominally being a member of the treaty. This is a very serious challenge. It opens the risk that additional countries could withdraw from the treaty and go ahead to develop nuclear weapons programmes. If this happens too frequently, we are really into uncharted territory, given that some of the countries of concern are in areas which are unstable and given that we have a number of countries, including the most important country of the world that has made a very clear statement that it is not prepared to accept this without some immediate measures. We really do have to address this as a matter of concern. Although, at the moment, it is the case that there is only a very small number of countries that are of immediate proliferation concern, the risk is that if we do not handle these cases successfully, that will trigger a second wave of programmes so that, if you look out over a 10 to 15 year perspective, you may be dealing with an international system with multiple nuclear weapons states. We simply do not know what the consequence of that development would be, so it is a very serious problem. You have the forthcoming review conference, which is, I think, an opportunity for the European Union to make a practical contribution to managing some aspects of this problem. The review conference is not a place where you can engage with very specific issues like Iran, but nevertheless I think the EU could make a very real contribution, and I think they have an obligation to do so. I do not think it would be satisfactory, in my own personal view, for the European Union to arrive at a review conference with a common position that is like the ones they have had in the past. Too much has happened in the last five years to arrive at a review conference with what is basically the lowest common denominator position. They need to have a common position and that common position needs to have more substantive content than may perhaps have been the case in the past. The aim of the EU should be to persuade the conference of the need for a set of practical measures, some of which we have already talked about, like strengthening export controls, strengthening nuclear safeguards and

strengthening nuclear material protection, accountancy and control. These need to be spelled out in quite practical terms. That needs to be put to the conference in a format that will assist implementation after the conference. I do not know to what extent you followed the discussion of the so-called 13 steps that were agreed in the past, which was a very practical set of measures but which has never in fact been implemented. That is because they are essentially a declaration of a political type which, when the political winds change, are simply disregarded. I think it would be useful to try to persuade the conference that these practical steps should be codified in a way that would increase the probability of enforcement, perhaps, for example, as a protocol to the treaty.

Q161 Lord Lea of Crondall: You see the EU as some sort of honest broker with the United States and the rest of the world who might, as a default position, get behind the UN panel package?

Dr Anthony: I think more than an honest broker; they should try to be the main driver of this process because on the issues that I have just enumerated I believe at the moment there is a very broad recognition in the international community that these are the practical steps forward. If you look at the response, for example, to the United Nations Security Council Resolution 1540, really quite a lot of states have engaged in that process actively, not as many as we would like but a significant number. I think the climate now would be right for this kind of practical set of measures to have some realistic prospect of getting very widespread support. It is something that ought to be driven as a matter of priority by the EU. Personally, I believe it would be more useful to take that approach than to emphasise some of the questions which have been emphasised in the past, such as universalisation of the treaty or the need for disarmament where we do in fact already know that it would be extremely difficult to make any progress. In fact, that is a euphemism; it would make no progress. It would be better to emphasise a practical set of measures that has some prospect of implementation.

Dr Ahlström: May I give you some additional comments on the Lord Lea's question in relation to what is happening in Iran and the EU Strategy. I think it is important to know that even if one looks at the way the EU Three, as they are appropriately called because the European Union as such came in at a very late stage in this, essentially late last fall, has approached this issue, one finds several links back to the strategy we are discussing here today. One is the willingness of the EU Three to address the security situation in Iran, and that has replaced the holistic view expressed in the WMD Strategy. We also find the EU is interested in remaining true to

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multilateralism and that it value treaties with the emphasis on implementing the NPT, and that of course also contains part of the problem in relation to Iran. Perhaps I should not comment on that. Then we also find the element of conditionality which states that if we can see progress on the enrichment programme, we will go forward with the trading and co-operation agreement. We see evidence of this.

Q162 Lord Inge: Dr Anthony, I think you said there were 13 practical steps that could be taken and that people needed to sign up to them and, if they did not do so, these would be enforced. Could you say a little bit more about what you mean by “enforce”?

Dr Anthony: The 13 steps I was referring to were contained in a document that was agreed at the previous NPT review conference. In fact, many of these steps have never been implemented. What I was really making the case for was an alternative approach to try to improve the likelihood that anything we recommend now would have a better prospect of success.

Q163 Lord Inge: You did use the word “enforce” at some stage.

Dr Anthony: I may very well have done.

Q164 Lord Inge: I am interested to know how you do it.

Dr Anthony: It is an interesting area. I think those elements are also contained in the security strategy, the WMD strategy, and we are beginning to see now an element of conditionality being introduced in the European Union interaction with third countries. Increasingly, they are including what they call the WMD clause into their agreements with third parties. Behind that is the clear implication that if you do not do the things which are agreed in the specific document that would have to be elaborated with each country, because the specific contents of the agreement would have to be tailor-made to the country in question, there will be consequences for your relationship with the European Union in the trade area and in the technical assistance area, and also it would be damaging for your political relations. This element of conditionality is there now. That is one of the reasons why I was saying earlier that it is very important to make sure that the people who are responsible for the programmes and the country desks in the EU are fully conversant with what their colleagues in more functional areas, such as non-proliferation, are thinking of doing. The best prospect for success, of course, would be that the country with whom you have the agreement receives a consistent message and consistent signal. You do not want to have a situation where the country desk officers are saying one thing and then a week later the non-proliferation people are saying something

completely different. These are the kinds of issues which they really need to deal with now internally within the Commission.

Q165 Lord Inge: I understand what you are saying. Are you also saying, behind all that—and you talked about political powers and about trade and everything else—that we do not have any real powers of enforcement, or do we, that are stronger than those?

Dr Anthony: We do not yet but I think that is linked to a bigger question. The non-proliferation strategy is essentially a preventative measure and it is dealing with one area of the overall security agenda. My own personal view is that we need to have an equally comprehensive and energetic look at other parts of the security policy agenda, and we need to think about how they fit together. That means that we also need to think about what this means for the ESDP as well as CFSP. That is a more long-term project, of course, but ultimately as a part of the overall expression “effective multilateralism”, we do need to think about not only non-proliferation but also the position on what is now called counter-proliferation and what we do in response to events if there were to be some sort of incident or attack on the European Union. At the moment, it is very important that we do what we can do on the non-proliferation strategy. We need to have in mind that this is only one part of the overall management of security problems. We have done more in this area I would say than we have done in some of the other areas and they need to catch up.

Q166 Lord Hannay of Chiswick: I would like to turn to the UN High Level Panel report and a section of that report that contained I think 17 recommendations for action in the field of non-proliferation. Would you like to comment on the substance of those recommendations and then, at the same time that you have already started to do that, how you think the EU should get behind them; and, thirdly, which of these areas could be the object of progress during the non-proliferation review conference?

Dr Anthony: I think the High Level Panel report is, of course, really interesting. You have used the expression “effective multilateralism” and I think the High Level Panel report has also taken into account the need to think about that that means. We have seen a situation in the last few years, not least in the non-proliferation area, where most of the important initiatives have been taken outside the framework of the institutions, whether it is in more political bodies like the G8 or the multilateral export control regimes, or the Proliferation Security Initiative. These are things which have been done outside the framework of the international organisations. The reason for

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that, in my view, is that the international organisations have found it very difficult to come to terms with the changes in the international system. In particular, they have found it difficult to come to terms with the role the United States now has as an agenda-setter. They are not yet ready to go to the extent of modifying the agenda of the organisations essentially to match the security priorities of the United States, which would be one way to resolve this effective multilateralism. In answer to the point that you would simply put the organisations at the service of the US agenda, the organisations are not ready to go that far. At the same time, it is clear that you have to find some way of accommodating US views to a greater extent than before in thinking about how to take action. I think the EU strategy and the High Level Panel report are both very practical ways to address that need. It seems to me at least that they are moving along exactly the right line and finding a way in which the United States and the international community can work together to solve specific problems. Since they mirror this broad philosophical approach, it seems to me that the EU ought to be able to work to implement the recommendations of the High Level Panel in the non-proliferation area. The things which are enumerated in the High Level Panel report are very similar to the things I have already been talking about. There is specific reference to the question of nuclear material protection, accountancy and control in the recommendations. There are specific recommendations on strengthening IAEA safeguards, the need for effective export controls, the need to accelerate chemical weapons destruction and the need for enhanced bio-security. All of these are continued in the High Level Panel report. It seems to me that there is a lot in there which the EU really should regard as serious food for thought when they are thinking about how they can assist with the development of effective multilateralism. The Non-Proliferation Treaty Review Conference is probably the first opportunity to make some tangible progress in this area. I very much hope that when they are preparing their composition they take very seriously the High Level Panel report because it provides them with a very substantive agenda for action.

Q167 Lord Hannay of Chiswick: If I may just follow up on that, Mohammed El Baradei had a very interesting article in the *Financial Times* yesterday in which he basically picked out what I think he regarded as the five most important recommendations of the panel and he pushed them, without any cross-referencing back to the fact that they came from the panel; there is no problem about that. Could I just ask about one of them that seems to me to be very close to the heart of all this, which is the attempt to prevent any further plants for the production of enriched uranium, for the separation

of spent fuel to have plutonium, and the need to have a moratorium; he proposed a five-year moratorium and the panel simply proposed a limited term moratorium. I imagine you would agree that this all has some read across also to the discussions with Iran because it would be easier of course to persuade the Iranians to do something that applied worldwide than something that would simply apply to them. Could you comment on whether you think it is realistic to work for a system which would enable the IAEA to guarantee to civil nuclear users access to low enriched uranium and reprocessing facilities at rates which would not be ruinous to them and a system which would not be liable to intervention by a single country to cut off its supply.

Dr Anthony: As you know, that is one question that has been discussed also in the Nuclear Suppliers Group. There are difficulties with it because some of the Nuclear Suppliers Group members are not entirely convinced that they are willing to sign up to this themselves. I think the great majority of them are but there are one or two countries, and I think they are named usually, that are not; Brazil is one and Italy is another. It is quite difficult to get the NSG to operate by consensus, to put its weight behind this. Given that one of the countries sometimes named as an obstacle to this is Italy, there may be also problems in coming up with a common European Union position on this. I think it is the case, in fact I am sure of it, that it was submitted to the Legal Service of the Commission, which also raised some questions about whether this would be consistent with the Single Market where you could not actually prevent the transfer of the relevant technologies within the Single Market. You would need to have these questions resolved first. I just wonder whether that is possible in the timeframe between now and May. You will also have the discussion within IAEA by the expert group of various alternative approaches to international control of the most sensitive parts of the fuel cycle. I believe it is the case that they will produce their report in February or March, and so there is probably going to be a lot in there which countries will need to look at and digest. The issue is very important and certainly should be a matter of priority, but whether it is possible to resolve this in time to come up with a clear and coherent position before May when it would need to be presented to the conference I think is another question.

Mr Guthrie: My speciality is chemical and biological. I have done a certain amount of work in the nuclear field, to which I will make a quick reference at the end of these comments. May I say that the High Level Panel gives some good illustrations of how the EU's range of capabilities can be used. For example, in the biological sphere, they make specific recommendations relating to the fact that the Biological Weapons Convention has no comparable

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verification and compliance measures, unlike the other WMD treaties, but not simply just for a verification protocol; they have also mentioned the control of disease generally because of course biological warfare is nothing more than deliberate disease. Here, for example, the EU has a whole range of skills and has made the decision to make our own centre for disease prevention and control, which will be based in Stockholm. Those resources will, if the EU took the decision to assist the world in controlling these things, be of particular value. The other example where one could see potentially some EU co-ordination that bears further looking at is when the High Level Panel re-visits an ideal about a form of roster of experts for the United Nations. When the roster of experts in the United Nations for inspection or investigation of alleged use has happened with national contributions, it has often ended up that the United Nations has had a lot of one form of expert and not many of another. This would be a very interesting way for the EU to become involved and say, "We can look at the breadth of capability that would be needed and then collectively try to come up with a roster of experts". I have just a quick comment on the question of fuel cycles and the nuclear safeguards. How to allow certain peaceful activities was a debate that happened right at the beginning of the European Union's history, which is why, under the EURATOM Treaty in 1957, all civil nuclear materials within the Community belonged to EURATOM, and that is how the EURATOM safeguard system operates. When one looks at what appear to be new proposals and at how you could safeguard fuel cycles so that people could have the economic reliability of access to fuel but the ultimate ownership would not be in the state where it is being used and so the material could be used broadly, it was hinted that those materials were being misused. The European Union itself has a very good precedent to show the rest of the world that, yes, it does work and it has worked successfully for a number of years.

Q168 Lord Lea of Crondall: One question in the panel's report is part of a series on the obligations of a nuclear weapons state. It is very striking how much prominence in the panel's report was given to obligations within existing nuclear weapons states. It is contended by some of the non-weapons states, of course, that there is one law for the nuclear five and another law for everybody else. I guess that may be why some of these other states will take the panel report as a default position. Could I ask if you have any priorities within what you would press for on the eight recommendations for the nuclear weapons states or have you not got that conveniently to hand? It would be interesting if you could follow that up because the one recommendation which is of particular interest is that the Security Council would

be explicitly placed to take collective action in response to a nuclear attack or the threat of such an attack on a non-nuclear weapons state. That may give some credence to carry on with something like the present treaty, although the original one was signed, it says here, in Washington, London and Moscow in 1968. You can understand why the situation has changed a bit since then.

Dr Anthony: I do not know I have a very coherent reply.

Mr Guthrie: This is a question that came up during the negotiations on the Non-Proliferation Treaty. In fact, in parallel to the signing of the Non-Proliferation Treaty, there was a United Nations Security Council Resolution 255 passed in relation to what are so-called positive security issues; that is, coming to the assistance of a state which has been attacked with nuclear weapons. The difficulty politically, of course, was that the non-nuclear weapons states were in a position of recognising that the nuclear weapons states that existed at the time were the same as the Permanent Five Members of the Security Council. The thought was that almost certainly an attack would come from one of the members of the Security Council and therefore how would the Security Council act against that member? I suspect there is no way of squaring that circle. It would be to a great extent like the debate on negative security assurances, which is putting it the other way round: the nuclear weapons states promising not to use nuclear weapons against non-nuclear weapons states where the nuclear weapons states do not want to give much ground and the non-nuclear weapons states want a lot of ground to be given. I just see there being too big a gap. It is one of those issues that perennially is raised. I suspect, just as in previous decades, it is easy to raise it but very difficult to find an easy solution.

Q169 Lord Hannay of Chiswick: Surely there has been a change in the situation now because there are at least three states which are not formally recognised nuclear weapons states but which have nuclear weapons, and a fourth one about which it is stated that it has nuclear weapons. A security assurance of the sort that is proposed by the panel would probably be seen by many people as most likely to be applicable to the activities of Israel, North Korea, India and Pakistan.

Mr Guthrie: In essence, an attack would be covered by Security Council Resolution 255 in the same way as about the United Nations coming to the assistance of a state attacked with nuclear weapons. I can find a copy of the resolution for the Committee.

Q170 Lord Hannay of Chiswick: It does not refer to a state threatened with attack?

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Mr Guthrie: Not threatened, that is true.¹

Dr Anthony: If I could add one point, it seems to me that a lot of the important activities are going to be taking place on these questions at the regional level, in the foreseeable future at least, and that what we are seeing now is, at least in north-east Asia, an attempt to put together a regional security structure whose basic objective is to contain North Korea's nuclear weapons programme through, in effect, the creation of strategic stability within that region. The immediate objective is not likely to be disarmament. The same is true in south Asia: the discussions that are going on between India and Pakistan and with outside countries are basically aimed at creating strategic stability; they are not aimed at disarmament, although in both cases, of course, disarmament can be kept as an ultimate objective. This is probably something that is seen as a long-term rather than a short-term objective. This question of how to construct stable regional relations in places where nuclear weapons have already appeared seems to me to be the immediate area of activity

Q171 Lord Hannay of Chiswick: Are you saying that the North Korean discussions do not envisage the dismantling of North Korea's weapons' arsenal?

Dr Anthony: I think that is a very desirable objective but is not realistically achievable under the present conditions. In fact, it is already happening that they have the capability.

Q172 Lord Hannay of Chiswick: So you discount the fact that the Americans say it is a *sine qua non*?

Dr Anthony: You can say it but how are you going to achieve it?

¹ Operative Paragraph 1 of Security Council resolution 255 adopted on 19 June 1968 reads: "1. Recognizes that aggression with nuclear weapons or the threat of such aggression against a non-nuclear-weapon State would create a situation in which the Security Council, and above all its nuclear-weapon State permanent members, would have to act immediately in accordance with their obligations under the United Nations Charter".

The issue was revisited in operative Paragraphs 2 and 3 of Security Council resolution 984 adopted on 11 April 1995 which read: "2. Recognizes the legitimate interest of non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to receive assurances that the Security Council, and above all its nuclear-weapon State permanent members, will act immediately in accordance with the relevant provisions of the Charter of the United Nations, in the event that such States are the victim of an act of, or object of a threat of, aggression in which nuclear weapons are used;"

"3. Recognizes further that, in case of aggression with nuclear weapons or the threat of such aggression against a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons, any State may bring the matter immediately to the attention of the Security Council to enable the Council to take urgent action to provide assistance, in accordance with the Charter, to the State victim of an act of, or object of a threat of, such aggression; and recognizes also that the nuclear-weapon State permanent members of the Security Council will bring the matter immediately to the attention of the Council and seek Council action to provide, in accordance with the Charter, the necessary assistance to the State victim;"

Q173 Lord Morris of Aberavon: We have been following the differences in progress between the chemical side and the biological side. You mentioned, Mr Guthrie, a few minutes ago your expertise on verification. As regards biological weapons, is the main problem verification or does that flow from and is the root cause of it the industrial interface, fears of countries as regards their industrial capability? Have you any substantive ideas as to how you could make progress—and the items in your paper refer to procedural matters—and is there anything that you think is practicable?

Mr Guthrie: There are two ways of approaching this problem. One is in the broadest sense and the other is what the EU and its Member States can do to contribute to that. As I have said, there is this great difficulty that there is no adequate or no comparable verification mechanism. This is also a field within the life sciences that is moving ahead so rapidly that most people do not want to see themselves restricting what they might do in the future because one does not know where the life sciences are moving. There are tremendous positive benefits from the greater knowledge within the life sciences, but, of course, that greater knowledge can also be used for hostile purposes. The more you know about the workings of the processes of the human body, the greater the chance you have to intervene, positively or negatively. One thing that is very much a focus internationally in the biological sphere is that in 2006 there will be the next review conference of the Biological Weapons Convention. If there is to be any progress in this field, the review conferences are really the only decision-making body and they only act every five years. To be frank, the last review conference in 2001 was looking as though it could end up as a real mess. It was only retrieved by suspending the session and reconvening in 2002. That resulted in an inter-sessional process, a meeting of states' parties. Some people are looking very minimalistically at 2006 and saying that maybe we just want something like that, but others are trying to get something more substantive. The European Union has a very interesting set of roles it can play at this point. The first is as a major grouping of Member States of the Biological Weapons Convention. But because it is a convention dealing with dual-use items, of which there is tremendous trade, the first thing the EU can do is to put its own house in order on all the politically binding things rather than legally binding things that surround the convention. For example, there are certain transparency measures, confidence-building measures, that, frankly, have never really taken off in the way intended. Part of that was because there was a thought that there would be a more strict verification process. The last time

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confidence-building measures were properly discussed in the Biological Weapons Convention context was in 1991, but in 1992 you had the first meeting of experts mandated by the 1991 Review Conference to look at the verification arrangement. People were not really wanting to strengthen the CBMs; they thought those would be supplemented by something. Now we do not have that protocol, it would be perhaps a good time to go back to the CBMs, but not all Member States submit CBMs. One of the first things we could do, and it has been discussed, is to try to get some coherence within the Union on that. More importantly, it could form a plank of what the EU could do externally, and this comes into the broader question of such things as the non-proliferation clause. The non-proliferation clause is essentially very loosely worded, usually it is a model clause, and it asks for states to be party to and in compliance with the relevant conventions. If you are a party signing an agreement with the EU and you are trying to work out what you have to do under the Chemical Weapons Convention or under the Non-Proliferation Treaty, there are standards and benchmarks out there in relation to your verification and your interaction with the OPCW and the IAEA. In the biological sphere there is nothing: no benchmark and no standard to be set other than political declarations about national implementation. Here is a role where the European Union could say: "This is what we regard as a set of benchmarks." They do not have to be very specific but they could be, for example, completing all of the politically called for transparency measures. By that means, we start creating a track of implementation globally by encouraging other states to do this, to be in compliance with their non-proliferation clause. Before we can do that, we would have to ensure that our own house was in order. There are ways to do that with the things that are happening. The study referred to in the document that was paid for by the Dutch Government was awarded to SIPRI and I led it. Some of it is very forward-looking to 2006. Sometimes it is very difficult to get governments to look two years ahead. It was very good of the Dutch Government to start thinking about this. Some ideas were put together in consultation with Member States and a lot of that is now back with Member States for them to be thinking about. One would not necessarily want to comment too much on the detail at this stage. There is a role there both for Member State activity and the European Union as a whole to be able to use its resources to enhance implementation of some of these measures. Then, as we move towards 2006, we get progress and we have created more of a momentum where people might have an expectation that we could actually get something out of it. Part of the difficulty, as I am

sure many members of this Committee will know with their experience on the international stage, is that if everybody is looking pessimistically towards an international conference, quite often you get a poor result. What we need to do is to show that there are ways in which progress can be made, maybe not at the greatest level that some people would like but that we can make substantive progress.

Q174 Lord Hannay of Chiswick: To follow up on something you said there, are you suggesting that there is a real conflict between pursuing a verification protocol and working at confidence-building measures or merely a perceived conflict? Do you believe, in the context of 2006, that the EU can pursue both or has it to decide to pursue one or the other?

Mr Guthrie: The reality for 2006 is that I do not think you could ever get the review conference to establish a mandate for a resumption of negotiations on a legally-binding verification measure.

Q175 Lord Hannay of Chiswick: Because of the American position?

Mr Guthrie: It is primarily the Americans but I think you will find there are a number of other states which are willing to let the Americans take the pressure and who are not particularly happy with increased verification in this area but are quite happy to let the Americans be the ones making the most noise. Perhaps one thing you could say is that if we cannot get a mandate out of 2006, what are those things which we can do which would contribute to an eventual process? One could draw an interesting parallel with the Chemical Weapons Convention. The text of the Chemical Weapons Convention was agreed in 1992; it was signed in 1993; it entered into force in 1997. A lot of the real substantive work of the organisation actually only happened a couple of years later, just with the effort of institution-building. Part of that is doing things like persuading states to provide their declarations and pass their laws. If one is looking at the long term of the biological weapons verification regime, a lot of the elements that states would have to have and a lot of the records to be kept and preparing of their declarations and the information have all been called for politically. One could say, if we start moving forward with some of these things from 2006, if you were to get a mandate for verification arrangement or a compliance arrangement later, you could actually incredibly shorten the time it would then take to implement. It is a useful function and so right. Of course, once you have got towards the possibility of implementing it, then there may be fewer political barriers because people will see what

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could happen with implementation and maybe it is not as scary as they thought it might be.

Q176 Lord Hannay of Chiswick: So you are basically saying there is not a contradiction?

Mr Guthrie: There is not a contradiction but I think if you aim too high, you could get a negative result.

Q177 Chairman: Dr Anthony, this has been a very interesting session, but I fear that time is going on. There are three other questions on which we have asked you to expand in your written evidence. I wonder if I could trespass on your goodwill and ask you to do that in writing, unless there is anything you particularly want to say to us? I have particularly in mind that you say that the strategy should have been more ambitious. If you have anything in particular you want to say about that, anything pressing you want to say to the Committee, please do so, otherwise, if we could

have the replies in writing, that would be very helpful.

Dr Anthony: I would be happy to do that. Perhaps I could just give a very quick clarification of what I meant by that, to be absolutely clear? As far as I am concerned, the strategy was an excellent first step and I think the implementation of the strategy by the people involved has been energetic and also effective within the limits of the resources they have available to them. I was not in any way trying to suggest that the development of the strategy or its implementation has fallen short. To a certain extent, we have already talked about the issues in this session. It seems to me that the strategy, by addressing non-proliferation, is looking at one part of the broader security picture, and now we need to make sure there is the same amount of attention given to the other parts of that report.

Chairman: That seems a suitable note on which to close. Thank you very much indeed for coming and thank you for answering our questions and giving of your time.

Supplementary memorandum by the Stockholm International Peace Research Institute

What is the size of the budget required for non-proliferation purposes?

To provide context and avoid confusion it is useful to clarify the current levels of spending. The Community contribution, for specifically targeted WMD non proliferation and disarmament programmes is made up of the following components:

- (i) Financing under EU Joint Actions. In 2004 this form of financing can be valued at roughly 13 million Euros of which 3.3 million Euros will be provided to the IAEA, 1.8 million to the OPCW and 7.9 million to projects to strengthen nuclear security in Russia.
- (ii) Technical assistance provided under the TACIS programme to the Nordic Dimension Environmental Plan, to bilateral projects in North West Russia, to nuclear safeguards projects, to export/border control projects and to the ISTC/STCU. In total this sums up to around 50 million Euros per year.

In June 2002, at the G8 Summit in Kananaskis, the heads of States launched the G8 Global Partnership against the spread of weapons and materials of mass destruction. At that summit the European Community committed itself to spend one Billion Euros over a period of 10 years to support the Global Partnership.

Taking the past spending into account and projecting the current level of financing over the 10 year period would mean that the European Community would around half of its Kananaskis commitment. Moreover, since Kananaskis the G8 have broadened the scope of their discussion of non-proliferation to take into account issues (such as the physical security of powerful radiological sources) that are not contained in the G8 Global Partnership but that are considered urgent priorities.

To make good its commitment the EU should spend a minimum of 750 million Euros in the course of the next budget cycle. This would in effect roughly double the current level of spending (around 64 million per year) to a level of around 150 million Euros per year.

If this 150 million is presented as a share of the most recent annual EU budget (for 2004) it would represent just over one-tenth of 1 per cent of total spending. The 2004 EU budget represented 0.98 per cent of total EU GDP. Therefore given reasonable assumptions (ie assuming that the budget is 1 per cent of EU GDP and assuming a modest growth in the total size of EU GDP) this level of spending is perfectly affordable.

The need to take this opportunity cannot be overemphasized. The EU has taken steps to develop a more coherent and effective strategy to combat the proliferation of WMD, which has been identified by heads of government as one of the main priorities within overall security policy. However, while real gains have been made, the development of capacities is not keeping pace with the growth in responsibilities.

The next common budget is an opportunity to harmonise the allocation of resources with the main identified problems. If it is not taken now then the next opportunity to do this will not arise until roughly 2010.

Could you expand more concretely on what you say in paragraph 2 on page 3? What are the “restrictions on the way in which common resources are programmed” to which you refer?

It is necessary to put in place financial instruments that can address tomorrow's security agenda, not yesterday's. The budget that is agreed for the period 2007–13 should be directed to meet the most urgent programme needs. Therefore, it will probably be necessary to work on a wider range of problems in a wider range of locations and with a broader range of partners (including other international organisations).

The existing instruments were designed to be used to finance non-proliferation related activities from common resources are not sufficiently flexible to meet the anticipated needs. The current instruments were. The following assumptions are now outdated and need to be reconsidered:

- (a) The assumption that common funds should only be applied in areas that were considered to be part of the “competence” of the Commission needs to be interpreted in the light of the fact that the Commission is already playing a role in the G8 Global Partnership and also participates in other non-proliferation relevant activities (such as some of the multilateral export control regimes). It is necessary to reach a clear view of what the scope of activities can and should be in current conditions.
- (b) Some existing projects are financed using means that are only available for financing projects in Russia and some of the other successor states to the former Soviet Union. The technical assistance programme TACIS (Technical Assistance to the Commonwealth of Independent States) can be given as an illustration. As these financial instruments are revised the new instruments should be set-up so that the option of financing future activities—such as the Middle East and Asia—is not constrained.

Ought the EU to try to coordinate members' approaches to the NPT Review Conference in May? If so, what could the realistic aims be?

Yes, in fact given all that has happened in the non-proliferation area within the EU since the last Review Conference it would be unacceptable if the EU either failed to produce a common position or produced a document based on the lowest common denominator. If this was to happen the EU would rightly be criticized.

The aim should be to persuade the Review Conference of the need to adopt a set of practical measures including: strengthening nuclear material protection, control and accountancy, strengthening nuclear security, strengthened safeguards and more effective export controls. The EU should spell out in some detail what is needed in each of these areas and should be proactive and well coordinated when arguing for the adoption of these measures.

The EU objective should be to persuade the conference of the need to codify these practical measures in a form that will aid implementation, for example through an implementation protocol to the NPT.

This protocol is needed in light of past experience. The 2000 Review Conference agreed a political statement containing 13 “practical steps” necessary to implement an earlier (1995) Decision on “Principles and Objectives for Nuclear Non-Proliferation and Disarmament”. However, this political declaration did not become the basis for implementation of the identified practical steps.

If Review Conferences agree in specific and unambiguous terms that states should do practical things then they should follow through on their commitment. A protocol might increase the likelihood of this happening.

Which international organisations would the EU need to work with in order to strengthen practical barriers to non-proliferation?

The particular need is to put in place the strongest possible barriers to terrorist access to the materials and know-how that could be used to cause mass destruction or mass disruption.

In the nuclear and radiological technical areas the relationship between safety and security standards and the non-state actor threat is well developed. However, the resources to put in place effective systems in all parts of the world are lacking.

The International Atomic Energy Agency (IAEA) is the body that sets international standards in nuclear security and physical protection of fissile materials (the materials that are necessary to make a nuclear weapon or a nuclear explosive device).

The IAEA needs help to ensure that the greatest possible number of states adopt these standards and, equally important, make them effective through national legislation and implementing measures.

The IAEA has now also developed an international standard for the safe and secure management of powerful radiological sources (the materials that would form part of a radiological dispersal device or “dirty bomb”).

The IAEA also needs help to ensure that the greatest possible number of states adopt these standards and, equally important, make them effective through national legislation and implementing measures.

In the area of chemical and biological technical areas there are safety and security standards. However, the extent to which these standards (which were developed to meet health and environmental safety objectives) are adequate in the face of efforts by sophisticated groups with malicious intent.

In this area the EU may have a role to play in setting standards. The chemical and biological industries include a very large number of diverse actors. The EU can also play a role in coordinating discussions among states, international organisations, industrial associations and the academic research sector about what improvements in standards are necessary.

Finally, the EU can be an important provider of the resources (technical and financial) needed to ensure that any agreed standards are introduced in practice.

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THURSDAY 3 FEBRUARY 2005
AFTERNOON

Present	Bowness, L. (Chairman) Dykes, L. Freeman, L. Hannay of Chiswick, L. King of Bridgwater, L.	Lea of Crondall, L. Grenfell, L. Maclennan of Rogart, L. Morris of Aberavon, L. Tomlinson, L.
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Examination of Witness

Witness: DR HANS BLIX, examined.

Q178 Chairman: Dr Blix, good afternoon. May I welcome you to this meeting of the Sub-Committee on Foreign Affairs, Defence and Development Policy of the European Union Select Committee. Indeed, we are very pleased that the Chairman of the main Committee, Lord Grenfell, is sitting with us this afternoon. We are carrying out an inquiry into the European Union Strategy on Non-Proliferation of Weapons of Mass Destruction. We are particularly glad that you have been able to come this afternoon to give evidence to the Committee. We have already indicated some of the areas that we would like to cover but in the first place perhaps I could ask you to make some opening remarks to the Committee and we will take some questions on that before we move on to the other items that we have already listed.

Dr Blix: Thank you very much, my Lord Chairman, your Lordships. I am very pleased to be here and to have the opportunity to present my humble views on the matter. Let me say straight away that I am very positive to the European Strategy. I think they have got most things right. Their proposals are in a broader setting and perhaps I can touch on that with some comments as well. The weapons of mass destruction are often described in the media as the gravest threat facing the world, and they are liked by both politicians and headline writers, they are somewhat sexy. I think that the High Level Panel of Kofi Annan, which recently presented its report, was right in saying that we must broaden our view on the concept of security. Security used to be security of states from attacks by other states, but security must be seen also as encompassing security against poverty, against disease like HIV and pandemics like SARS, and the environment. Today we see a lot about the environment and the threat of global warming. Personally, I feel that the long-term threat of global warming is as dangerous a thing as the short and medium-term threats of weapons of mass destruction. I think it is useful to have our feet on the ground and to see things in the right proportions. What is happening increasingly with weapons of mass destruction is that they are within the reach of more nations. It is not anything new. When the NPT was concluded in 1968 one did not worry so much

about developing countries but along came Argentina and Brazil as countries which saw it within their reach, and then of course Iraq and North Korea. Now we have seen how the Khan workshop in Pakistan has sold it for commercial and perhaps for some other reasons as well. We see also that high technology and biotechnology are producing a lot of new items which are highly dangerous. The latest thing is the capability of synthetically making very long molecules which could imitate viruses. It is scary, although one should be aware that this is not an easy thing. The anthrax fellow in the US must have been a very accomplished person because handling these materials is not easy. Chemical is a more traditional threat of weapons of mass destruction, if indeed one should call it a weapon of mass destruction. There is no legal definition of this term. I had a discussion in Cairo yesterday when someone suggested WMDs could be something that could kill 10,000 people in one go. That was shot rejected immediately. Chemical, nevertheless, is the one that is traditional and efforts to prevent its use came in the 19th Century when you had bans on the use of poison. Thereafter you had the Second World War and the use of gas and the Geneva Protocol of 1925 prohibiting both chemical and bacteriological weapons. It has a long history and also long use, not only in the First World War but in Yemen and in Iraq. Iraq has used it against the Iranians and Iranians against the Iraqis, and a fact finding commissioner established this. Also, non-state actors on the Tokyo Subway, it was chemicals which they used. Many think that would be the preferred media for non-state actors. Missiles are increasingly within the hands of states and handheld missiles constitute a threat against aviation in many places; it is a very real threat and a very big one. There you have the difficulty of drawing lines between short range and long range. Everybody is agreed that the intercontinental ballistic ones are evil, but where do you draw the line? We have no international treaty about missiles. We have treaties about nuclear, biological and chemical but there is no treaty—only MTCR, the export control—about missiles. Most of the time we are talking about proliferation and it

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seems entirely justified. However one should be aware that this agenda is set by the P-5, of which the United Kingdom is one, and the United States is the most prominent one. They set the debating agenda for the world and those of us who do not come from any one of the P-5 countries are aware that these weapons in the hands of P-5 states, also constitute a danger. We have nuclear weapons on a hair trigger alert in the United States and then we hear that readiness to use the weapons has occurred in the past, in the Middle East crisis. There is a tendency, at least in the US media, to ape statements made about hand guns: guns are not dangerous, people are dangerous. The same thinking seems to be applied to nuclear weapons; that the weapons in themselves are not dangerous, it is who has them, the evil ones, the Axis of Evil, or others outside the good circle of the P-5. I do not think that view is shared by the rest of humanity, nor is it the basis, in fact, of a Non-Proliferation Treaty which I think is rightly seen as a bargain between those who have it and those who do not have it. Those who do not have it have committed themselves not to acquire it and those who have it have committed themselves to nuclear disarmament. The total aim will be one of doing away with these weapons. This is new in Non-PT. Before the Second World War we only had bans on use and it is the use that we want to avoid, but with nuclear weapons it became so important to be assured that there would not be any use that they said the safest nuclear weapon is the one that you do not have and then we go into non-possession. The problem arises about peacetime. If non-possession is the commitment, you have to look after it in peacetime and the whole problem of verification and inspection comes up, which did not exist before the Second World War. Returning now to non-proliferation, we will have a review conference this spring, in May. People ask who is next to acquire nuclear weapons and from some of the media you could get the impression that there are lots of candidates for this. I am rather doubtful about that. I think a little reflection will show that we have a list of the usual suspects, if I may say so. The usual suspects have materialised in some cases and now seem to be fairly settled: India, Pakistan and Israel. They are outside the P-5 context and they seem almost to be accepted. I do not see any strong American efforts directed *vis a vis* any one of them. Beyond those, you have the usual suspects, who are of course Iraq and Iran, North Korea and Libya. Do we really suspect that any others are around there? Do we suspect Saudi Arabia? I do not think so. Syria is mentioned, I think that is highly doubtful. We have not seen any substantiation of the suspicions. Brazil: there was a little discussion about the verification of the Brazilian enrichment plan but nothing serious. There is a bit of hyping in the current discussion. It is not that there is no risk, particularly

if Iran were to move on and if North Korea were to move on. That could have domino effects. Iran might affect the Middle East. In the Far East it could be even more dangerous because Japan would be a country that is entirely capable of making nuclear weapons within a short time. They have the technology, they have the enriched uranium, they have the plutonium, they could do it. They are very much averse to it and you do not see any sign that they are going to change but, nevertheless, domino effects could be there. Iran/Iraq, DPRK these names have been there for a long time. I admit I was a little surprised about Libya. Everybody has suspected Gadaffi, however the country is very far from the others at the technological level and I am not even sure that it would have been capable of handling enrichment technology, at least not with indigenous staff, but Gadaffi was a little less predictable than the others. Iraq is a problem that has been solved. The North Koreans and the Iranians, it seems to me, are under good care. Whether that care succeeds is another matter. Essentially it is a question of finding the right mix of carrots and some sticks. Mr Armitage at the State Department has talked about the good cop/bad cop function on Iran and that may be so. The US normally says that they do not exclude any options, which is a way of saying that the military option of some cruise missile strikes would be a possibility whereas the Europeans have said very clearly that they favour a political solution. There is a division of labour, a difference of emphasis on the two sides. Beyond these, if we look at the non-state actors are we aware of any others other than al-Qaeda who might have an interest in this? Chemical maybe, yes, but there are no strong indications of it. Chemicals have been, and remain, a risk. What has been seen of al-Qaeda has been played up a fair amount. There seemed to be interest at a very low level of technology. Turning to what remedies are proposed, I am somewhat sceptical about what we see in the newspapers coming from government at the moment. A number of highly fashionable proposals, it seems to me. They are not useless, not at all, but not terribly important either. First, we have a proposal that there should be a freeze on new facilities for enrichment and reprocessing in the world. For one year or for five years no country should undertake to build any new enrichment capability. Enrichment is what we saw in Iraq and it is also what the North Koreans may now be doing. However, what would we gain? We are not stopping the Iranians or the North Koreans. Beyond the P-5 there are now enrichment capabilities in Brazil, South Africa and Japan, three non-nuclear weapon states. If the world were to accept such a proposal now it would mean that a number of countries that are not really interested in building enrichment at the moment would be affected by it. Canada, which has a lot of

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uranium, Australia has a lot of uranium, Germany; these countries could not then build an enrichment plant. I am not aware that they have the slightest plans to do it. The only country where I am aware of such plans is the United States, where the private sector is proposing to build a new enrichment plant for commercial reasons. I am somewhat doubtful that this new idea is very helpful. Nor is it very damaging, but I do not think it hits the point. Another proposal is to convert research reactors from the use of highly enriched uranium to low enriched uranium, but that is a process that has been ongoing for as far as I can remember in the International Atomic Energy Agency: you can have research reactors with low enriched uranium fuel. There is no risk then that highly enriched uranium will be stolen. It is somewhat useful but not enormously. Then we have the PSI, the Proliferation Security Initiative, which now has some 60 adherents and which is an understanding to the effect that the states belonging to this group generally are free to interdict ships on the high seas if they suspect them of illegally carrying any weapons of mass destruction or equipment for that purpose. I think they are also seeking to modify a convention under the International Maritime Organisation to put these things on a par with drugs and some other things. That sounds nice and they had a beautiful manoeuvre outside the Sea of Japan some time ago. The only case we have seen, which was very successful, was the ship interdicted on its way to Libya. It was a German ship and they found centrifuges and other equipment on it. That was successful. There was another one preceding that outside Yemen a couple of years ago. They did not find anything but Scud missiles which were intended for Yemen. It strikes me that this right to interdict to stop other nation's ships is of use at a stage when the items have left port—when they are on the high seas. However, if intelligence does its job, I would have thought it would spot the items when they were on land. If they get on to the high seas then intelligence has been late. It is the same thing with items on aeroplanes; we catch the items by stopping or diverting the planes. In most cases they should have found them on land. The cases where there will be a use for an agreement to do something on the high seas will not be very numerous. But it makes for rather good headlines. They do say that they will not take any measures that are contrary to international law. That is reassuring but at the same time I would think there is a bit of a threat to the North Koreans if they ship something on their own ships. They are certainly not part of PSI and they would feel that they might be interdicted, and I think it is highly likely that they would be. I am not sure I would scream if they were. My main point is that the scheme is played up a bit. Then you have Resolution 1540 of the Security Council where the current Member States are urged

to criminalise any individual trying to make nuclear weapons. That in itself is useful, but it is not a big thing. The Nunn- Lugar Programme in the United States seeks to sweep up and make sure that no fissile material that could be used for weapons purposes would be easily available. They put better locks on stores, especially in Russia. That is welcome. That has been going on for a long time, there is nothing new or dramatic about it. It is good as far as it goes. On the other hand, one thing that is not talked about so much is the strengthening of safeguards. I would say that is a significant matter. The additional protocols which we started to work on in 1993 in the IAEA, which were adopted during my last year as Director General in 1997, have been adopted by all European countries but there are lots of other countries which have not: Iran has signed them but not yet ratified. They have committed themselves to apply them in the present period and that is good—but they are not ratified. There are lots of interesting states around the world, which have not yet ratified them and accepted them. It makes a very big difference if a state has only the traditional 153 safeguards or if it has these more far-reaching safeguards. Even though they are a far cry from the inspection rights we have under Resolutions 687 and 1441 nevertheless they allow inspections to go to undeclared installations and to make wide use of environmental sanctions. It strengthens the verification and the capability for detection and thereby also the deterrent. That is a significant and important matter. Arguably the movement of India, Pakistan, Israel, Iraq, et cetera, to nuclear weapons is a significant erosion of the Non-Proliferation Treaty. However, we have lived with India, Pakistan and Israel without screaming and it seems to me that we are usefully and meaningfully tackling proliferation. Iraq is settled, Libya is settled and we are grappling with Iran and North Korea. It is a matter of choice whether you term it “erosion”. Certainly there has been a change but to me the erosion in the Treaty through the non-action of P-5 is perhaps even more serious. They were to pursue measures of nuclear arms control. What is particularly disturbing and dismaying, and eroding the sense of commitment to the NPT, is the fact that the Comprehensive Test Ban Treaty, which we worked towards for such a long time, is not coming into force. The United States Senate rejected it and China has not accepted it. In the United States they even talk about developing new kinds of nuclear weapons and perhaps even testing; there are some who urge testing. A US acceptance of the Treaty and putting this Treaty into force, would have a positive domino effect. If the US ratified it, I think China would without much hesitation. If China does, India does and if India does, Pakistan does, and if Pakistan does I think Iran will and Israel will without any great difficulty. On

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the other hand, if the US were to test new nuclear weapons it is highly likely that others will test too, perhaps starting with China. That is a very stark choice. The other big item for the P5 is the FMCT, the draft agreement on a ban on the further production of fissile material for weapons use, that is enriched uranium, highly enriched uranium or plutonium. The US has declared this year that they support the concept and a convention but without verification. It is as if their sceptical/negative attitude to verification has carried so far that they do not believe it can work. Such a treaty including India and Pakistan without verification would be very seriously reduced in value. To that comes the US missile shield, which is under way. I have come from a meeting where we had Russians and Chinese experts and I said to them, "We have been told by the Americans that a missile shield is only intended to stop incoming missiles from rogue states or from non-state actors, is that the way it is perceived in Russia and China?" and they said, "No, 90 per cent of our experts are absolutely convinced that the further development of this is intended also to be a shield against the Russians and Chinese". Thereby, the mutually assured destruction, which has worked in the past, would disappear. Whether this is true or not, I do not know, however; this is the perception among the experts in Russia and in China. It is their own perception they will operate on rather than assurances from the American side. There is also the US de-emphasising of treaties. Mr Bolton, who is reputed to be leaving the State Department responsible for disarmament, wrote a long article in the *Financial Times* last autumn in which he said that the excellence of the PSI was that it was not a treaty, there was no international bureaucracy, it was an activity. This attitude seems very much ideologically motivated; there should be no obligations, just activities which are undertaken in an alliance of the willing. This attitude is disturbing to a world that has been used, under US leadership, to developing these treaty regimes which give you a bit more reliability than other commitments, and also a bit more predictability. Very recently in a House of Representatives Sub-Committee it was stated that, yes, treaties are okay but they are not the main avenue. Other things, like PSI, are. However, let me turn it to anticipatory self-defence. One might see the Iraq affair as an anticipatory self-defence against what Condoleezza Rice called the "mushroom cloud" and what Bush termed the "growing threat". The idea is that if a growing threat is identified anywhere, then cruise missiles may be shot although there is little connection with Article 51[on self-defence] of the UN Charter. The shift in attitude seems to be there, but they are not discarding treaties, not discarding the regimes that have been built up over a long time. The shift is highly disturbing to a large part

of the world. There is a sense in many countries that the P-5, nuclear weapon states, are not moving on with their side of the commitment under NPT, while the other states, the non-nuclear states, accepted an unlimited extension of the Non-Proliferation Treaty. Up until the extension conference they were not bound forever by that treaty, but at that conference they accepted to be bound forever unless they use the withdrawal clause, of course, which is possible. They expected the commitments made by the nuclear states to be implemented and the new regimes (CTBT and FMCT) to materialize, but they did not. What are we to do in these situations? Expectations for the NPT review conference are not very high. I think there is great despondence and dismay in the disarmament community. For my own part, and I will conclude on this note, I think that the political solutions of festering conflicts and controversies is the most important and that squares completely with the European Union Strategy. They say that the best way to avoid proliferation is to remove the incentives to go for weapons of mass destruction. Looking at the Middle East conflict, it is encouraging with the Palestine situation that there may be a window of opportunity coming up there, and with the DPRK I think it is encouraging that the United States have said that they are not averse to some idea of security guarantees being given to the North Koreans. The North Koreans have talked about a non-aggression pact with the United States and the US have not brushed this aside, they are aware of it. If these two cases, North Korea and the Middle East, Israel and Palestine, were to be solved I think it would affect the atmosphere. The Iranian dimension is a new one to the question of a zone free of weapons of mass destruction in the Middle East. The Arabs feel that a zone is something that they should have and that Israel should roll back from its nuclear weapon status. They do not question Pakistan and India, but they question a future peace with an Israel that retains nuclear weapons. They see the development with Palestine as a positive feature. However, they are aware that if Iran were to move on toward a nuclear weapon then Israel will not go along with a zone. Therefore, the Iranian case is a new complication. There could be a positive development in the most important areas, the DPRK, Iran and the Middle East. There could be a negative development if the US were to test nuclear weapons. Here in the United Kingdom I think you have questions before you whether you will prolong the Trident Programme and whether you will commit the United Kingdom to a future possession of nuclear weapons or not. For my own part, and for the Commission which I am heading, and which is dealing with weapons of mass destruction, the preference is for an inclusive approach in future. While the US has been more of a unilateralist and working with small groups

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of states, I think for the future of the world one needs to draw on the will of the membership of the international community, all of whom, I think would like to move together to a reduction of nuclear weapons. We do not talk about eradication, that is very far away, but a reduction. I think I will stop there.

Chairman: Dr Blix, thank you very much for that very comprehensive introduction. Can I ask Members of the Committee whether there are any particular points that are not covered in our planned questions that they would like to take up with Dr Blix on his introduction?

Q179 Lord Maclellan of Rogart: I would just like to ask you to reflect a little more on the central point you made about the change in the United States' approach to treaties and whether you believe that the way ahead is for the countries that do not take that view to seek to demonstrate by their practical success in tackling particular problems—and it may be that the European Union countries are exemplars of that approach—that the US should reconsider its position. You have spoken about the disturbance that it has created in many countries but it is a fact how best to bridge this gap.

Dr Blix: I am a bit unsure about what made the US change its course. It was not only the Bush Administration, it started much earlier than that. In 1991, when President Bush the elder started the Gulf War and had the authorisation of the Security Council and built the alliance we all saw, he himself said that this was a new international order that was created. It was the first time that we saw collective security as the concept of the UN Charter, functioning. We were elated. However, as our first inspectors went into Iraq in June 1991 they found the Tarmiyah plant and the calutrons, which were there. They discovered what the IAEA had not seen under the old safeguard system in the 1980s because it was so limited. We had not known about the installations and we would not have had the right to inspect them if we had heard something about them. Conceivably there could have been some kind of challenge inspection. In any case, I think the US then began to ask itself "What use do we have of the NPT?" Here was a country cheating the regime that the US was trying to rely on. Then came the North Korean violation which the IAEA discovered because of our analysis. It was not the US, there were no whistle blowers, it was the IAEA who discovered the violation. However, it strengthened the view that the NPT regime was not really reliable, that it might be like Swiss cheese with holes, that the safeguard system, the verification system, did not function. I think that was a shock to the US. That was the period, when for the first time I heard the expression "counter-proliferation". It was a bit woolly but the

gist of it was nevertheless—remembering the Israeli bombing of the Osirak reactor—that you can take military action against proliferation. There have also been assassinations of nuclear scientists occasionally in the past. I think there was a great loss of US faith in treaty-based regimes. In part it was a very unfair reaction against the organisation that I headed because we did not have the means. The scepticism against inspection continued however. I think that in the year 2000 the US military probably was permeated with people in the year 2000 who were sceptical about UNMOVIC. They looked to their own intelligence and did not care very much when we at UNMOVIC were saying that we did not see any evidence of smoking guns. They tended to disparage that. This is part of the US scepticism towards the treaty regime. Also, in the 1990s the US increased its military power to become the only military power in the world. Russia was not any match any longer. I am sure that must have given the US the feeling that "Yes, we can take care of this. We do not rely much upon these treaties, we can take care of it. We are the only ones who can take care of it". If I were in an optimistic mood, I would ask why could the US not both work hard and loyally with the international treaty regimes, which they have helped to create, and aware that in the last resort they could use force. The Europeans say that in the last resort they do not exclude that they might take military action, on the basis of international law which seems to be a little wider than a reference to. It is matter of reality that they have the weapons. They can take the decision. As an international lawyer, I do not like that very much but I am aware of it. In the long run the reactions of the international community—state practice—will develop the rule—like common law. Sometimes we accept a state's action, as when Nyerere marched into Uganda; that did not cause much criticism, but the US invasion of Iraq, as I see it has neither been accepted by the UN or by the world community. Gradually it may become clear what is acceptable/permissible and what is not. For the US, it seems to me it would be wise to get back to the treaty regimes which they have helped to create, be loyal with them and certainly not move to testing nuclear weapons. Why is the US so negative about inspection and verification? They could make it clear that if they feel they are convinced there is some violation, they will reserve to themselves the right to take action. They know they can.

Q180 Lord Lea of Crondall: Dr Blix, I am sure we all found your *tour d'horizon* enormously helpful but it came across to me in some respects as a paradox that you did not think it was right for people to hype up the risks but, on the other hand, you did say that you thought there was some erosion of the credibility of the Non-Proliferation Treaty regime and in

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particular the trade-off in 1967 of obligations on nuclear weapon states and obligations on people had now perhaps become one law for the nuclear weapon states and another law for everybody else, which was a slight change from your original hypothesis. My question is although we can all paint pictures of Armageddon, and politicians do tend to use that when they think it is helpful politically, are you saying that these threats are more or less zero?

Dr Blix: Oh, no. I am heading a Commission that is trying to grapple with them. You frequently see in the newspapers that if more biological weapons are being spread, one gram or one milligram could kill so many people. I think this is being exploited. There are real dangers, I agree with that, but nevertheless it is important to remember that there are other dangers too which are very, very substantial. I think the High Level Panel of Kofi Annan was helpful in calling our attention to that. For my own part I feel that the long-term consequences of global warming, warrant the same concern as the short to medium-term dangers of weapons of mass destruction. Personally, I deal much more with weapons of mass destruction than I deal with environmental problems. However, I strongly support nuclear power as a main source of electricity.

Q181 Lord Lea of Crondall: Just on that point, Chairman, one of our witnesses said that in fact in the medium-term in the world the fact that there is global warming, nuclear power is likely to be used by a very great number of countries—20, 30, 40, name a number—and, therefore, it is more difficult then to police the non-proliferation system. Would you see any connection?

Dr Blix: That was a problem they faced already when Atoms for Peace was framed by President Eisenhower, how to make use of the beneficial part of nuclear energy and at the same time prevent the military use. The more countries that can handle nuclear energy, the more are capable of using it for military purposes. As I understand the European Union strategy against proliferation, the main thrust is trying in areas of tension to create conditions which will reduce and take away the incentive, but as they say, this can take time. It can take decades and meanwhile, of course, we cannot be passive and simply wait for them. At the present time both in the case of Iran and North Korea, negotiations are on their way; it is a question of finding the right mix of lots of carrots and also some sticks. The approach we have had so far in the world to nuclear is a fragmentary one. We have geographical approach that is fragmented: the whole of South America is denuclearized through the Tlatelolco regime, the whole of Africa through the Pelindaba regime, the whole of the South Pacific and also Indonesia and there are discussions about a decentralized zone for Central

Asia, so huge areas are covered but not the tension areas. Then we have a vertical approach that is also fragmentary, in the Partial Test Ban Treaty and in the effort to reach a convention on the non-production of fissile nuclear material for weapons. Of course, there are also American bilateral agreements between America and Russia.

Chairman: Thank you. We will now move to the questions although many of them you have answered, at least in part, in your opening.

Q182 Lord Freeman: Dr Blix, you have identified the long list of steps that might not be very helpful in reducing—

Dr Blix: Moderately helpful.

Q183 Lord Freeman: But there are three points I would like to pick up and then ask how the international community can best bring influence to bear on the United States. I think you indicated that the United States could help by ratifying the Test Ban Treaty.

Dr Blix: Yes.

Q184 Lord Freeman: By ratifying the verification procedure for fissile material and rethinking the missile shields and resuscitating the philosophy and policy of mutually assured destruction. What can the international community do to help influence the United States reduce the wider dangers in the world that you have identified and rethink these three key and crucial issues?

Dr Blix: The United Kingdom has special relations with the United States, so presumably you have a lot of dialogue. There are also very good think-tanks and you are in touch with them. I would have thought it would be natural if the US, after the Iraq War, internally reviewed and considered the lines they have taken recently. We all know mistakes are made in our own countries and elsewhere, I do not think we expect governments to make apologies or admissions, but they consist of intelligent people and, therefore, I think it could be expected that they would undertake internally reviews and say “Something did not go quite as we expected. What were the weaknesses? Is what we are doing still right essentially?” The change to the Bush II regime is one that has not got Colin Powell, who was a restraining voice, and I think put his warning to the President. Nevertheless they must have felt afterwards that things did not go right and there could be a case for review. I have been in touch with lots of other governments and, as I see it, they are almost in unison in feeling that we cannot depart from the approach that we have been working on since the Second World War; even during the Cold War lots of things were done. I do think that solutions to the cases of Iran and North Korea, plus Palestine and Israel, have

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a capability to influence change the climate. Now we have had the elections both in Palestine and Israel. I think it is saying a bit much that it was a policy drive for democracy that brought about elections in Palestine, I think it was more the death of Arafat that brought it about. The Iraqis and everybody else welcome the result of the Iraq election. In Europe we do welcome any such evolution. That may help. I do not think you have any hope of elections in Iran in the short-term but the Iranians are clearly divided and I think there is a chance to come to an agreement with them, although it might entail some security guarantee from the US or through the UN. I think Iran cannot be settled without American participation. Even if they ask for support for entry into the World Trade Organisation, which is a likely carrot on the table, that would require American support. I think dialogue between the governments and their friends is what might influence them. I am not sure that the line that the US has taken in the last few years *vis-à-vis* Iraq has a broad support in the US. There is a political group that has very been very, very strong, but when you travel around in the US you do not have the feeling that the Iraq approach is something that people favour. On the contrary, I would suggest there is some support for the United Nations in the US, even though there is much bashing of the UN and describing Oil for Peace as a case of terrible corruption. When you get out in the US you find a more positive attitude. I am not sure that the theology followed in the case of Iraq goes that deeply.

Q185 Lord Hannay of Chiswick: You mentioned one or two of the High Level Panel's recommendations. Perhaps you could just have a shot at commenting on the overall chapter on proliferation. I note very much, and of course naturally share, your view about the threat agenda being a wide one, not a narrow one, and that being helpful, but could you say a bit about the totality of the proposals there and how you think the EU ought to handle these both in the context of the NPT Review Conference and also more widely in the run-up to the summit in September?

Dr Blix: I think the report is very well written. One might have thought that the majority of proposals and approaches would be very conflicting with the American foreign policy but the Panel has tried to show understanding. Where they part from US's current approaches, they do so in a very conciliatory way. They do depart from them when they talk about co-operative security. One has the feeling sometimes that the US is bent on being the sheriff of the world. The report talks about co-operative security, a multilateralist approach. In that sense it coincides with the European Strategy. Secondly, the report usefully widened the concept of security, saying that while the UN Charter seeks to protect states from attacks against each other they have a duty to protect

their own citizen. If they do not do that then the international community must exert pressure on them. In the last resort, in the extreme cases, like those of Rwanda or Cambodia or the Red Khmers, then even force could be used. This broadening of the concept of security would cover the cases of genocide, pandemics and environmental disasters. In the tsunami catastrophe where we have had a clear illustration of the need for global cooperation: firstly, the co-ordination of help. We heard how the US first suggested that the US, Japan, India and Australia should take the lead. Then, they changed and said it is the international community that should organise the assistance. Secondly, in the question how we strengthen the systems of observation and warning of such events there was a meeting in Kobe in Japan at which they agreed that it will be for the international community to organise that. The illustrations of what the High Level Panel says are there. Through gentle, friendly, formulations it has tried to say that we have to move on with inclusiveness and with common efforts. On the question of the use of force and pre-emptive action, the Panel is taking a very clear stand that there should be no amendment to Article 51. The UN Charter allows the use of force in two situations: one is the inherent right of self-defence when an armed attack occurs; the other is when the Security Council decides on military force. The council is not limited to the case of an armed attack, the Council can also do it in the case of a threat or use of threat or force. There has been some discussion about a modification of Article 51 to open it up I think most international lawyers and interpreters of the UN Charter would say that the case of an imminent attack can be assimilated to an attack. That goes back to a case between the United Kingdom and the US—Caroline case in the 19th Century where attack was deemed to be imminent. The Panel rejected going beyond 'imminence' and said that giving greater license—President Bush talked about a "growing threat"—would raise greater dangers of abuse. They further said that the Security Council should itself be more aware and more receptive, more open, to the threats. So if the US says "Here is a threat", then the members of the Security Council should take it seriously and should not throw vetoes perfunctorily. If it did not act it would mean that force might come to be used and that force will be judged in the light of the reaction of the UN and the world community. I think that is realistic and it is a good approach that the Panel has taken. Of course, it is remarkable that they had consensus in that group, in which you, Lord Hannay, participated. You would know more about it than I do, but you also had Ben Scowcroft, former national security advisor, Primakov and Qian Qichen from China. I would like to congratulate you on the success of this. For the rest of the report, there are 101 concrete proposals but I do not think they are

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reshaping the world very much. There is the proposal for a new kind of council of the UN to deal with countries which are in some critical condition. Maybe it will work, I do not know. There is another deputy secretary-general for disarmament questions and that is not something that really shapes the world. They will do away with the Trusteeship Council. Again, that is not so remarkable. They suggest that there should be less micro-management by the policy-making organs and I think that is good, but it is not enormous. Most attention will be devoted to their suggestions on the Security Council and the expansion of the Security Council, that is the sexy part of it. They have two options. Earlier, I was sceptical against any expansion because we know, and Lord Hannay knows better than anyone, that the Council must be viable and if it gets very big it gets very heavy. I changed my view when I saw the Council in operation in the Iraqi case. The Council was originally created to be powerful and power was military power, but today power is not only military power, it is also economic power and it is legitimacy. If you want to have economic power and economic sanctions, for instance, then the active participation of countries like Japan and Germany is important because they are large economic powers. If you want to have legitimacy, it is important that countries like India or other countries with more than 100 million inhabitants are there. We saw how Mexico was on the Council in the Iraqi crisis and Mexico had got the seat in place of the Dominican Republic which was slated to get it. I can just imagine the difference there would have been if you had a very tiny Latin American country rather than Mexico. I thought that if one were not to succeed in reforming the composition it would be a good thing if these were to be an understanding was that those who are elected to sit there represent the region, by which they are nominated. If you have a small African country, like Mauritius or Cameroon, for example, on the Council and they say something, it does not carry very much weight, but if they say "I have consulted the other countries in my region, and we have come to the following conclusion", I think that carries greater weight. This can be done regardless of reform or expansion of the Council, but if there were to be an expansion of the Council, at the present time I think it should work more on a regional basis with countries nominating them regionally and you could change after four years and give a new mandate or a repeat mandate to the same country, rather than having a number of new countries which would be good at looking after themselves. In the book that I wrote, *Disarming Iraq*, I took up the case whether it is legitimate for an individual member state, a developing country of the Security Council, to vote for a proposal advanced by the US because it was offered \$50 million in technical assistance? That is

how the world is today, it can well happen. Such trading can go on in national parliaments but is that legitimate for the UN? It is more likely to happen if you have small states. If you had, as we did, Mexico and Chile, they were strong countries and they did not go along in the case of Iraq for very different reasons. If you had very small states not acting for a group it could have been different.

Q186 Lord Lea of Crondall: Could I just pick up on this last point about regional representation on the Security Council because the analogy with what is going on in the Big Three, as our tabloid headline says about the Iran and the EU Big Three—France, United Kingdom and Germany—is very interesting. In the last few months, as you know very well, they have had a reporting structure to the Council of Ministers and some people think that the only way Europe can really work is with something like a Big Three or something like that. With Germany joining, given that these are likely to be the Big Three on the Security Council, would you think that the way in which the Iran negotiation is being carried out is increasingly seen on behalf of the EU as a sort of model to square the circle between what is pretty impossible at the moment, which is the suggestion of the Commission—that the EU should be on the Security Council—and the fact that Britain, France and Germany will not hear of it?

Dr Blix: Coming from a small country like Sweden, I am not sure I should voice any enthusiasm about the Big Three representing Europe in relation to Iran. I admit that you cannot have a whole council of people, it has to be more limited than that. One can arrange negotiations in a way so that many states are heard in advance. It is not absolutely necessary that it only be the big countries in the Council. There can be some small economies in the Security Council and if you had regional representation. You could have Uruguay, and Uruguay is discussing with Argentina and Chile, and therefore can speak for them all. For viability, we must have some limitation on the numbers, but wisdom may come not only from the big states; there can occasionally be a wise word from the small ones too.

Q187 Lord Tomlinson: Dr Blix, almost your very first words were that you were very positive towards the EU Strategy. What I would like to hear from you is how specifically you believe that the EU can best contribute to reducing dangers and whether you believe that the EU Strategy is sufficiently backed by necessary, even adequate, human and financial resources to match the magnitude of the task that it wants to engage in? You also spoke, I think twice, quite specifically about reducing the incentives to acquire weapons of mass destruction as being the most important part of the EU Strategy. Again, how

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specifically do you think that the EU can contribute to the pursuit of that goal? Do you think that, again, with their human and financial resources they have got the adequate, real commitment to be able to achieve the objectives that they have so easily set down on paper?

Dr Blix: I remember the origin of this Strategy. The former Swedish Foreign Minister, Anna Lindh, had a hand in this, and so did Mr Papandreou of Greece. Anna Lindh was in touch with me several times about this matter and I remember her saying we were facing the Iraq affair and I said it is not enough that Europe voices scepticism against the US's energetic efforts against non-proliferation, Europe must also be constructive, we must also be active in this. I saw so often in the IAEA that it was the US that came out for the strengthening of the review and so frequently others were rather passive. I was very pleased to see the new European approach I think it was entirely wise. I did refer to reducing of the incentives to go for the weapons and that, of course, entails trying to reach *détente*. The greatest thing that happened for disarmament was global *détente*. Active efforts on solving the Israeli/Palestinian problem, would also be of great value. I think your Prime Minister has said he felt nothing would be more important to reduce terrorism than the solution of that conflict I agree with that. The Americans have wanted to have a settlement but the Palestinians perceive them as being very much more in favour of Israel and have despaired of the US being an honest broker. It may be that this will change now, that they will be more ready to use their influence on the Israeli side. What can Europeans do? The US is on top in military terms, there is no question about that, but in economic terms, although the US is very significant, the European Union, too, is very significant. I think that is what they have made wise use of in the case of Iran. They are accepting, first of all, that Iran has a right under the Non-Proliferation Treaty to enrich uranium, but not a right to make fissile material for weapons purposes. However, the US seems to have asked why Iran should have nuclear power when they have so much oil? I have not heard them say that of Mexico. It is not a very convincing argument. They never said it to the Shah either; on the contrary they tried to sell nuclear installations to the Shah in the past. One should recognise that in Iran there is a very high technological level and if they want to sell their oil and make electricity by nuclear power, fine. In the long run oil will run out. One should recognise also that there is an element of dignity. One should not ignore that. I think the Europeans have said that they are even willing to help with the technology. Iran has two nuclear power plants in Bushehr, originally built by the Germans, by Siemens, and then they moved out during the war. The Russians have continued building, as you know. The Europeans accept the

reopening of Bushehr, and, in the economic field they seem open to the possibility of investments and, perhaps, even to supporting Iran for entry into World Trade Organisation—which would require, of course, American support as well. Europe is economically important in Iran, so they are exercising and flexing the muscle that they have, and I think that is wisely done. The US has talked more about economic sanctions, and the pipelines, whenever they go through Iran, go through a longer way. So the US has been more inclined to use the stick most of the time, I think, than the Europeans, and the Europeans cannot really flex any military muscle.

Q188 Lord Tomlinson: Can I take it from that, as I asked you specifically whether you thought the strategy was sufficiently backed by the necessary human and financial resources and as you have not made a criticism in that area, that you think the answer to that question is yes—you know, for the time being?

Dr Blix: What I talked about was the European offers in terms of economic measures. I am not sufficiently knowledgeable on how many million euros do they actually spend for verification and for strengthening of safeguards and so forth. The European Union, in my experience, was fairly positive to the IAEA, and they certainly have been frequently expressing support for the strengthening of a safeguard system. That needs to be manifested in action. The economic costs for verification are not very great. I think the IAEA safeguards cost something like between \$80 million and \$100 million a year—a year—for the whole world—and UNMOVIC, which I was heading, cost \$80 million a year in Iraq when we were in operation. When you think of how many billions of dollars were used then to establish that there were no weapons of mass destruction through the war, you must conclude that the war was a very expensive way of establishing that there were not any weapons of mass destruction. I think international verification is a very good bargain (in the economic sense) but one must also be aware, of course, that it does not bring 100 per cent clarity. Even with the new types of safeguards, we should never boast that they give 100 per cent. In my view, this verification should be combined with assistance and information from intelligence. I am highly critical of how intelligence, did not live up to their duties as civil servants and exercise sufficient criticism in either the United Kingdom, France, Germany or the United States. But intelligence is necessary. And it can be of help to international verification. International verification has the right to go in on the ground: it is legal. We do not spy, we do not do anything illegal, we do it with the consent of the country, we do things that intelligence cannot do. Intelligence, on the other hand, has the huge listening of our cell telephones

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and what-not, and they have spies on the ground. What they can do is to give information to inspectors. After 1991, I took the step of asking the United Kingdom to suggest a professional intelligence man to be working with me in the IAEA secretariat—because, the intelligence Community, tends to talk better to someone of their own profession—and the IAEA has had a professional intelligence man since that period. What happened during the UNSCOM period, I think, was unfortunate, which was that the US, in particular, got too much power over the UN verification system. Eventually, of course, it was a scandal. These people who came from the CIA and others were in the teams of inspectors: they would do things which were not for the UN but were for the CIA, and it all became discredited. So both Dr Mohamed Elbaradei and I have the view that has been that this should be a one-way traffic in principle. You must tell them what you are interested in and so forth, but international organisations must not be the prolonged arm of national intelligence. There can be very good cooperation. They can tip you and suggest, “Why don’t you go to this place or that place,” and that is very useful. They have lots of skilful people, and I take off my hats to them. However, I think they went wrong in Iraq.

Q189 Chairman: While you are talking about this, the EU strategy does have a paragraph about verification: “. . . the EU will make best use of, and seek improvements to, existing verification mechanisms and systems . . .” and “. . . is prepared to enhance, as appropriate, its political, financial and technical support for agencies in charge of verification.” From what you have just been telling the Committee, do you think those are the main lessons that you can learn about verification from the Iraq experience?

Dr Blix: Yes. First of all, the rights of inspection play a role. As I said, the rights under 687 of 1441 were vastly larger than those we have under the INFCIRC 153 and even under the additional safeguards’ protocol. The further one can go in this respect, the better. It is the sovereign countries that are not very keen on having inspectors milling around their nuclear installations. Therefore, the first thing I said when I took over UNMOVIC was that we proposed to pursue effective verification but we were not there to provoke, to harass or to humiliate Iraq. That was the style in which we wanted to work. You have to strike a balance between, on the one hand, respecting the dignity of those you deal with—regardless if they are cheaters or not, you have to do that—and, on the other hand, an intrusiveness. The more rights you have to intervene . . . 1441 gave us unquestionably the right to go into Saddam’s premises, for instance, and we did that a couple of times, so that there were no sanctuaries, there were no local sanctuaries. In the

Chemical Weapons Convention, which goes further than the IAEA, they have means under which you can shroud particular equipment which countries might have legitimate reasons for not revealing. So the rights of the inspection are fundamental, but so is the funding. There has been a certain stinginess in this regard. It is only recently that they have gone away from the zero real growth term for the IAEA and I think they should lift that. But, then, how do we train the inspectors involved? When UNSCOM came in in 1991, they had no inspectors and they phoned the capitals and said, “Can you give us so and so many biologists?” and they constituted their inspection teams *ad hoc* for each inspection. There were a large number: 50/60 inspectors were flown in, and they were briefed at the American base in Bahrain, the gateway—and they were debriefed at the American base too, which was less attractive. UNMOVIC did not; we had the “benefit” of the Iraqis keeping us outside for two years and we used those two years to go through the archives, to say, “What do we want to see?” We would go through thousands of photographs and satellite images, and training inspectors. Our inspectors were stationed in Baghdad for a period of several months and they all of them had a minimum of one month special training for that job. They were all biologists or chemists or ex-missile experts, but they had been trained, to know what the UN was doing. We also had recruitment from the whole world, so we had a credibility, in political terms, that we were not too dependent upon the United Kingdom and the US. These two countries had performed a very helpful service to UNSCOM, but there were weaknesses in this help which proved fatal later on. Of course you get very qualified people if you ask the United Kingdom or the US government: you get lots of PhDs from Porton Down and from Los Alamos, and that is very good, but it is sometimes at the expense of the geographical distribution. Perhaps we did not get as many PhDs from Jordan or from Slovakia but we got through greater political credibility. And every inspector does not need to have PhD—there are many functions of inspections for which it is not so necessary.

Q190 Lord Lea of Crondall: Leading up to Iraq, you did not crack the nut of getting intelligence cooperation as you would have wished. I think you are on the record or in your book as having said that. Presumably intelligence cooperation is vital and yet high-level, high-quality intelligence will be close to the military and close to the heart of the nation states, the biggest powers in the world. Can you see any further way in which you could help to crack the nut, so that you would not be left stranded with the State Department putting out press releases denigrating what you were doing because you did not have the

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right information, and yet they claim to have intelligence that they did not give to you, and that is unsatisfactory. Can you throw any further light on what we can do in the future to avoid that Catch-22?

Dr Blix: I hope we were in some special situation in the case of Iraq. There was, as we know from O'Neill's book and other books, an interest in the US to change the regime—which pre-dated 9/11 but became much stronger. As Wolfowitz has explained, there were many different reasons why they wanted to go to war. Wolfowitz used the expression that “weapons of mass destruction were selected for bureaucratic reasons”—he used the term “bureaucratic”—and by that he meant that in the US administration there were many different rationales but the one on which they could all agree was weapons of mass destruction. And, of course, that was the one that was most plausible to sell to the US Congress and to the United Kingdom Parliament, and possibly to the Security Council and the world. But there were others. We have been told the intervention was a signal to terrorists, a signal against non-proliferation. I think an important purpose was to move American troops out of Saudi Arabia (where they were seen as less welcome) into an Iraq, a much more secularised country and with a different regime after Saddam. So there were strong incentives for the US to go for the war. It was active in the political leadership and, from there it moved into a loyal administration. We have seen that, while perhaps the CIA was not ordered to come up with evidence of a particular kind, nevertheless they felt under pressure to do this and I think they succumbed to it. They saw that the political leadership welcomed a particular kind of interpretation, the worst-case scenario. It did not welcome other things. I remember talking to Condoleezza Rice. I said to her that we were not impressed by much of the intelligence that we had seen, and she said, “It is not US intelligence that is under scrutiny here, it is Iraq that is under scrutiny.” It was not welcome really to look very much at ones own weaknesses. I think that the role of inspection is like the role of investigating police. When you have a murder, you may have a hunch, you may have a feeling, but you have to keep your eyes open and you have to apply critical thinking to all of it. In the fall of 2002, I felt like most other people: my gut feeling was that they had weapons of mass destruction, because they had behaved in such a way, but when I was asked a question by the media, I refused to answer that. I said, “I’m not here to tell the world about my gut feeling, I am here to provide inspections, and that is what we will do.” The more we did of the inspections, the more sceptical we became. I think there was an element of arrogance on the part of the US and a disdain of the UN, and a bit of hubris, actually, in the way they looked at us. Vice-President Cheney, after all, had said that inspection

was worse than having any at all, and he clearly ascribed much more credibility to US intelligence. However, there was a failure by the intelligence side not to stand up to their obligations as national civil servants. Even if they would have felt the pressure from the government side, they should have stood up to it. We did. But we were in an easier situation than the governments: governments have to take decisions on where to go; inspectors can report simply on what they see. The criticism I have made of them is rather that they did not exercise critical thinking on the substance that they saw. If, say, they had 70 or 50 per cent of the evidence, they should examine that critically. That they have to take decisions on less than 100 per cent information, yes, this is a necessity of government.

Q191 Lord Dykes: You have come up with some very clear explanations and they are very fascinating to us, of course, but it was also sad, earlier on, to hear you specifically using the phrase, “there is at the moment despondency in the world disarmament community”. Obviously it is axiomatic that, in so far as the EU is only just starting really to grapple with the security strategy and the WMD strategy, it is early days, and there is still not enough funding, as has been referred to so far. Could I widen it out but remain in the terms of the discussion. Could you say in a little more detail, without being other than brief, which you have been on all the answers, why you feel there is that despondency and what the reasons are for it. If you come back to the *ex post* immediate war conflict situation in Iraq, then the subsequent UN certification and authorisation and so on has inevitably had a catch-up look about it. Even if that was not the fault of the UN itself, it was bound to have that in the circumstances. It looked as though it was trying to get subsequent control of the situation, where control had been wrested from it by unilateral action by the United States, supported by Britain. Do you feel now that that is one of the reasons for despondency in the world disarmament community as well? Does that mean that, because the UN remains not sufficiently respected and strong in the total global sense, there are problems of it developing its own effective WMD strategies as highlighted in the high level planning decisions?

Dr Blix: I think despondency stems essentially from the fact that the NPT bargain has not been respected. The missile treaty is something apart and highly disturbing and potentially dangerous, I think. However, the killing of the Comprehensive Test Ban through US non-ratification was a very severe blow. There was not just distrust of the treaty itself but the rejection also had something to do with revenge against Clinton. There were lots of American military, including Colin Powell, who supported the Comprehensive Test Ban, and this was an instrument

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that the world community and the CD had worked on for many, many years. Now the CD has not succeeded in getting an agenda for a number of years. Totally passive. And this is in a period of full *détente*, I sometimes feel optimistic long-term about the world community and think the risk of world wars is not very great for the future because wars used to be fought about territory or about ideology and there is no fight between great powers about territory any longer. Everybody subscribes to the market economy. Taiwan is a flashpoint, but, otherwise, not. So, in the midst of *détente*, which helped to solve many things and had its peak in 1991, when Bush the elder took action, we see how this work that has been going on for decades is now going into a stalling. We see the EU is less and less interested in it, and the fissile material ban is not getting anywhere. We have seen how the US turned around very quickly one day on the Biological Convention and say, "We throw it out." After having discussed the problem of verification and implementation for years and years and years, they suddenly give the message that, "Well, we have diluted it in the direction we want it, but now we throw it out anyway." All the people who have been involved in this then felt, "This is clearly hopeless." Then there came the doctrine of pre-emptive strike—a new direction. Maybe one should not exaggerate, they are not tossing out restraints altogether, and if I feel some hope they might be persuaded, "Look, you must not abandon this treaty path, you must remain loyal to it. It does not mean that they have taken away the possibility from you to act unilaterally if you deem that necessary. There are lots of people who are critical of the way you did it in Iraq, but it is there—it is always there with the military power that you have." So the despondency is there. At the same time you can see in the support of the idea of the free zone, of enrichment, and the PSI, etcetera, that the world disarmament community tries to patch up, tries to be understanding and a bit conciliatory *vis-à-vis* the US. I understand that. We can see recently how the French were quick in supporting the US peacekeeping operation in Haiti. All this is an expression, I think, of the wish of the Europeans and others, to patch up: "We are all together." But I think one must not forget that something important has been going on and may continue to go on. The US may be moving more to be a sheriff of the world than one that is with others. That is a very, very big thing, which is somewhat hidden in the current discussions about the NPT. I am not sure I have understood all your question, but there is one point I would like to make, and that is that the US asked us to move aside with inspections, and then they took the war-occupied country and they sent in the Iraq Survey Group, under David Kay first and then later Charles Duelfer, and now they have made it clear that they will not look for weapons

any more. So they have given up on that. They are not saying that there are no weapons but they have given up on it. So the implication is that they have . . . Duelfer is not even supporting allegations that things could have gone to Syria. If you will recall, Resolution 687 from 1991 states that sanctions can be lifted when the Council has concluded on the basis of weapons inspectors that weapons of mass destruction have been eliminated. The resolution also says that they see the inspection and the elimination of weapons of mass destruction Iraq as a step towards a zone free of weapons of mass destruction. So one can ask oneself, now that the US has drawn the conclusion that they give up on looking for any further weapons, would it not be becoming, at any rate, for the US to report to the Council that these are the conclusions, or would they find it unpleasant to do so? The next step is perhaps even more important, to look again at a zone free of weapons of mass destruction for some sort of security in the area. This is an idea I heard in Cairo, where I was yesterday. It was said that all the countries, including Iran, are very much in favour of the zone and the links between the Israeli and the Iranians are very important, so reviving a multilateral channel, a multilateral line here, I think, would be an interesting thing and as entirely indicated by the past resolutions.

Q192 Lord Grenfell: Dr Blix, what is the value of a suspension on the enrichment programme? In Iran Mr Sabien is waiting for those carrots which, in his view, are not pulled out of the ground yet and then put on a plate for him. When the period comes when he decides or they decide that they want to reinstate that enrichment programme, does that not take us back to square one? What is the real value of a temporary suspension?

Dr Blix: You would need a great many centrifuges in order to produce any substantial quantities of enriched uranium. They have some. I have not seen the numbers. They are relatively small. They have the capability to produce more centrifuges, but if you have thousands of centrifuges then you have the capability of enriching not only to five per cent but also to 85 and 90 per cent. The fact is, of course, that Iran has demonstrated a capability to make enriched uranium, and that capability is not going to disappear. Iraq has also had the scientists and engineers to do it, and this particular technology is now so widely known, through Khan and through others, that it is everywhere. It is a question of the will to do so. But with transparency and with effective safeguards and additional safeguards, well then there can be a greater reliability in the Iranians actually not doing the industrial scale. There is a game now: how effective can the verification be? Is there a risk that they would be able to hide something 12 metres deep, not in tunnels but in some other place in Iraq? That

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depends upon how much transparency they will have. If you were to have a weapons free area, including Israel, you will need to have inspections which go far beyond even the original protocol. And the Israelis will insist upon having also Israeli inspectors and other inspections from the region and there will have to be additional systems for challenge inspections and so forth. So, yes, this is an essential part of it. I think you cannot have 100 per cent guarantees against cheating but you may come very high, especially with the techniques of detection are improving all the time. You are familiar with the way the Americans first got the suspicion about enrichment: in Iraq in 1990, before the war broke out, the Iraqis had taken hostages and they placed some of the American hostages into Tuwaitha, their nuclear research centre, and, as the Americans were released they took their clothes and analysed them and they found tiny, tiny particles, and said, "Ah, hah, they are dealing with enrichment." And these techniques have developed since then. That was the beginning of the nineties and the environmental sampling technique has gone far since then. The combination of satellites, surveillance, environmental sampling which the IAEA has now, yes, this takes us much, much further. But 100 per cent? No, I do not think it would be.

Q193 Lord Hannay of Chiswick: Is it not the case that you are more likely to be able to persuade countries which might be contemplating or might be some small way down the track, like Iran is on enrichment, not to proceed any further, perhaps even to dismantle the enrichment, if you have some kind of worldwide approach to this rather than just an Iran-specific approach? Surely the experience is that country-specific approaches are very objectionable to the country in question because they assume that that country is in fact a "bad boy" and that, therefore, having a wider approach—which is the approach of moratorium—sometimes has political attractions to it. The other thing on which perhaps you could comment that has struck me in this matter is that the enrichment and reprocessing plant, but particularly enrichment, does require very large scale construction. And, as you just said yourself, you cannot just produce it in a laboratory, like you can do with biological weapons. Perhaps there is more to an approach for the moratorium than you in your initial account suggested and the number of people who could provide enrichment and reprocessing services is quite large. It is not limited to the United States. You gave a list of some, but it did not include Germany and the Netherlands, for example, which can do so too. So a country that participated in IAEA calling rights, as it were, a programme for these services, would have reasonable chances for believing

they would not be interrupted if there was an international agreement.

Dr Blix: Here I think you have a point. If the Iranians hear that it is not only they who will suspend their enrichment, that also the North Koreans will do that under verification and all other countries in the world—none of whom is interested in doing it!—it might be a sort of mild consolation. I think that is the point. The alternative is to say, "Look, you happen to be in a region which is very tense and if you move on you know very well that the tensions will increase in this region, therefore it is our suggestion that you voluntarily renounce this enrichment or a suspend the enrichment. In return there will be a multilateral assurance of supply, which is already on the table." Such assurance of supply will have to be, I think, not only from the West Europeans, but should also comprise the Russians and the Chinese, because the guarantee is greater if there is diversity than if from a limited market. I think the suggestion is a bit empty, would a world that does not intend to go for enrichment and that commits itself not to do it, to give some consolation to these two cases. That strikes me as a little bizarre. But I think you have a point, that it is conceivable that it might make it less unappetising to them than if they are to do it alone.

Q194 Lord Hannay of Chiswick: Would you not agree that because the nuclear weapons free zone, whether it is South Asia or the Middle East or North-East Asia, and particularly because of the Middle East one, can only really be conceivably contemplated in the context of an agreement on the Palestine issue, there is not a possibility that there will be one? Because Israel will not enter into these discussions, surely, until it actually knows that there is an agreement in which it has participated. Given that that may take really—let's be careful about it—quite a long time, then it is a very risky business to balance the whole of your non-proliferation strategy for the Middle East on prior attainment of a settlement on the Palestinian issue.

Dr Blix: Yes.

Q195 Lord Hannay of Chiswick: Because, during that time, all these people, these wonderful scientists, are of course churning away, doing what they are paid to do. It strikes me that although, as you know, the panel shares that view that the nuclear weapons free zones is the way in the long term of addressing problems in those high tension regions, it is surely a very dangerous proposition to say that you put the whole bank on that when you do not know when you are going to get it.

Dr Blix: I think the European Strategy is entirely right on this in saying that: "Yes, the political incentive is the most important; however, we cannot wait until this gives dividends, you have to take other

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measures before.” As I saw the discussions about the zone, which I listened to in Cairo now in the past few days, you have the Arabs saying, “This is a point Israel votes for and has done so for year, so, let’s pursue it. When do we get it?” The Israelis say, “That’s very far down the line. It is at the bottom of the agenda. First, we will have a lot of other problems, so . . . We may want to have peace negotiations, there are other issues, et cetera. When confidence has come, then we can do away with the nuclear weapons in a zone.” Whereas the Arabs will say, “Look, here you are asking that we should enter into a marriage and you will be sleeping with 80 plutonium bombs under your pillow for 10 years before we do away with it.” I think if you have movement towards settlement with the Palestinians, maybe this timetable will be a little contracted: the Arabs will tolerate waiting a little bit more and the Israelis will be ready to give earlier. But, before that happens, I think you are right, one must try to do other things, and the acute point today of course is Iran. Whether they really need to have the consolation that also Canada and Australia convinced themselves to not do the enrichment plants for the next 10 years, I am not sure, but they perfectly well understand that tension will increase if they go ahead. I think the Iranians are divided. There are those who may want to have their weapons and there are others who want to make use of this as a way of settling other things. They probably want to have normalisation and do not feel an immediate need of nuclear weapons either.

Q196 Lord Maclennan of Rogart: When the negotiations opened between France, Germany, Britain and Iraq, there was clearly an urgent need to engage in these talks since there was an alternative policy being suggested by the United States. That goal of Europeans was represented as being to bring about a moratorium. But is it your suggestion, I just want to be clear, that the negotiating objectives should now change for the European Union, to one of bringing about a regime of openness, a regime of openness involving inspections, which goes further than a mere moratorium but which would also take account of the rights of the Iranians to possess enriched uranium. If that is so—and if it is not, we can scrub it—it seems to run up against the American disbelief in inspection as a means of tackling the problem of perceived threats of possession.

Dr Blix: As I understood the European line, they will not accept any enrichment at all. Whether you term it a moratorium or a final and definitive renunciation . . . I talked about a moratorium of enrichment and I think the Americans are on the same line. There must not be any activity, whether in Iran or North Korea, that is on the path to nuclear weapon. If you have enrichment of five per cent, then

you are on the path to nuclear weapon material. It is not acceptable, something that is for three months or one year or for a limited period of time, but it is an open-ended one. But I think there is a difference between the US and the Europeans, in that the Europeans clearly accept new peaceful nuclear activities—not enrichment, but at the Bushehr plant they have two nuclear power plants for which they have paid a lot and which give electricity. I am not sure the Americans have said that they accept that. I think they should accept that. In fact, for many years the Americans were urging the Russians not to help to complete those plants, and said that this was a way, a conduit, for technology. I think they were barking up the wrong tree all the time. It turned out that it was Mr Khan and his exports to Iran that were of importance. You asked about the openness: Do we ask for more openness than what we have now? Yes, the Iranians have not ratified the additional protocols, and I think that is the standard which is asked for—I have not heard it suggested that Iranians will have more than that. It would be welcome if they did so. Of course openness in general is very good. It was whistle-blowers, after all, who set the world to oppose what was going on in Natal, so . . . and Iran is a much more open country than Iraq was before 1991. I heard Iranians say the other day, when someone said that they are secretive, “If we can keep a secret for three months in Iran, that’s great.” But perhaps one should not be tempted to be taken in by it. I think the standard is the additional protocol—continued acceptance of the protocol, not more.

Q197 Lord Morris of Aberavon: Dr Blix, how do you rate the threat of biological weapons? What have you done about it?

Dr Blix: Rapid development of biotechnology is something that we are being told about as enabling those who have the resources and have the advanced expertise to construct biological agents against which you cannot vaccinate and which are extremely powerful. The delivery of it has been much more difficult, but we are beginning to master the technique for this. Most of the experts I listen to are sceptical about the ability of non-state actors to handle this. It is quite difficult. And, as I said, the fellow in the United States who sent anthrax by mail, he was very accomplished. He was someone who came from an advanced community of biological scientists. Mostly people I talk to seem not to be too agitated about the risk of non-state actors to handle this, except if you have a Dr Strangelove of this kind—not the al-Qaeda—certainly not.

Q198 Lord Morris of Aberavon: How do you rate the threat of this?

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Dr Blix: Relatively low.

Q199 Lord Morris of Aberavon: As regards action by states, treaties and the like, the difficulties of verification, industrial interfaces, how can we get over those?

Dr Blix: Most of the advice we get is pointing to the mechanism for defence. That points to the health security system of the different countries, a rapid detection of any epidemic of any kind and a rapid action against it. I, for my part, think that points to making use of the World Health Organisation. It ought to be possible to combine such a capability and duty in that organisation with their job to look after other epidemics that come around. We have had several. HIV is one in which the world has failed. The World Health Organisation is given the charge—perhaps not with sufficient resources, but it is difficult once it has spread. Then we had SARS. Right now we have fear of the avian flu—and that seems in some cases to have jumped from person to person and it could be very, very troublesome. In these cases clearly the World Health Organisation is there to spot it and to organise common action. We do not want to have the US or some other powerful country that would do it, but we all in our regions or in our countries need to have a national defence against epidemics, whether they come from the weapon of manmade, man-engineered, or something that nature itself brings upon us. Then you have also another sector and that is the ethical rules in the industry and among the scientists. What do they do? What do they deal with? There are some Australians who came up with something half a year ago which was a bit of a surprise, they had not intended to produce what they actually came out with, and there a treaty, a protocol, between governments may not be very helpful. You need to have intensive discussions by technological

industry and with the scientific community. So it is many-fold, but, to me, so far, it seems that the defence lies with health systems for spotting and for taking measures.

Q200 Lord King of Bridgwater: Could I ask for clarification. You said that proper biological weapons was strictly a problem of delivery.

Dr Blix: Has been.

Q201 Lord King of Bridgwater: But you said they are beginning to get over that.

Dr Blix: That is right.

Q202 Lord King of Bridgwater: Who do you mean by they?

Dr Blix: Well, the Iraqis had developed biological weapons and they had even weaponised them in some bombs. The problem, as I understand, was that when—

Q203 Chairman: Dr Blix, I think we have probably come almost to the end of the session. If, when we have a moment's silence, you could answer the question, then I think the Committee can adjourn for the purpose of voting and I will conclude the session.

Dr Blix: We have heard from the military that they have better techniques now of disseminating these through aerosols and spreading them in the air, whereas earlier they had great difficulty and they perished on the way down to the ground.

Q204 Lord King of Bridgwater: You said the Iraqis?

Dr Blix: Yes. Not Iran.

Chairman: Could I just say, Dr Blix, in the moment of silence that is left to me, thank you very much indeed for coming. We are grateful for the detailed answers you have given to our questions.

 WEDNESDAY 9 FEBRUARY 2005

Present	Bowness, L (Chairman) Dykes, L Inge, L	Lea of Crondall, L Maclennan of Rogart, L
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Examination of Witnesses

Witnesses: DR DENIS MACSHANE, a Member of the House of Commons, Minister for Europe, and MISS SARAH PRICE, Foreign and Commonwealth Office, examined.

Q205 Chairman: Good morning. Dr MacShane, as you know, we are conducting this inquiry into the European Strategy on non-proliferation of weapons of mass destruction. Clearly we would like to hear from you the Government's view on a number of questions. Do you want to make an opening statement or do you want to go straight to the questions?

Dr MacShane: I would rather go straight to the questions.

Q206 Chairman: Thank you very much. We heard when we went to Brussels some evidence in certain quarters which suggested that perhaps the Strategy is running in to more difficulties than it need because of tensions between the Council and the Commission. In the light of that, how satisfied are you that the institutions are not only organised but resourced to manage this strategy? I think we have pointed out to you in questions that the special unit, the WMD Centre, still does not exist and the progress reports keep reporting that it still does not exist. Where is the blockage on that, for example?

Dr MacShane: I think this goes to the heart of one of the Parliamentary questions about the development of the European Union's common foreign security policy. It may be one of the issues debated in another place this afternoon. Our view clearly is that this is the responsibility of the Member States organised through the Council and through the Higher Representative Mr Solana and we welcome the fact that the CFSP budget money to be spent on non-proliferation projects has gone up by fifty per cent in 2004 from €9.3 million to €15.5 million and that people accept that in the next financial perspective there should be a stability instrument which will increase the resources. We also welcome the fact that Mr Solana's personal representative for WMD issues, Signora Giannella, now has a role to help maintain the momentum on WMD Strategy, but I confess quite openly to the Committee that under the existing institutional structure getting the kind of coherent cross-Pillar policies in place does require a fresh approach to key issues and a new way of working for Member States and the EU institutions. We need coordination between the Commission, the Council Secretariat and with Member States, which

is why the Government—and, as I say, I am cross-referring to the debate later today—does welcome the provisions under the Treaty for much greater coherence in the Union's external policies with the post of an EU Foreign Minister and the supporting European external action service, which we think can then pull together and create exactly what we want, which is a clear and coherent position from the European Union on WMD, but I am not prepared to say to the Committee that I think everything in the garden on this issue is rosy, and perhaps in later questions we can explore some of the reasons why this is so.

Q207 Lord Inge: Minister, this is, I think, related to this. Iran clearly is a top priority, but what do you see in terms of the capabilities of weapons of mass destruction (and separating the three, nuclear, biological and chemical) and countries? Where do you see the main priorities for action?

Dr MacShane: Well, it is really across the board and I do not think we want to revisit Iraq. We can discuss Iran if you want, my Lord, but we maintain that the problems of weapons of mass destruction now constitute a serious international threat which needs to be tackled in terms of prevention, exposure, stopping proliferation, and all the partners in the democratic rule of law community of nations (if I can describe them as that) need to act together. We have worked very hard to highlight it within the European Union as an issue. We have got decisions and embryonic instruments to take this forward. It will continue to be a top priority for the United Kingdom and our presidency and generally in our discussion with partners.

Q208 Lord Inge: So you are not separating any priority and saying, "We've really got to start on this one before that one," or, "Biological is more worrying than chemical"?

Dr MacShane: I can turn to Miss Price for expert comment, but I do genuinely and modestly think it is not really my job as Europe Minister to, as it were, do a triage on which of the three key areas of weapons of mass destruction should have the explicit priority now. We are having the whole discussion about how we can control containers, for example. There are

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huge and difficult areas of international law at stake here. I remain concerned, as we all do, about what is happening in Iran. There is North Korea. We have got the Nuclear Non-Proliferation Treaty Review Conference in May, at which these issues will be discussed. We simply want to maintain high on people's consciousness that what happened on 9/11, what happened almost exactly a year ago in Atocha in Madrid are not one-offs and that there are organisations and people working and planning, alas in some cases we believe with links to states to use weapons of mass destruction to pursue their ideological and political aims.

Q209 Chairman: Can we just pursue the question of the resources, Minister, because I am afraid—and it may be I am alone—I do not wholly understand what is going on here. Dr Giannella, who is Mr Solana's representative and in the Council, says that her allocation for this current year has slipped from €15 million to €6 million. Now, that is coming out of the CFSP budget. Who is making that allocation? Who is responsible for making that drop? If we want the Council to do it, surely we would be funding somebody who is working within the Council?

Dr MacShane: Well, my Lord, you there enter into the delights of running the European Union, which is that the Council may propose but the Commission controls the purse strings. We have got the CFSP budget of €62 million for 2005. Getting 10 per cent of this on one strand of policy seems to me not unreasonable, although Dr Giannella is putting together proposals for further joint actions which will increase the amount spent on CFSP to closer to €15 million. We are also, of course, spending under various programmes a further €40 million to do with dealing with proliferation issues, particularly concerning nuclear safety projects in the former Soviet Union under the TACIS programme and I cannot rustle up more money for the EU generally. We are, as a government, pretty tough as budget disciplinarians and allocating the different resources within the EU's overall budget is, of course, the subject of a great deal of political sensitivity and discussion.

Q210 Lord Maclellan of Rogart: Reverting to the Chairman's initial question about the institutional arrangements, and I think understanding what you say about the importance of the double-hatted role, the putative role of the high representative/foreign minister, is it your view that nothing can be done unless and until the Constitution is ratified and effective to get more steam behind this? It does seem extraordinary that although the proposed centre for reviewing the progress of the Strategy is agreed, Thessaloniki, it still is not in place. It does not seem that that should require a ratification of the Treaty.

Does not the Council have the power to require this to be done?

Dr MacShane: My Lord, I have found in three and a half years of dealing as a Minister with Europe that we advance rather at Robin Knox-Johnston's pace than Ellen MacArthur's. That may not necessarily be a bad thing because we have to bring a lot of nation states with us and we have to bring a lot of institutions and different points of view within our own countries along with us. So the European Union is not, I am afraid, an action state type of organisation. We do not require the ratification of the Treaty to advance in this area. CFSP is there since the Maastricht Treaty. The WMD strategy, as you rightly say, was agreed at Thessaloniki and what I can assure you is that with the United Kingdom by chance having the Presidency in the second half of this year WMD proliferation is a Government top priority and so it will quite naturally be a priority for the United Kingdom Presidency and we will want to take forward a comprehensive review of the WMD Strategy and ensure the groundwork is laid to secure adequate financial resources in the next financial perspective (that, in effect, is the budget for the EU 2007 to 2013) and conduct an effective outreach programme, but we should not ignore what we are doing. We are sponsoring with the Commission a programme to take stock of Member States in the EU's counter-proliferation programmes. We actually need to identify where the EU can make the most impact. We will be having a conference in November to discuss the initial results of this scoping study. We want to involve European Parliament Members and of course national parliaments as well. A lot of the meetings which the EU has with Third countries, so-called Troika meetings, will take place under our Presidency, no fewer than fourteen. Those are with countries like the former Soviet Union republics, India, Pakistan and other countries in which we will seek to raise these issues and of course, as always, the EU is present as a block in some of the wider UN international meetings. So we will be urging the Council Secretariat to put WMD issues into the agenda of these meetings. It is a kind of string work (if I can call it that) of just constantly raising it, constantly trying to take colleagues in other countries forward with us, and I actually think that compared with just three or four years ago when WMD and the EU simply would not have been in the same sentence we have come a long way and we will continue to insist that all of our partners and fellow Member States in the EU have got to take this issue very seriously.

Q211 Lord Maclellan of Rogart: I am afraid I find it difficult to understand just how seriously the Government takes this programme. Four years back the situation was surely very different from today. We

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have had threats of the use of armed force in the Middle East rising from concerns about the proliferation of weapons of mass destruction in the direction of Iran. Can we wait another four years for the European Union or anyone to take effective action in this sphere? I put it to you, Minister, that the Commission which is required to provide the sinews for this Strategy has one and a half people involved in the supervision of the programme. We know that there are programmes, for example in Russia where there is scrutiny of dismantling of weapons, which are coming under other heads, but if this is going to be a dynamic implementation of strategy candidly with the kind of resources that we have heard are involved in it, it is pretty much a fantasy.

Dr MacShane: I do not think that is fair, my Lord. It is not perhaps for me to say that the Commission has got to reorientate of the roughly €100 billion it spends a year huge chunks away from the Common Agricultural Policy or regional funds to the question of weapons of mass destruction. I think that Britain has taken a lead in putting it into the collective thinking of the EU. We actually would like one line of authority. What we do not want is to have a bureaucratic turf war, as it were, between the Commission on the one hand and Mr Solana and the Council Secretariat on the other. The work can carry on irrespective of the ratification or not of the Treaty. My point is that if the Treaty comes into play, I think there we have got the kind of clarity that certainly we do not have at the moment. In the first period, if we take this back to 9/11, Europe was very much obsessed on what response to take towards Iraq. We do not need to revisit all of that, but believe me sitting in the Foreign Office that was a 10 tonne elephant rampaging through every part of that building to try and get a satisfactory solution, the whole of Europe together. Good, we are past that period now and Miss Rice made a very important speech on that yesterday which has been warmly welcomed across Europe, but let us look at what we are doing on Iran, which again has been an absolute priority for the Foreign Secretary. He has visited Tehran more than any other capital city, other than a couple of capital cities in Europe and perhaps Washington. I always hate the phrase "to take the lead" because I think that language sometimes assumes that other countries sort of sit around waiting for us to tell them what to do, but we have worked very, very strongly and intimately with French and German partners, and with Mr Solana, on Iran. The approach there has been endorsed, I can actually say positively endorsed by the President of the United States and Vice-President Cheney, none of whom I think are particularly soft on the Iranian question. So we are actually putting the Iran issue into the thinking of every European government. It is discussed regularly at every meeting of foreign ministers I attend in

intimate detail with very, very clear, tough lines. So in as much as Iran, I suppose, is our near neighbour, that is where a very great deal of European resources are going. I think it is right it is led with three big countries with Mr Solana. I would not want to duplicate that by suggesting the Commission sets up its own WMD or Iran unit. Europe is a mixture, is it not, all the time of what the Commission does, what Member States do, what the Council does, what high representatives, or what, in the case of Mr Solana, also the Secretary-General of the Council does? What I am happy with is that European public opinion and the policy-makers are fully seized of the WMD issue in a way that certainly was not the case just four years ago.

Chairman: May we come back to Iran in a moment because that is another question? Just before I call Lord Lea, who did catch my eye, can I ask Lord Dykes to follow on with this question of resources. I trespassed somewhat on the question he was going to ask, but whilst we are talking about money I will ask Lord Dykes to pursue his points.

Q212 Lord Dykes: I acknowledge that of course, as you said, Minister, it is early days and these new policies, the security strategy and the WMD Strategy, are still really starting and it does take time with all the consultations in an enlarged community background to get everything organised. One appreciates that, but there does seem to be a lot of confusion. There is first of all the general attitude of the United Kingdom and the EU five or six, I suppose, who, for very justifiable reasons, want the budget to be limited to one per cent. Then there is the 1.14 per cent brigade and the 1.27 per cent brigade. The unfolding of these twin strategies together is going to cost a substantial amount of money just on administration organisation to start with and then on the actual policy on the ground, the inputs on the ground. It is going to be a lot of money. If you take the relevant summit in 2002, €1 billion was allocated for 10 years to develop these policies. I admit that Signora Giannella's allocation of just €6 million for 2005 is only a small part of that, but this is not really getting going because there has not been any imposition of that required rate of spending annually. Where is the confusion and what is causing it? Is it the arguments between Member States about these things? Is it a major row between the Council and the Commission? Should the Deffrennes Unit in the Commission then be put into Signora Giannella's unit in the Council instead, because the allocation is miniscule for the work that she is supposed to be doing? So there is a lot of confusion about it and a lot of feeling that there is a tremendous amount of tension underneath between the institutions and with Member governments, maybe our own, actually exploiting that as well.

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Dr MacShane: We are not exploiting it. We would rather have, I think, a clear line of command and control on foreign policy, principally through Member States and the Council and, as I say, I think that is what there will be under the new Treaty. The debate on how much the European Union spends and what its total budget should be for the next financial perspective, frankly, is rather more for the Chancellor or other colleagues than myself. I am quite happy with Britain being a budget disciplinarian. My view, and I have said this on many occasions in many different countries in many different languages, is that one per cent is adequate for the needs of Brussels. It is how it is spent that needs serious work doing and of course it is one per cent of a European gross national income which is growing. If the Lisbon Strategy is put into real effect, the European Union will be growing at say three per cent a year, year after year, for 10 years and one per cent of that is a lot more than one per cent of an almost no growth or low growth European Union. So I think the money can be found. Yes, there will be permanent tension, just as there are only, I think, Britain and France spending significantly more than two per cent of GNP on defence (I exclude Greece for obvious reasons) and it is our constant plea to some of our other partners in Europe to spend more on defence so that Europe can not just have a voice in the world but some force to give effect to that voice should it be necessary, and this is part of that debate. I do not have a solution to offer the Committee now. I cannot make pledges on how the financial perspective will end. It is a discussion which will continue between the Council and the Commission over the next period, but at least we have got Mr Solana focused on it, we have got formal Council decisions on it and at least we have got some Commission money spent. €6 million may not be a lot in this field, but I would not mind some of it for some of the work I have to do in the Foreign Office.

Chairman: Lord Lea, did you want to come in on this?

Lord Lea of Crondall: I think I will wait until questions four and five.

Q213 Lord Inge: I was beginning to think, Minister, from what you were saying that actually perhaps there were some funds because you were talking about Iran quite a lot, for example. But you are saying it is still a general issue, is it, and you do not believe there are real priorities for action in dealing with this WMD issue in the round?

Dr MacShane: I am not qualified to say that we should focus more on nuclear, more on chemical, or more on biological. I think everybody is worried about all of the issues simultaneously. Iran, of course, is clearly a focus on the nuclear question. From my work in Latin America the biggest proliferation

problem is that of small arms. Cocaine went north; small arms came south. Small arms, I am afraid, in many parts of the world, still do a lot more killing than WMD, but I think we have got accurate intelligence and there are revelations about proliferation from state institutions in some of these areas that require international attention which the EU cannot opt out of. I welcome the fact that the EU is accepting its responsibility to be a global thinker, analyst and policy-maker in this area, even if Members of the Committee (and I might share their views) feel that there is not yet enough resources or sufficient tightness of focus evident from Brussels.

Q214 Chairman: Dr MacShane, I think I should perhaps explain, and I think I can speak for the Committee, when we keep pressing on priorities it is not on this one alone. We get so many things within the area of CFSP before this Sub-Committee which I think around the table we are supportive of. The difficulty we see is that they encompass absolutely everything from A to Z and nobody seems to have any idea as to what the priorities are, or indeed any intention to go out and set a list of priorities. Our fear is that, yes, we are supportive but the thing runs the risk of falling into a certain amount of disrepute because everybody knows that you cannot do everything. That is why we press on priorities.

Dr MacShane: I strongly support that view that every time now there is an international development the EU has to meet it. I was rushed away, quite properly, to go to an emergency meeting of foreign ministers on the tsunami disaster. I sort of thought to myself, "Well, do we need another meeting in Brussels? Can we not just get on with the job?" The EU actually did a fair bit of useful coordination, but I then talked to Austrian colleagues and one or two other colleagues from smaller Member States and they were at their wits' end because they just did not have any diplomatic representation or consular representation in some of these regions and they and their citizens immediately looked to the EU for a helping hand. You cannot say that is development and consular work which needs to be undertaken. It is not really an EU thing. The EU has to respond to public opinion and international development. Finding the right priorities I fully accept is going to be difficult and ensuring that there is not duplication between the different EU institutions is going to be difficult, but all systems of governments from Rotherham Municipal Council to Whitehall have to go through these painful decisions. It is very right that your Committee is raising these questions. Believe me, they are questions I raised myself and questions we raised ourselves. Dr Giannella has produced a kind of priority list in conjunction with Member States which the Committee has. I think it is right that

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everybody examines that and it is right that she tries to focus our minds on it.

Chairman: Thank you.

Q215 Lord Lea of Crondall: Minister, we have been fortuitously addressing these questions at a time when the Non-Proliferation Treaty Review Conference is looming large and there are obviously more and more stories in the press about the difficulties of it. I think the first paper is being written in Brussels as we speak now, but could I link what are questions four and five in our list here and ask you as follows: if it is the case that many countries in the world going to this conference will not really have any thoughts of their own, could it be that the European Union paper will be not too difficult to agree as plan A but when you get to the conference you will need plan B, by which I mean if many of the other countries in the world put their weight behind the default position, what the UN Panel has put forward (which is a very interesting and challenging series of recommendations), do you not need a plan B then to see how far Europe can persuade our American friends that they have got to really look at some of the issues in the UN Panel Report if only because there will be a contention that otherwise the way in which the Treaty is running at the moment means one law for the nuclear weapons states plus India, Pakistan and Israel, and another law for everybody else?

Dr MacShane: Well, I agree that we might as well bring the two subjects together. The NPT Review Conference is taking up most of the month of May and the Secretary-General's High-Level Report, which is a very constructive document, and as you know, the Prime Minister and the Foreign Secretary will be participating with Kofi Annan in discussion on this tomorrow in London and steering and finding our way through this is important. The EU certainly has been working to try and find a common policy but I cannot hide from you that there are one or two neutral Member States which have always rejected any notion of having nuclear weapons, states which have never wanted to join the Western Alliance in defence of democracy which take a rather more rigorous position. I am not sure we will be able to blend all of these into one single EU voice because those states will continue to maintain their positions possibly (I do not know, I cannot speak for them) either at the NPT Review Conference or in the context of some of the High-Level Panel Report recommendations. But the High-Level Panel Report is not contradictory to current EU policy on the Nuclear Non-Proliferation Treaty, rather it complements it, and we will keep working, discussing, being very open but also defending positions which we think make sense for the United Kingdom. France, similarly, I think shares with us

views certainly on not throwing away nuclear weapons, as one or two people might argue. That is a European position. It is not Britain in one place, America in another and the rest of Europe in a third. We are part of the European Union, we are working with partners on this and we will seek to find as much of a common position as possible, both at the NPT Conference and for a response to the High-Level Panel Report.

Q216 Lord Lea of Crondall: I think it is fair to say that the High-Level Panel is a bit more challenging than you have just implied there in terms that HMG do not have too much difficulty with it. It is fairly robust in its criticism of the nuclear weapon states, for example, not feeling that they have any obligations on that path towards disarmament and this is one of the reasons, the rationale, for people (including Iran perhaps) saying, "Well, we are not going to live with the position where certain states are allowed to have this facility and others are not." So the gentleman's agreement (to use an old-fashioned phrase), which goes back to 1967 when the Treaty was signed, namely that there are equal obligations on the nuclear weapon states and on everybody else, is falling apart and is not being observed. Therefore, either we press more heavily on the nuclear weapon states, which is perhaps implausible, or we look at some of the recommendations in the High-Level Panel Report such as—I do not know whether you have it there but I will just pick out a couple for convenience—one is that the nuclear weapon states must honour their commitments under Article 6. This is one of the bold recommendations based on their previous commitments not to use nuclear weapons against non-nuclear weapon states, and there is a new one written in that it would be valuable if the Security Council explicitly pledged to take collective action in response to a nuclear attack or the threat of such an attack on a non-nuclear weapon state. I could see that if that was promulgated it would be a very reasonable reassurance to the non-nuclear weapon states that they could maintain the status quo in a so-called balance within the architecture of the Treaty.

Dr MacShane: These are policy and political arguments, my Lord, which in a sense have been around, I suppose, since nuclear weapons first became part of the arsenal of certain Member States. Am I convinced that Britain unilaterally surrendering possession of nuclear weapons would persuade North Korea and one or two other countries to give up their ambitions in that domain? I must be honest and tell the Committee my answer would be a robust no. I think that we work towards the goal of global nuclear disarmament through the agreed nuclear Non-Proliferation Treaty process, including the outcomes of the 1995 and 2000 Review

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Conferences. We actually have reduced the readiness of our nuclear forces. We only have one submarine on patrol at any one time and the missiles are de-targeted. This is all in my official brief, so I hope my Lords will not think I am revealing any secrets. I think that is a good way forward. We worked very, very heavily, did we not, as I say, the West as a whole with the Soviet Union after the 1980s to build down nuclear weapons on both sides. So I think it is an unfair argument. It will be discussed either at the NPT Conference or in response to the High-Level Panel's recommendations, but I think we should maintain our focus where it has sensibly been on stopping proliferation rather than doing a quantum leap forward and saying, "Well, if only Britain got rid of all its nuclear weapons we would all live in a peaceful happy world in which nobody else would consider possession of them."

Q217 Lord Lea of Crondall: Just one further thing on this point and then I will leave it. I do not think it is somebody trying to, as it were, drag into the debate something other than non-proliferation because although the Treaty is called Non-Proliferation it is shorthand for non-proliferation and disarmament, as indeed many of the documents make absolutely clear. Indeed, it would of course be very nice if the debate was only about stopping proliferation. The very question which is going to come up in the Review Treaty is should states not at present having these facilities be told that they must not get them without the other people committed to the Treaty seeing that they are carrying out their side of the bargain? If plan B (my way of describing it) does get a lot of support in the Review Conference—it is just my hunch that there will be a lot of support amongst other nations, if only because there is a coherent document on the table and they might as well get behind it—and it has got this quasi-unanimous support from around the world of very, very senior people including our noble friend Lord Hannay on this Committee, and so on, they have all signed something and it will be on the agenda and I think this may be a role for the United Kingdom in the European arena to say, "Well, we'd better find a couple of things in this," even though you cannot say this morning what they are, to show that you are operating within the spirit of the High-Level Panel, which I have to say is a bit different from the tone of what you just said in answer to my previous question.

Dr MacShane: The High-Level Panel Report—I have it here and it is a hundred page, single space document—

Q218 Lord Lea of Crondall: Chapter 5 is not a hundred pages long, is it?

Dr MacShane: No, but it is a bit longer than the EU Constitutional Treaty.

Q219 Lord Lea of Crondall: The Chapter is very short.

Dr MacShane: The Chapter is very short. The key bits of the EU Constitutional Treaty are even shorter, my Lord! I have the entire Charter of Fundamental Rights in a postage stamp little booklet that you can flick through in one minute, but you would not believe that listening to some of the comments on the radio. I digress. I would like to see the response to the High-Level Panel recommendations focus on what can be achieved. If I have to start from saying Britain should take a unilateral disarmament course, I just think that would destabilise the—

Q220 Lord Lea of Crondall: I hope you never thought I was saying that.

Dr MacShane: Our colleagues in Europe—I do not think France would be part of that at all. But there is, for example, very important recommendations on the proliferation of light weapons. Obviously weapons of mass destruction conflict is a present threat which worries us greatly, but I repeat, by far the largest number of deaths because of ideological, political or terrorist violence has been as a result of small arms. The EU has got a lot of good thinking on how one might prevent trafficking, the illegal brokering of light weapons and to mark and trace light weapons. So we accept the need for a responsible weapons trade, but there is a lot we can start moving on already. I think our country, Europe and other partners can be commended for the fact that in recent years, whether it is on chemical weapons, biological or toxic weaponry, we have made serious Treaty progress. We are establishing an area of international law within a UN framework which takes some of these issues forward. We have had the whole Ottawa Convention on land mines. So forgive me if I think we should focus on where we can all move forward. I like the notion of the UN offering guarantees in theory, but it certainly was not able to offer a guarantee when there was the question of taking action to get rid of the terrorist and mass-murderer Saddam Hussein and it required action by a number of European states, the United States, Japan and Australia to deal with that problem. So I hope we see a much more robust UN holding up the international rule of law and ensuring that its own resolutions (which I suppose are forms of international law) are put into effect rather than fleeing from its responsibilities and certain Member States exercising vetoes. So let us take the High-Level Report. Let us not assume that every recommendation in it can be implemented. Let us not start a rather fruitless argument within European Union Member States, or possibly between some European Union Member States and other NATO partners on who is right and who is wrong on the possession of nuclear weapons. Let us

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focus on what we agree are real problems of proliferation, let us focus on Iran, let us focus on Korea and then also focus, as I say, on areas where we really could make real progress. How exciting if we could get common agreement that no Kalashnikov, I do not know the names of all these guns, could be made without it having a chip in it so that anywhere it went in the world it could be traced. That is not, I think, beyond the bounds of present-day technology and I can tell you from all my work in Colombia and other parts of Latin America that it would be a very wonderful thing if that could be put into effect.

Q221 Lord Dykes: I think that is a disappointing answer because I think you misunderstood what Lord Lea was getting at, unless I misinterpret Lord Lea, and he can speak for himself. I think if you slightly augment the arguments around his central arguments, the UN has to speak for the whole world, whereas what you are doing is repeating the old denunciations on behalf of the old Security Council structure of the existing nuclear power in the United States. The notion that there are not some countries in the world that would regard the United States as maybe a threat to them, bearing in mind what happened with the illegal war in Iraq, which you describe as a justified war, as we know, all those things have to be taken into consideration as well. It has to be a balance between the non-nuclear and the nuclear powers and all you are doing is arguing the old stories and theories on behalf of the existing nuclear powers. That is disappointing, I think, and I think one has to think in a modern idiom now of a strengthened UN with everybody committed to it. The idea that the United States can lecture France about threatening to impose a veto on Iraq when they themselves have exercised thirty-five vetoes to allow Israel to carry on occupying the Occupied Territories, and whether that was right or wrong for Israel security can be argued. This has to be seen in the round, does the Minister not agree?

Dr MacShane: The Minister agrees this is a very interesting debate and I look forward to the discussions arising from the High-Level Panel's Report and I look forward to tomorrow's discussions with Kofi Annan, and the Foreign Office is keen to contribute. All I am saying is, and I am sorry if you think this is just the old song, if you invite me to make my point of departure Britain renouncing—

Q222 Lord Dykes: No, he did not say that.

Dr MacShane: I do not want to debate across in front of the Chair, but I would quite like to know then what the Committee's recommendations or

suggestions are. We have got one nuclear submarine. Should we dry-dock it?

Chairman: Well, I think you have your difficulties this afternoon. My difficulty is to keep the EU focus on this particular subject that we are inquiring into!

Q223 Lord MacLennan of Rogart: I wonder, Minister, if I might go back to the issue of Iran, which you alluded to earlier? Less than a week ago the Iranian negotiator, Mr Moussavian, was reported as having expressed growing dissatisfaction with the European Union's negotiations over the suspension of nuclear enrichment and seemed to indicate concern that the EU's position (that is to say the three countries which had been negotiating with Iran) may be simply acting in concert with the United States and not showing good faith in progressing discussions on technological, economic and other interests of Iran. Is there a *quid pro quo* being discussed with the Iranians for their agreement to halt nuclear enrichment?

Dr MacShane: Oh, very much so. At the November European Council we decided that talks should resume on a draft EU/Iran trade and cooperation agreement once the full suspension has been verified and there is nothing that we, HMG, and I believe most other EU Member States want more than to see normal trade, tourism, investment, commercial activities, the exchange of students, intellectual activity, NGO activity, British Council activity to be stepped up. Iran is an extraordinary centre of world culture. The contribution of the Persian traditions to world culture are enormous. It is a very great commercial centre. It has enormous oil and other reserves. I can only speak for myself, but I am at a loss to understand why the Iranians have not seized this opportunity and sent the chit into Vienna, to Dr El Baradei and said, "We're in full compliance. You can inspect everything and we guarantee that we will meet every single one of our international obligations," and then we can get on with it. Alas, that evidence is not, as yet, forthcoming. Europe is acting completely good faith and wants nothing more than to bring Iran—with Turkey approaching EU Membership potentially even an EU neighbour state, who knows, in the next couple of decades—back into the family of normal developing nations.

Q224 Lord MacLennan of Rogart: In calling for a permanent halt to enrichment it is not part of the purpose of the three countries, is it, to deny Iran a civil nuclear programme?

Dr MacShane: No, not at all. That is accepted and we are slightly at a loss to understand why it is necessary, since Iran has enormous energy reserves. But leaving that argument to one side, we accept, as does the IAEA, that a wholly civilian-orientated nuclear programme has to be allowed and full

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compliance with the IAEA is the key to unlock this door. I remain myself, not a huge expert on the area, puzzled as to why the Iranians are not seizing it.

Q225 Lord Maclellan of Rogart: Could you describe the extent to which the Council generally is seized of this issue? Is the whole of the Union throwing its weight behind the efforts of the three?

Dr MacShane: Very much so, to the point that some would like to make it four or five, or six. Let me for the record pay a tribute to my boss, the Foreign Secretary, who really in the midst of a pretty difficult agenda in the last few years with Iraq, the European Constitution, Zimbabwe development problems, difficulties between India and Pakistan, and supremely the Middle East, has really made the Foreign Office focus very, very hard on Iran and, as I have said, has gone to Tehran I think now five times, initiated the cooperation with Mr Villepin and Mr Fischer (Mr Villepin now replaced, of course, by Mr Barnier) and has found that we were saying very much similar things. We have had strong statements from the Russian President, Mr Putin, on Iran not becoming a nuclear power and so we have gone at a time when, frankly, there have been voices elsewhere in the world (indeed in this country) saying, "No, no, all this diplomatic role is a waste of time." There were offensive remarks about the Foreign Secretary by right-wing commentators in Washington describing him as "Jack of Tehran", which I just found unworthy of serious commentary. I think Britain should be very proud of the immense personal energy he has put into this and the absolute determination that a diplomatic solution can be found, and that has been endorsed by the President, the Vice-President and the Secretary of State in the United States. But be very clear that this is a British/European lead on foreign policy. There has not been a single discordant voice, to my knowledge, from any European Member State and people are very proud of the fact that Straw/Barnier/Fischer, and Solana now, are working so hard on this dossier on behalf of everybody in Europe as they are.

Q226 Lord Maclellan of Rogart: I was not attempting to suggest that the Foreign Secretary was not wholly committed to what he is doing.

Dr MacShane: I thought I would put it in for the record. It is always good to be knighted!

Q227 Lord Maclellan of Rogart: What I was endeavouring to discover was the extent to which what he is doing with Mr Barnier and Mr Fischer is now perceived to be European Union policy and enjoying the support of the twenty-five Member countries.

Dr MacShane: I have sat at the lunches when the Foreign Secretary has not been there when this has been discussed and Mr Barnier and Mr Fischer were reporting and I think it is hugely appreciated.

Q228 Lord Lea of Crondall: Does your last response to Lord Maclellan not illustrate something else which is quite important and directly relevant to this inquiry we are conducting, going back to the first question, that one cannot have a neat and tidy necessarily puerile piece of architecture about what is the Council of Ministers, what is the Commission, what is Mr Solana, what is Britain, what is Britain, France and Germany and what is Britain, France, Germany and the United States, horses for courses to some extent? You have got to have architecture. You have also got to retain the common sense principle of horses for courses and the enormously important initiative which Jack Straw and Dominique de Villepin took over Iran, which to many of us shows the great benefits of the structure of the European Union. You can have three countries, and I would not necessarily advocate the use of the tabloid "Big Three", but what would Italy and other people say about it? But let us recognise that if you have three major Member States that then have to report back and have the support of Mr Solana and the footprint back into the Council of Ministers and even the Council of Ministers in some dotted lines to the Commission and the European Parliament. On a major world question this arguably is the way in which we can have our cake and eat it in the way in which the European Union does operate and I think that the question which arises is, let us not make a fetish of clarity in the architecture if we can see this pattern of relationships is one which is doing a tremendously important job on this question at the present time.

Dr MacShane: I very much agree with you. I think what Europe wants to see is delivery. My own view is that we should under-promise and try and over-deliver rather than the reverse. I think that the Britain/France/Germany initiative on Iran was a good way of showing how Europe can cooperate in an international policy. I think it was right that the three foreign ministries cooperated, took the initiative to go to Iran and did it. It then set in motion a series of consequences which perhaps would not have arisen if one had tried to do all of this with twenty-five, or tried to get both the Commission and the Council lined up semi-publicly on a position. There will be other examples. I hope there are. I will be in Madrid next week for very informal talks with Spanish colleagues, looking at Mediterranean policy in the Magreb. Spain has a huge interest there. We have an interest with the United Kingdom Presidency coming up. I am not

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announcing or suggesting any particular initiatives, but it is right that there is a strong Madrid/London relationship in that area. Yesterday and today I was talking with colleagues in Berlin and Paris about Western Balkan problems because the French, German and European Ministers will be visiting this region. I just wanted them to have an up to date a position of where we are so that they can factor that into what they say down there. I think this is how Europe works. It is what I call network Europe. It is not a single entity Europe, but it is a lot better than clusters of states or twenty-five individual states all pursuing their own foreign policy with its nuances, with different perspectives, whether it is on Iran or the Western Balkans, or on the Magreb. It is hard work but it is very worthwhile work and it allows the European Union to grow with its Member States being the main contributor to what it does in the field of foreign affairs.

Q229 Lord Inge: Minister, as someone who strongly supports the initiative taken by the Foreign Secretary to try and move Iran forward, I am now left with the sense that I am only an outsider looking in but that the initiative has rather hit the buffers. Do you think there is anything now that can be done to change the Iranian position?

Dr MacShane: I think we continue to explain clearly and unequivocally to the Iranians their responsibilities under existing international law and that the IAEA is where these discussions should take place, but I accept that it will only work as long as Iran fully implements the agreement. They have got a very powerful offer on the table from us as the European Union. I think the rest of the world will be waiting to see how they respond. A normalisation of relationships with the European Union, I would tentatively suggest, might lead to a normalisation of relationships elsewhere in the world. That is the offer on the table to Iran. I hope they take it.

Q230 Lord Inge: You say “elsewhere in the world”. I am thinking particularly of America. Surely America has got to think it wants regime change as well?

Dr MacShane: The United States, like all of us, wants to see the rule of law and democracy as the norm in any part of the world. The question is how you get from where we are today to that happy end. I notice that it took about twenty-five years from Mao Tse-tung announcing the Communist revolution in China, in Tiananmen Square, a period of twenty-five years when we were all taught that China was beyond the pale, was exporting terrorism and Communism and was a filthy and horrible place and then, blow me down, President Nixon turned up and said, “It’s all over,” and the subsequent twenty-five years have been good for China and

good for the rest of the world. It is not for me to tell any other country what to do, but Iran might want to look at whether its own future, it’s religion, the happiness and prosperity of its citizens will be better served by making clear it does not want to become a nuclear arms state and developing normal trade and other relations with the European Union in the first instance. What Europe does today, who knows what other countries might do tomorrow?

Q231 Lord Lea of Crondall: Can I just ask one supplementary to that, because I know we may be drifting but on the other hand now that it is somehow the EU’s responsibility this, to state the obvious, has got something to do with an overall settlement in the Middle East. It is not just Israel and Palestine, the range of nuclear weapons all around is relevant to what is very desirable, that this can be seen in the context of guaranteeing a security umbrella for the whole of the Middle East (and I include Iran in the Middle East) and it goes back to the High-Level Panel’s recommendation that the Security Council should be placed to take collective action in response to a nuclear attack or the threat of such an attack on a non-nuclear weapons state. I think that guarantee is directly relevant to the job that we are doing here, but also the dilemma that has just been identified that there has to be some sort of guarantee of security across the region.

Dr MacShane: I accept the general thrust of what you say. Whether that can be achieved by a UN resolution, which I am afraid, whether it is in the Middle East or Iraq, we have seen flouted over decades, surely it is through solving the security concerns of the Middle East, and that has to include Israel, which has faced onslaughts, armed invasions and terrorist attacks over so many years. If we can solve those security concerns, the two states solution, secure frontiers and the rest of it, that removes the need for any country to have WMD. Latin America is WMD-free. We would be very happy to see a nuclear-free Middle East. I would say that rather than have missiles parading through the streets of Tehran with slogans across them—

Q232 Lord Lea of Crondall: Or Tel Aviv?

Dr MacShane: —with, you know, “Death to Israel”, Iran and other countries might open diplomatic relations and just normalise relations with Israel. Britain is in the forefront of promoting the new peace effort. The Foreign Secretary I heard on the radio rightly saying we have seen too many false dawns not to do anything other than keep our fingers crossed, but we have got the important meeting on 1 March. We had the Secretary of State’s visit, we had the Sharm El Sheikh handshake between Abu Mazen and Ariel Sharon, and that, it seems to me, is the best way forward. Give us

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Dr Denis MacShane MP and Miss Sarah Price

security and peace in the Middle East and who needs to have nuclear weapons down there?

Chairman: I am conscious of the time, but perhaps Lord Inge could just deal with one last question.

Q233 Lord Inge: It seems to me sometimes that we rather put the BW in what I call the “too difficult tray” and I just wonder whether you think the EU can do anything to raise the profile of it and what action it might take or what steps it might take?

Dr MacShane: Well, I accept that, but it seems to me that what you have to do is break it down into manageable chunks. You also have to make sure it is on the agenda. It is not just an immediate response, say, to what happened after 9/11 but in the context of Iran, North Korea, nuclear proliferation generally we are collectively diplomatically seized of it so that it is not just high politics with one or two big powers. In that sense the EU should be making a positive contribution and I think we need—give it a long term—over the next century to develop EU instruments and positions that do promote security, peace, democracy, rule of law, open market economies across the world. I am not ashamed of that. It is ambitious. It is very difficult at the moment because there is not an easy and obvious solution, but it is right that we keep talking and nagging at it. I think the British contribution over many years from the Atmospheric Test Ban Treaty initiatives going back more than forty years is important. Churchill famously said that jaw-jaw was better than war-war. I think we are going a stage further in saying that we are developing law-law, which is certainly better than war-war but

better also than just jaw-jaw for the sake of hearing ourselves speak. I think that is a huge contribution Britain can make and if we can multiply that by getting another twenty-four countries cooperating with us, not accepting just what we say but convincing them and persuading them—it is jolly hard work but we are knocking at a lot more open doors than 10 or twenty years ago—then I think that contributes generally to peace and stability and a better life for all the people on the planet.

Q234 Lord Inge: So you think BW does get the priority it deserves?

Dr MacShane: I think that this is firmly on the agenda. I think your Committee—and I am not saying that, you know, “He would say that because he was in front of them”—is important. I think the coincidence of the High-Level Panel Report and the anniversary of the regular NPT Treaty helps. The fact that we have got the United Kingdom Presidency helps. The fact that we have been through a very difficult international time over Iraq helps. The fact that we are working very constructively on Iran helps. If I can put it this way, it is on the international foreign policy agenda and the United Kingdom and the EU foreign policy agenda in a way that certainly has not been the case for at least a couple of decades, since the great initiatives of the seventies and eighties.

Lord Inge: Thank you.

Chairman: Dr MacShane, thank you very much indeed. I am conscious that we have probably kept you rather a long time and you have got a very busy day, but thank you for coming.

Written Evidence

TAKEN BEFORE THE EUROPEAN UNION COMMITTEE (SUB-COMMITTEE C)

Memorandum by Nicola Butler, Consultant, BASIC; Dr Ian Davis, Executive Director, BASIC; Dr Andrew Cottey, Senior Lecturer, Department of Government, University College Cork and member of BASIC's governing Council

BRITISH AMERICAN SECURITY INFORMATION COUNCIL (BASIC)

EU Strategy Against Proliferation of Weapons of Mass Destruction

1. INTRODUCTION

1.1 BASIC welcomes the adoption of the EU Strategy Against Proliferation of Weapons of Mass Destruction (WMD). We believe that proliferation of WMD poses a threat to European security and that the EU can and should play a central role in addressing the challenges posed by proliferation. Collectively, the EU's Member States and the EU institutions can have a major impact in addressing the problem of proliferation. Until recently, however, proliferation has not been a central concern of the EU's external policy. The adoption of the Strategy Against Proliferation of WMD is therefore a welcome upgrading of the EU's commitment to support non-proliferation and should now be built upon. We particularly welcome the emphasis on multilateralism, and the need to pursue universality, compliance with, and strengthening of non-proliferation and disarmament agreements.

1.2 Key elements of the EU Strategy include: coordinated support for multilateral treaty processes; efforts to strengthen export controls; support for cooperative threat reduction activities; and a commitment to mainstream non-proliferation measures in all EU activities, including agreements with third countries. The overall effect of this approach is to allow the EU to direct its whole external relations toolbox to non-proliferation efforts ranging from measures inside the Common Foreign and Security Policy (CFSP) framework to conditionality in trade and humanitarian aid agreements. The June 2004 progress report on implementation of the EU Strategy, indicates that a wide range of measures have been taken or initiated in a short space of time.

2. ASSESSING THE WMD PROLIFERATION THREAT

2.1 The EU Strategy correctly identifies WMD proliferation as an important and growing threat. Its general use of the term "WMD", however, conflates threats, hides important differences and confuses strategy. The Butler report pointed out (paras 13-17) that "there are problems" with the term WMD, and with other shorthand terms, such as "chemical, biological, radiological and nuclear" (CBRN) weapons. We agree with Butler when he says that the term "WMD" is "used so variously as to confuse rather than enlighten readers" (para 14).

2.2 The term "WMD" has become shorthand for various arms systems. During the cold war, it was used almost exclusively in respect to nuclear weapons. Indeed, for a given payload, the scale of death and destruction caused by a nuclear weapon is unmatched by any other weapon system.¹ In contrast, chemical weapons are likely to produce limited casualties, while the unpredictable nature and limited tactical and strategic value of biological weapons make them a potential "WMD" in the future rather than the present.

2.3 Given that terrorist use of chemical and biological weapons has been both infrequent and less than "massive"—the anthrax attacks of October 2001 in the United States, for example, were limited to 22 infected people and only five deaths, the future employment of chemical and biological weapons should be viewed as "distinct, relatively small-scale targeted releases likely to result in limited casualties (albeit with high-impact results, both during military operations and terrorist incidents against civilian populations), rather than "weapons of mass destruction".²

¹ Developments in both conventional weapons technology (especially area impact munitions, cluster bombs and fuel air explosives) and smaller yield nuclear weapons (so-called "mini-nukes") are beginning to blur the boundaries, however.

² Al Mauroni, "Weapons of Mass Delusion?", *Armed Forces Journal*, March 2004, p 36.

2.4 In order to provide an appropriate basis for developing policy responses, a more developed and nuanced assessment of threat posed by various different “WMD” needs to be undertaken. The EU should undertake a detailed collective assessment of the threat posed by WMD proliferation. This would provide a stronger basis for developing policy options and mobilising political support and resources both within the EU and with international partners.

3. PRIORITIES

An emphasis on prevention and diplomacy

3.1 The EU Strategy has adopted the right priorities for dealing with weapons of mass destruction by emphasising prevention, through strengthening multilateral non-proliferation and disarmament treaties. The prioritisation of non-proliferation policies, rather than on a “counter-proliferation” approach plays to the EU’s strengths.

3.2 Three EU members—France, Germany and the United Kingdom—have played a valuable role through their diplomacy with Iran, which has resulted in Iran signing the IAEA’s additional protocol in December 2003 and agreement by Iran to continue and extend its suspension of all enrichment related and reprocessing activities in November 2004.

3.3 Diplomatic efforts to engage with Libya have also proved to be an effective way of reducing the risk of proliferation of NBC weapons. Diplomacy of this nature is clearly an area in which the EU can effectively add value to international non-proliferation efforts.

3.4 The EU should consider developing its diplomatic engagement with North Korea on the questions of nuclear disarmament and human rights, as Britain has done through the recent visit of Foreign Minister Bill Rammell to the DPRK in September 2004.

Cooperative threat reduction

3.5 The G-8 Global Partnership programme is designed to safeguard the weapons complex of the Former Soviet Union (FSU) and prevent proliferation of deadly nuclear, as well as chemical and biological materials. Russia is thought to have enough surplus nuclear weapons material to make at least 60,000 nuclear warheads (in addition to an estimated arsenal of approximately 5,000 deployed strategic nuclear warheads and an even more dangerous and unknown number of tactical nuclear weapons, estimated at approximately 3,400). In the absence of reliable systems to safeguard and account for this huge stockpile, much of this material is highly vulnerable to theft or diversion to terrorists and “rogue” states. A similar Cold War legacy exists in relation to Russia’s chemical and biological weapons programmes.

3.6 The United States has shown commendable leadership in attempting to address this issue. The US Nunn-Lugar cooperative threat reduction (CTR) programme is now in its 14th year, and more recently has begun to be supported by European states and the G-8. At the June 2002 Kananaskis Summit in Canada, the G-8 countries pledged to provide up to \$20 billion over the next decade. Under the “10 + 10 over 10” plan, the United States will contribute \$10 billion over the next 10 years to threat reduction and non-proliferation programmes (mainly in Russia) while the other G-8 members will collectively contribute the same amount over the same timeframe.

3.7 These US-led threat reduction activities have produced significant, quantifiable results in Russia and other parts of the Former Soviet Union (FSU), including: roughly 6,000 nuclear warheads removed from deployment; more than 400 missile silos destroyed; nearly 1,400 ballistic missiles, cruise missiles, submarines and strategic bombers eliminated; storage and transportation of nuclear material made more secure; 150 metric tons of weapons-grade uranium eliminated; a major biological weapons production plant eliminated; and 40,000 chemical, biological, nuclear and missile weapons scientists provided with support to pursue peaceful research.³ Over \$1 billion a year is now being made available for international threat reduction programmes—but it is not enough.

3.8 Much of the threat reduction agenda remains to be completed. Roughly half of the nuclear weapons-grade material in Russia remains inadequately secured, the destruction of chemical weapons is just starting, and much remains unknown about past biological weapons activities.⁴ Moreover, the two main re-employment strategies for weapons scientists in the WMD complexes in Russia and the FSU-science research contracting

³ *Reshaping US-Russian Threat Reduction: New Approaches for the Second Decade*, Carnegie Endowment for International Peace and Russian American Nuclear Security Advisory Council 2002, p 1.

⁴ *Ibid.*

and technology-driven commercialisation and business development—are proving inadequate, and failing to provide many career opportunities.

3.9 The EU has agreed to provide €1 billion to the partnership, although Commission officials have identified a serious shortfall between what has been pledged and the amount of money being released. Around €46 million per year is to be provided in the 2003–06 period. Unless the sum is increased to €122 million in 2007–13, officials believe the funding gap will not be bridged.

3.10 So what needs to be done? First, the cooperative threat reduction agenda needs reform and accelerated implementation. To this end each of the G-8 countries and the EU should appoint a central coordinator for threat reduction and develop a comprehensive long-term plan of implementation.

3.11 Second, more money is needed to accelerate implementation of existing plans, especially in areas of relative neglect, such as alternative job creation, retraining of weapons scientists and downsizing weapons complex infrastructure. Additional funds are also needed to expand the scope of threat reduction to include new materials and new countries. Possible fiscal solutions being mooted include the exchange of Russian debt for nonproliferation projects and the expansion of the partnership to other non-G-8 countries. Reconsideration of the costly and contentious plutonium disposition plans should also be on the agenda.

3.12 The EU has now begun to play a more prominent role in supporting CTR in Russia and the FSU—for example, through its €5.5 million December 2003 Joint Action in support of Russia plutonium disposal and CW disarmament. Given its combination of political, economic and technical instruments and its broader political and economic relationships with third parties, the EU should be particularly well-placed to support CTR activities. The EU should aim to make itself the driving force and leading supporter of CTR activities, in Russia and the FSU in the first place but also extending similar programmes globally.

Mainstreaming non-proliferation policy and conditionality

3.13 The November 2003 General Affairs Council decision to mainstream non-proliferation policy by including non-proliferation clauses in agreements with third countries is an important attempt to integrate non-proliferation policy with wider aspects of the Union's foreign relations. To date, such a clause has been included in an EU agreement with Tajikistan and is being negotiated with Syria and Pakistan.

3.14 Mainstreaming non-proliferation policy and the non-proliferation clause, however, raises a number of difficult problems and dilemmas:

- What happens if third countries resist the clause or seek amendments or additions?
- Does it matter that there will be a double-standard *vis-à-vis* countries with earlier agreements which did not include the non-proliferation clause? What happens when their agreements come up for re-negotiation? Eg Israel.
- How will the EU determine whether third countries are making sufficient efforts to implement the non-proliferation clause?
- What action will the EU take if countries are deemed not to have made sufficient efforts to implement the non-proliferation clause?
- Might the non-proliferation clause impose additional/excessive demands/conditions on poor countries?

3.15 There are no easy answers to these questions and the EU is likely to face some difficult dilemmas with regard to the non-proliferation aspects of its relations with some third parties. Responding to these dilemmas will require the EU to more seriously address:

- (i) the possible employment of diplomatic and economic sanctions when international non-proliferation norms and standards are broken; and
- (ii) the issue of what positive incentives and security measures can be used to persuade states to abandon NBC ambitions.

The EU and Nuclear Weapons

3.16 While the EU Strategy stresses the importance of compliance with non-proliferation and disarmament treaties, it focuses on compliance by non-EU states, rather than implementation and compliance by EU members. The EU Strategy does not address the fact that some EU members and prospective members possess or host on their territory the most dangerous form of WMD—nuclear weapons.

3.17 As the EU Strategy notes, the nuclear Non-Proliferation Treaty (NPT) has “helped to slow and in some cases reverse the spread of military nuclear capability”. However, the strength and credibility of the NPT is increasingly undermined by the failure of the nuclear-weapon states parties, including France and the United Kingdom, to implement their commitment to nuclear disarmament under Article VI of the Treaty.

3.18 In the Final Document of the 2000 NPT Review Conference, the states parties, including all EU members, agreed on a programme of “practical steps for the systematic and progressive efforts to implement Article VI”. However, to date little progress has been made to implement this agreement. As the EU considers the contributions it can make in the run up to the 2005 NPT Review Conference, it must include a focus on implementation of the 2000 NPT Final Document by all EU members.

3.19 In addition to the possession of nuclear weapons by France and the United Kingdom, five current and prospective EU members—Belgium, Germany, Italy, the Netherlands and Turkey—host US nuclear weapons on their territory under nuclear sharing arrangements conducted through NATO. Many NPT members have questioned whether these arrangements are in compliance with Articles I and II of the NPT. Progress in eliminating these weapons from Europe would be a welcome contribution to efforts to strengthen the nuclear non-proliferation regime by EU members. While the EU should clearly work closely with NATO on matters concerning European security, NATO nuclear deterrence policy should not be allowed to form an obstacle to EU implementation of the NPT.⁵

3.20 More broadly, the current non-proliferation regime rests on a double-standard which has allowed the five recognised nuclear weapons states to maintain their nuclear arsenals while asking other states to foreswear the development of nuclear (and chemical and biological) weapons. The long-term viability of global non-proliferation efforts may depend in part on much more serious efforts, especially by the five recognised nuclear weapons powers, to minimise the role of nuclear weapons in international politics, including in their own national security policies. The EU and EU Member States should therefore seriously explore what steps can be taken towards this goal, for example through more radical reductions in the arsenals of the existing nuclear weapons powers, moving towards “virtual” nuclear arsenals, a commitment to no first use of nuclear weapons and strengthened international controls over fissile materials.

4. INTERACTIONS

With the UN

4.1 The EU’s objectives of strengthening the role of the UN Security Council and enhancing its expertise in tackling proliferation are welcome components of the Strategy. The Strategy confirms that military efforts to address proliferation should be applied “as a last resort” and “in accordance with the UN Charter”. However, the EU Strategy is ambiguous on the question of whether explicit UN Security Council backing is required prior to military action against proliferators, stating just that the “UN Security Council should play a central role”.

With the US

4.2 While the EU strategy emphasises a multilateralist approach, it also commits the Union to “co-operate with the United States and other partners who share our objectives”. The EU is in a strong position to seek to influence US policy towards greater support for multilateral non-proliferation and disarmament objectives. However, US foreign policy should not be allowed to block progress on non-proliferation objectives that are important for EU security and which the EU strategy aims to support.

With the CTBT

4.3 The EU strategy supports the early entry into force of the Comprehensive Test Ban Treaty (CTBT), which has been signed and ratified by all EU Member States, but which the current US administration opposes. In addition to supporting early entry into force of the CTBT, the EU should make clear its opposition to any resumption of nuclear testing.

⁵ BASIC and Oxford Research Group will be publishing a series of concise, issue-based briefings in the run up to the 2005 NPT Review Conference that will propose concrete, achievable recommendations to help strengthen the non-proliferation, compliance, and disarmament functions of the NPT. See www.basicint/npt for further details.

With the PSI

4.4 The EU strategy states that it will support “international initiatives aimed at the identification, control and interception of illegal shipments,” apparently referring somewhat obliquely to the US-led Proliferation Security Initiative (PSI). Although the development of PSI has caused some concern internationally, due to the lack of an effective legal framework,⁶ an EU statement on Non-Proliferation Support of the Proliferation Security Initiative notes that “steps in support of interdiction efforts” will be carried out “to the extent their [EU Member States’] national and Community legal authorities permit and consistent with their obligations under international law and frameworks.” The EU, in particular the EU countries that are permanent members of the UN Security Council, could play a positive role in encouraging the US to pursue a new UN security council resolution extending jurisdiction of states beyond territorial sea and to develop the legal framework for PSI.

5. CONCLUSION

5.1 The EU has the potential to be a major force driving international non-proliferation efforts. The adoption of EU Strategy Against Proliferation of WMD is an important and welcome step in this direction and has resulted in a number of concrete steps. The EU could and should do more to support non-proliferation efforts.

5.2 The strong emphasis on multilateralism and diplomacy, plays to the EU’s strengths and are areas in which the EU can effectively add value. Diplomacy by the “EU-3” has played a positive role in addressing concerns about Iran’s nuclear programme. A similar approach could be used to engage with other countries of proliferation concern and the three “de facto” nuclear weapon states (India, Pakistan and Israel). The EU should also aim to make itself the leader driver of CTR activities in Russia and the FSU and globally.

5.3 The EU can play a positive role by encouraging the United States to contribute more positively to multilateral efforts to address proliferation within the framework of international law. The EU should adopt a robust position of support for non-proliferation and disarmament treaties that enhance its security, such as the CTBT and the need for verification of the Biological Weapons Convention (BWC), despite US opposition.

5.4 The double-standard implicit in the existing non-proliferation which allows the recognised nuclear weapons states to maintain their nuclear arsenals while asking other states not to develop NBC weapons undermines international non-proliferation efforts. In order to sustain the long-term viability of the international non-proliferation regime, EU Member States should seriously explore what steps can be taken in order to minimise the role of nuclear weapons in international politics in general and in their own national security strategies.

12 January 2005

Memorandum by the Honourable Rose E Gottemoeller, Senior Associate, Carnegie Endowment for International Peace, Washington DC, United States of America

THE EU STRATEGY AGAINST PROLIFERATION OF WEAPONS OF MASS DESTRUCTION

Introduction

It is my great honour to provide this evidence concerning the all-important topic of whether the European Union and its partners are preparing themselves adequately for the terrible threat of weapons of mass destruction. As requested, I will focus my comments on the EU Strategy against Proliferation of Weapons of Mass Destruction (WMD), as adopted by the European Council on 12 December 2003. I would like to note at the outset that I am best equipped to comment on interactions of the EU Strategy with the approach of the United States, particularly how the non-proliferation and threat reduction policies⁷ of the United States and

⁶ For further information on the PSI, see Basic Research Report 2004.2, *Sailing Into Uncharted Waters? The Proliferation Security Initiative and the Law of the Sea*, Andreas Persbo and Ian Davis, BASIC June 2004. <http://www.basicint.org/pubs/Research/04PSI.htm>

⁷ “Non-proliferation” and “threat reduction” are terms often used in this evidence. In my definition, non-proliferation policies refer to the broad non-proliferation regime and are built around the Non-Proliferation Treaty, Chemical Weapons Convention, Biological Weapons Convention, and other multilateral legal instruments. Non-proliferation policies include such activities as nuclear safeguards and nuclear and chemical weapon export controls. “Threat reduction” refers to programs to enhance the security of nuclear weapons or materials, eliminate weapons systems, and engage weapon scientists to ensure that they are not forced to sell their expertise to countries of concern or terrorist groups. Beginning in 1992, with the launch of the US Cooperative Threat Reduction or “Nunn-Lugar” Program (referring to Senators Sam Nunn and Richard Lugar, who originated the legislation for the program), the bulk of U.S. threat reduction projects have been conducted in the Russian Federation, with most of the remaining taking place in other newly independent states (NIS) of the former Soviet Union.

EU complement each other. I will therefore focus on that aspect in my evidence, and will not cover other issues such as management.

First of all, I would like to express my overall admiration for the EU Strategy. It is comprehensive, focusing on all of the key issues that should be encompassed: the threat (Chapter I), the need for strong and coherent multilateral action (Chapter II), and the need for a multi-faceted response (Chapter III). At the Carnegie Endowment, we have developed this notion as defence in depth to prevent proliferation of weapons of mass destruction.⁸ The EU Strategy expresses the same idea by emphasising the need to (1) act resolutely against proliferators on a multilateral basis; (2) strengthen export control policies and practices; (3) enhance the security of proliferation-sensitive material, equipment and expertise; and (4) strengthen controls against illegal trafficking in WMD-related material. The EU Strategy also properly places a focus on the need to promote stable international and regional environments if we are to succeed in our non-proliferation goals.

In my view, the value of the EU Strategy has already emerged in quite practical ways. Probably the most important and current example of this is the way in which it underpinned the efforts of the so-called “EU-3” (the United Kingdom, France and Germany) to negotiate a halt in Iran’s program to build nuclear fuel cycle facilities. It has continued to support the EU-3’s diplomacy to develop a long-term solution to the Iranian nuclear problem.

The EU Strategy is also very positive in the way in which it has stressed cooperating closely with the United States and other key partners. Ensuring coordination and developing joint initiatives increases the overall effectiveness of non-proliferation policies and programs wherever they originate. In particular, attention to coordination is vital, because at times since the end of the Cold War, countries have failed to coordinate their non-proliferation and threat reduction programs. They have as a result ended up with duplicative efforts that cannot be justified in budget terms. If the United States and EU are able to work in close coordination, then such pitfalls can be avoided.

Natural Partnership

In fact, the United States and EU are in many ways natural partners in pursuit of the goals laid out in the EU Strategy against Proliferation of Weapons of Mass Destruction. The United States’ role is determined through its founding membership in the G-8 Global Partnership against the Spread of Weapons and Materials of Mass Destruction (hereafter the Global Partnership) and its seminal Cooperative Threat Reduction Program. Through these programs, the US has been engaged over the past decade-and-a-half in eliminating or deactivating excess nuclear weapon systems in the former Soviet Union, securing nuclear materials and warheads, and working with scientists and engineers to prevent the drain of weapons expertise to terrorist groups or countries of proliferation concern.

The EU Strategy embraces these same goals, but there are other ways in which the US and EU are natural partners in this arena. At the current stage, certain strategic issues determine the importance of their partnership on non-proliferation and threat reduction policies. An important example is the enormous tsunami relief effort in Asia. This work is, of course, absolutely vital, but it means that the attention and resources of the Asian members of the Global Partnership will be pulled in that direction. This group includes Japan, an original member of the Partnership, as well as new members—Australia, New Zealand and South Korea. The policy emphasis in these countries will of necessity be focused on tsunami relief and reconstruction, and threat reduction/non-proliferation policy is thus likely to slip to a lower level on their national agendas.

For that reason, it will be incumbent on the United States and EU to work together to keep a strong international focus on threat reduction and nonproliferation cooperation. While the EU and US will certainly continue to work on tsunami relief, they also have a responsibility to ensure that proliferation of weapons of mass destruction, especially if such weapons should fall into terrorist hands, does not create a critical threat to mankind.

Another strategic issue that affects the partnership is the downward slide of reform in Russia. Many observers in both the United States and European Union are concerned that Russia could be facing a return to dictatorship. This concern influences many issues in the relationship between the US and Russia or the EU and Russia, and in some cases causes cooperation to be scaled back or halted. Non-proliferation, however, is an area where we cannot afford to halt joint cooperation. Efforts to secure nuclear materials or warheads in Russia, to eliminate weapon systems or nuclear materials, and to work with scientists and engineers, are in the national security interest of every country that is involved in them.

⁸ In February 2005, the Carnegie Endowment for International Peace will publish its comprehensive report on the future of the non-proliferation regime, *Universal Compliance*. The defence-in-depth theme and additional concepts and ideas presented in this evidence are developed in detail in this report.

Therefore, despite the deep concern about anti-democratic trends in the Russian Federation, cooperation to reduce the threats of weapons of mass destruction proliferation must continue. It must not be linked to other areas of policy. This avoidance of linkage is consistent with the approach taken during the Cold War, when the United States and Soviet Union continued with strategic arms limitation and strategic arms reduction talks (SALT and START) despite very negative bilateral relations.

The United States and the European Union should work together to avoid linkage of the non-proliferation cooperative programs to negative developments in the reform program of Russia. The effort is likely to require intensive work with the public, media and national legislatures in the US and each of the EU member countries to assure that the realisation of the importance of the programmes remains front and centre, and that budgets for the programmes remain supported.

Russia's Role

It must be noted, moreover, that the slide away from reform in Russia might make it increasingly difficult for the Russians to play the role of non-proliferation partner—an aspiration that they have often articulated in recent years. Partnership, in the Russian view, involves more cooperation in selecting project priorities, more responsibility for project management, and more resources from the Russian federal budget than has been the case in working with the Global Partnership in the past. Inside Russia, however, such enhanced cooperation could become more difficult, not less, in the current anti-reform environment, which has encouraged rampant corruption and dealt a blow to the effectiveness of the national government. The interagency process in Moscow is weak and disorganised, creating a poor environment for the type of effective non-proliferation partnership that the Russians have proposed.

This situation has in some cases exacerbated long-standing problems. The US, for example, has not been able to establish consistent and routine procedures for American teams to gain access to sensitive sites in Russia, in order to check on the progress of joint work. For that reason, project work has often been delayed, sometimes for years at a time. This problem is likely to be linked to the strong and unbending position of the Federal Security Services (FSB) in an otherwise weak national bureaucracy.

The picture is not completely bleak, however. The Russian Academy of Sciences, together with the US National Academies of Sciences, have agreed to embark on a joint project to examine the experience of US-Russian threat reduction cooperation. The study will focus on actual solutions to problems that have been devised by project teams. For example, work with the Russian Navy to secure nuclear materials and warheads at Navy sites has proceeded rather efficiently over the past five years. All work for the Russian Navy is on track to be completed by 2006.⁹ Such positive experience will be examined in the Academies joint project, in order to generalise on it and recommend more efficient ways of working that should be of help not only to the United States and Russia, but also to the EU and other members of the Global Partnership.¹⁰

The mutual goal should be not only more efficient joint work on projects within the Russian Federation, but also cooperation with Russia to solve proliferation problems in other countries and regions. Russia has already been helpful in furthering EU diplomacy in the aforementioned Iranian case. It has conveyed a message consistent to that of the EU to the Iranian government during the course of its own discussions on the Bushehr light water reactor construction project. It has also insisted that no nuclear fuel will be delivered to Bushehr until the Iranians agree to a complete fuel services arrangement, which is a helpful supplement to the EU's efforts in Iran.

Russia could also be helpful in the difficult case of North Korea. The Soviets provided help to the North Koreans to build many of their nuclear facilities, and many North Korean scientists were educated in the Soviet Union. Russia's special knowledge and experience, therefore, could be helpful in eliminating North Korea's nuclear facilities, should the Six-Party Talks reach a successful outcome. Indeed, the Russian Federation might be in a position to take back North Korea's plutonium and fuel rods and store them in Russia. This outcome would be especially possible if Russia received the go-ahead from the United States to build an international spent fuel storage facility in Russia.¹¹

⁹ Speech by Secretary of Energy Spencer Abraham before the Council on Foreign Relations, 13 January 2005. See http://www.cfr.org/pub7600/spencer_abraham_lisa_gordongherty/remarks_of_energy_secretary_spencer_abraham.php (accessed 16 January 2005).

¹⁰ This project, which will publish its report in June 2005, is the continuation of joint work that the US and Russian Academies began in 2003. This initial effort resulted in a report entitled, "Overcoming Impediments to US-Russian Cooperation on Nuclear Nonproliferation," Report of a Joint Workshop, National Research Council of the National Academies, Washington, DC, 2004. This report is available at www.nap.edu.

¹¹ The United States maintains legal control over US-origin nuclear reactor fuel throughout its lifetime. For an international spent fuel storage facility to be commercially viable, Russia would have to receive permission from the United States to store US-origin fuel there. Thus far, this permission has not been forthcoming, because of US concerns about Russian proliferation behaviour in the past.

Overall, despite all of the difficulties in working with Russia, there are several reasons to be hopeful about the cooperation. First, as mentioned above, the US and Russian scientific communities are working together, through the Academies of Sciences, to find ways to improve the implementation of the joint programs. Second, as the threat reduction projects continue over time, their implementation becomes increasingly routine. Problem areas such as contracting and access to facilities become resolved, often through the joint efforts of managers working together on the ground.

Finally, the United States has become more open to reciprocity than it has been in the past. President Bush, for example, at a recent press conference, stated that Russian experts should be able to visit US nuclear sites, in order to study facility protection measures in cooperation with their American counterparts.¹² Such reciprocity is welcome to the Russians, who had earlier complained that US access to Russian sensitive facilities was never reciprocated. More reciprocity in this regard will be an important confidence-builder for future cooperation.

New Opportunities, New Partners

The United States and European Union, however, should seek out new opportunities for cooperation beyond the Russian Federation. In some sense, because of the negative political developments in Russia, creating additional directions for non-proliferation and threat reduction cooperation is an insurance policy for continued progress and momentum in the programmes. New directions need not distract from the continuing high-priority work in Russia, as long as it retains the largest budget and the greatest share of attention in the Global Partnership.

Large non-proliferation benefits can be derived from modest cooperation. For example, the United States Cooperative Threat Reduction program is working with the government of Albania to destroy chemical weapons that had been purchased by the Communist-era leader Enver Xoxha in the 1970s. Long-abandoned in a storage site in Albania, they were discovered only recently and immediately recognised as posing a danger not only to the nearby population, but also in regard to the threat of theft. Cooperating with the US government, the Albanians will receive \$20 million in aid as the weapons are eliminated. They are keen to carry out this effort in a positive and transparent way, in the interest of demonstrating that they will be responsible players in Europe in the future.¹³

The United States and European Union should be actively seeking out such projects, especially in countries in Europe's neighbourhood. Success in carrying them through will ensure continued momentum in non-proliferation and threat reduction policies, even if Russia should turn away from the cooperation in the course of its anti-reform slide. Continuing progress also in Russia's neighbourhood may have an exemplary effect on the Kremlin's non-proliferation policies, even if reform is faltering in other areas.

To illustrate this idea, let us consider the example of Ukraine. Now the elections for the President of Ukraine have been completed, Ukraine should be encouraged to show a leadership role on non-proliferation and threat reduction policies, in order, again, to demonstrate that Ukraine is a responsible player in Europe. Such a role should come naturally to Kiev, since Ukraine agreed to give up the nuclear weapons remaining on its territory at the time of the break-up of the Soviet Union, and became a non-nuclear weapon state under the NPT in 1994. In the intervening years, however, Ukraine's potential to play a positive role in international non-proliferation efforts has been clouded by difficulty and scandal, as even the Ukrainian President's office became associated with shady deals to sell dangerous technologies abroad.

A new, more reform-minded government in Kiev provides the basis for a fresh start in this critical area. Ukraine might be encouraged, as a first order of business, to address a long-standing issue inside Ukraine, ie removing the significant amount of highly enriched uranium at the Kharkiv nuclear reactor complex for down-blending, with proper compensation to the reactor operators. Moreover, there might be opportunities to speed up or intensify nuclear reactor safety work at the Chernobyl reactor or other sites, an area where the EU has long played a major role.

In addition to these important efforts inside Ukraine, the Ukrainian government should be encouraged to consider how it might contribute to larger threat reduction and non-proliferation goals in the international arena. For example, a large number of Ukrainian sub-contractors are involved in the construction of the Bushehr reactor in Iran. Perhaps the companies involved, in cooperation with the Ukrainian government, could help to convince Tehran to move more quickly in its discussions with the EU-3 on the issue of its fuel cycle facilities. If Russia should for some reason draw back from cooperation with the EU-3, then Ukraine

¹² For the text of the President's remarks, see <http://www.whitehouse.gov/news/releases/2004/12/20041220-3.html>, (accessed 16 January 2005).

¹³ A report on the effort to destroy chemical weapons in Albania may be found in Joby Warrick, "Albania's Chemical Cache Raises Fears About Others," *Washington Post*, 10 January 2005, p A 1.

might thus be positioned to provide some continuing leverage in the interaction. Ideally, of course, Russia and Ukraine would work together and with the EU in support of the negotiations.

If Kiev can be engaged in making a broader contribution to threat reduction and non-proliferation policies, then it might help to address some long-standing concerns about Ukraine's behavior in the international marketplace. For example, in the wake of discoveries about the AQ Khan network, many countries are considering how to strengthen export controls and extend their reach more effectively to companies and even individuals. Ukraine, in order to acquire a clean bill of health on these matters, might be very interested in helping to scope out and develop new, more enforceable export control measures. As a first order of business, they could be encouraged to take a leading role, in cooperation with the EU and the United States, to develop national legislation implementing UN Security Council Resolution 1540.¹⁴

Conclusions

The European Union and the United States thus have opportunities to develop their natural partnership in non-proliferation and threat reduction policies both in old directions, and in some urgent and exciting new ones. They should consider this period as one of opportunity, even though the anti-reform direction of the Russian Federation presents a cause for concern. Negative political trends in Russia, however, should not be allowed to check the overall effort to secure and eliminate nuclear weapons and materials there, and carry out other high-priority projects. The program is called "Cooperative Threat Reduction" in US parlance because it is meant equally to reduce threats and enhance security for all participants in the effort—and indeed, for all the members of the international community. Therefore, it is in no country's interest to see the program shut down.

In its Strategy against Proliferation of Weapons of Mass Destruction, the European Union has created a comprehensive and meaningful policy to participate effectively in non-proliferation and threat reduction cooperation in the former Soviet Union and in other regions and countries where proliferation is an urgent problem. The value of the strategy is already emerging in very practical ways, such as in the progress that has been made in the EU-3 negotiations with Iran to halt and eventually eliminate its nuclear fuel cycle program in return for wider cooperation with the European Union. The EU should be commended for its attention to the urgent threats in the proliferation arena. It should also be applauded for its willingness to push hard to resolve them, even in the most difficult circumstances of timing and politics.

16 January 2005

Memorandum by Dr Thomas D Inch

EU STRATEGY AGAINST PROLIFERATION OF WEAPONS OF MASS DESTRUCTION

The comments below relate mainly to chemical weapons.

Firstly, there is a need to differentiate between nuclear weapons that are the true weapons of mass destruction and chemical weapons which cannot be considered in the same category. Indeed chemical weapons in some circumstances will be less damaging than modern so-called conventional weapons.

With regard to the EU strategy there is no doubt it should be fully supported in principle. The concern I have is that it should not lead to any organisations that duplicate in any way the activities of OPCW. Rather the effort should go to making the OPCW more effective.

The emphasis of the EU should be to ensure that the National Authorities in every EU country fully accepts all their responsibilities under the CWC. In particular this means that rather than just complying with the OPCW requirements for chemicals in the Schedules of the CWC they devote more effort in publicising the importance of the general-purpose criteria of the CWC. This is particularly important to reduce the risk of toxic chemicals being used by terrorist groups. Unfortunately the OPCW and also most National Authorities seem to have placed most problems about the general-purpose criteria in the too difficult category.

The OPCW have procedures in place for monitoring and inspecting declared facilities where scheduled chemicals are made. There needs to be an independent assessment of these procedures to see how effective they really are. The EU strategy refers specifically to the problems of challenge inspections. Most of these problems

¹⁴ Security Council Resolution 1540 was adopted unanimously on 28 April 2004. It calls on all states to establish domestic controls to prevent proliferation, and to adopt national laws to that effect. It also provides international authorisation for seizure of illegal materials transfers by making them subject to Chapter VII of the UN Charter. Chapter VII permits the Security Council to use sanctions or military force in response to threats to international peace and security.

are political but for inspections in general there has been a reluctance to use any chemical analysis techniques despite the fact that much time and effort has been given by OPCW and supporting countries, particularly the United Kingdom, to developing possible techniques. A good practical test for any new political initiative would be agreement that analysis should be carried out during inspections.

As always with any new initiative the devil is in the detail. It will be relatively easy for EU states to agree on general principles. With respect to the CWC and the activities of OPCW experience has shown that progress is inhibited by disagreements about what to most scientists seem details that may easily be overcome, but which are escalated to major obstacles by lawyers and diplomats. If the EU strategy can change this culture then much will have been achieved

5 January 2005

Memorandum by Dr Rebecca Johnson, Acronym Institute for Disarmament Diplomacy

EVIDENCE PROVIDED IN A PERSONAL CAPACITY

SUMMARY

1. The EU has made a positive start with the simultaneous adoption of the EU Strategy against the Proliferation of Weapons of Mass Destruction (WMD) and the European Security Strategy in December 2003. Taken together, these strategies show a general understanding of the multilayered nature of the security challenges and proliferation arising from failed states and non-state groups seeking WMD, but less awareness of the role of EU States in contributing to these problems. In the Council's promulgation of the three main principles of "effective multilateralism", "promotion of a stable international and regional environment", and "close cooperation with key partners", they offer a welcome alternative to US approaches. At the same time, the non-proliferation strategy complements US-led initiatives such as the Proliferation Security Initiative (September 2003), the UN Security Council Resolution 1540 (April 2004) on Weapons of Mass Destruction, and UNSCR 1373 (September 2001) on Terrorism, while also recognising the long-overdue necessity for Europeans to take greater responsibility financially and practically.

2. The non-proliferation strategy is represented as a "living action plan", with regular debates, revision and updating every six months. This is extremely important, especially in the fast-changing bio-technologies and genetics research arenas relevant to bio-weapons. A six-monthly reporting process ensures that the strategies are operationalised in a timely manner and provides a mechanism for accountability. Though the first progress report (10 June) was long on exhortation but rather short on specifics, the second progress report (3 December 2004) is much more detailed and practical, and indicates that the Strategies are being taken seriously and that elements are being implemented rather swiftly by EU standards.

3. The seven core elements of the EU approach are spelled out in paragraph 14. These are all good commitments, but do not go far enough. In particular, the WMD Strategy and effectiveness is weakened by the contortions required in order to ignore the nuclear elephants in the EU's own living room. These include the British and French nuclear arsenals and Europe's own contribution to the enrichment of uranium and reprocessing, which separates plutonium from spent fuel. EU countries are responsible for most of the world's transporting of nuclear materials and some European companies have also been implicated in the manufacture and trading of proliferation-sensitive dual use technologies and equipment, as uncovered when Pakistan's "Nuclear WalMart" was exposed. Nor is the deployment of US tactical nuclear weapons among at least five EU States that are members of NATO conducive to non-proliferation and security.

4. The Strategy has three additional areas of weakness, the first two of which are compounded by the EU's failure to acknowledge or address its own elephants:

(a) *Scope:*

- the threats and vulnerabilities associated with the different weapons systems are insufficiently distinguished, with consequences for how well some of the policies are targeted;
- there is a reluctance to address problems associated with civilian nuclear materials, though these could be used to create havoc and major social and economic disruption if used in a radiological dispersion device ("dirty bomb") in urban areas; and
- there is an exaggerated emphasis on missile threats and, concomitantly, inadequate attention given to the more likely low-tech delivery means non-state armed groups are likely to use, including trucks, trains and ships.

(b) *Approach:*

- the Strategy deals almost exclusively with horizontal proliferation while practically ignoring vertical proliferation;
- the EU explicitly supports making the prohibition of biological and chemical weapons universally binding rules of international law, but fails to accord nuclear weapons the same importance. Consequently, many of the Strategy's core weaknesses are associated with nuclear weapons and materials, though there does need to be better monitoring of biotechnology and some proliferation-conducive trading by some EU-related companies.

(c) *Budget*—where identified, the levels of financing are too small to get very far in some of the Strategies' important practical tasks, such as cooperative threat reduction (CTR) and the conversion of scientists' skills for peaceful applications.

SCOPE

5. In paragraph 1, the EU Non-proliferation Strategy frames the problem thus: "The proliferation of weapons of mass destruction and their means of delivery such as ballistic missiles are a growing threat to international peace and security". Two elements of this statement require clarification.

- (a) The risks and actual threats from most kinds of WMD have arguably been decreasing rather than growing over the past decade, in part because there is more coordinated and focussed international action to reduce or eliminate such weapons from arsenals and bases, and to police borders and control materials and trafficking. Nevertheless, threats remain, with heightened public anxiety and expectations that governments do more to prevent and protect. The 11 September terrorist attacks have provoked both the heightened fear and the wake-up call. Shocking not only for their audacity and for publicly inflicting such high loss of life in a well-armed, developed country, they showed meticulous and patient planning. In raising the threshold of drama, Western casualties and public and governmental reaction, it is calculated that non-state armed groups wishing to have a similar or greater impact in the future will seek WMD. Moreover there is evidence that al Qaeda has sought to acquire such weapons and technologies. In parallel, recent developments may have increased the incentive for weak leaders to acquire nuclear weapons, if only to deter attack from States with greater military capabilities.
- (b) For weak states and non-state groups, which are the focus of the EU Non-proliferation Strategy, ballistic missiles are much less likely delivery vehicles than the opening statement implies.

6. The focus is largely on nuclear, biological and chemical weapons. While frequently lumped together as WMD, these three types of weapons depend on very different technologies and pose very different kinds of risks and threats. The EU needs to be clearer about the distinctions between the military and political utility, roles, production, acquisition modes and delivery means of the different weapons types. Greater clarity about the differences, as well as cross-cutting similarities, would increase the effectiveness of EU responses. For example:

- (a) Nuclear weapons would cause the most immediate mass casualties and physical destruction through heat and blast, with long term health and environmental consequences, including genetic damage for future generations. Nuclear science is relatively mature and the knowledge and skills for making a workable but not necessarily sophisticated nuclear bomb are widespread. However, nuclear weapons are difficult to manufacture clandestinely and increasingly protected from theft or blackmarket trafficking, despite concerns about "loose nukes" during the 1990s. The main international law governing nuclear weapons is the 1968 Nuclear Non-Proliferation Treaty (NPT), which analysts widely agree to be in crisis. Neither nuclear weapons nor the use of nuclear weapons have been banned, though these are subject to international law and interpretation, and at least eight States openly claim to possess them and to "rely" on them for deterrence and national security. Delivery for these states would be by ship, plane or missile, but if a workable device were stolen or bought, nuclear bombs could also be delivered by suitcase or car by non-state terrorists.
- (b) Biological weapons can be any means used deliberately to infect or cause disease (human, livestock or agricultural) and may result in death, debilitation and in some cases, genetic damage. Depending on the agent and delivery, the casualties and effects could be massive, shocking and long-lived. Unlike nuclear weapons, the materials barrier for bioweapons is negligible, but delivery is more unpredictable and can end up spreading beyond its intended target and harming the users' own supporters. Biotechnology is a fast-changing field; many biotech companies are not large pharmaceutical industries, but small units of creative, unregulated scientists, rather like in IT.

Bioweapons and use are prohibited through the 1972 Biological and Toxin Weapons Convention (BTWC). Though this helps to embed a taboo against bioweapons, the BTWC does not address non-state proliferators—more likely than states to use bioweapons—and lacks any kind of verification or implementation oversight and enforcement mechanisms.

- (c) Chemical weapons were used in WWI, and more recently by Saddam Hussein against Kurdish and Iranian towns during the 1980s. Though they may kill several thousands if used against troops or in urban areas, chemical weapons would be likely to be more limited and less long-lived in their effects than nuclear and biological weapons. The production, acquisition and use of chemical weapons are comprehensively banned under the 1993 Chemical Weapons Convention (CWC) which has a well-developed verification regime and implementing organisation (the OPCW), though problems remain, particularly in relation to the detection and destruction of existing stocks in several countries.

7. Radiological weapons are briefly mentioned but not really addressed. While radiological weapons—a subset of nuclear with particular characteristics—are not as immediately life-threatening as fission or biological weapons, they are an attractive option for non-state armed groups (much less likely to be used by states, even covertly). Radiological weapons use the contamination from radioactive material to create terror and disruption. Virtually any kind of radioactive source, even low level medical waste, could be ignited and dispersed by conventional explosives or targeted for attack (for example, a fuel-filled plane aimed at high speed into a nuclear power plant). Used in any city, the social and economic consequences could be devastating. Decontamination and clean-up would be very costly; depending on the level of contamination, the affected area could be rendered a “no-go” wasteland for years, perhaps decades. Though only those very close to the initial explosion would risk immediate death or injury, the ingestion or inhalation of finely dispersed radioactive particles could result in greatly elevated levels of illness and death over time, including cancers and immune-system failures. Babies, including foetuses, and children would be especially vulnerable.

8. Emergency planning, education, accessible stocks of appropriate medical supplies, effective consequence management and a fast response can significantly lower casualties in the event of radiological, chemical or biological weapons attacks, but could do little to limit the initial effects of a nuclear weapon use.

9. In order to address dangers from radiological weapons, more attention must be given to the safety and security of nuclear materials transports (currently conducted to and from a number of EU countries by air, rail, truck and ship). Threats include the seizure of or attacks on nuclear waste or plutonium products from nuclear power stations and the transports to and from Sellafield or La Hague. Radioactive waste from hospitals and nuclear fuel shipped by rail (often at night) are especially vulnerable.

10. During the Cold War, ballistic missiles were developed as the most efficient way to deliver a nuclear payload. Even now, however, very few states and no sub-state organisations have the requisite missile or nuclear capabilities, let alone the intention to utilise technological capability in this way. A missile’s point of origin can be quickly identified and would invite overwhelming retaliation. Even in 2002, the US National Intelligence Estimate (NIE) acknowledged that any state or terrorist organisation wanting to attack American targets with nuclear, chemical or biological weapons would be far more likely to organise secret delivery by ship, truck or aeroplane.

11. Some 38 to 40 states are known to have acquired or developed ballistic missiles, but the majority have at present only short range capabilities, such as the FROG and SCUD. Up to 11 possess medium (1,000–1,300 km) range capabilities: in addition to the five declared nuclear weapon states (Britain, China, France, Russia, and the United States), these include the programmes of India, Iran, Israel, Pakistan and North Korea, such as the Shahab, Ghauri and No-dong missiles. Only the five NPT nuclear powers have intercontinental ballistic missile (ICBM) capabilities. In 1999, before its assessments became distorted to meet the ideological plans of a neo-conservative clique, the CIA projected that by 2015, the United States might be likely to face ballistic missile threats from “Russia, China, and North Korea, probably from Iran, and possibly from Iraq.” Furthermore, recognising that some regimes may be developing certain kinds of capabilities as part of a defensive strategy in relation to perceived regional threats or, indeed, concerns about US political and military intentions, the CIA National Intelligence Officer for Strategic and Nuclear Programmes noted in May 2000 that Iran, Iraq and North Korea “view these weapons more as strategic tools of deterrence [and] coercive diplomacy, not as operational weapons of war”.

12. The likely reason for the EU’s exaggerated emphasis on missiles is the pressure exerted by the Bush Administration (directly, and through NATO) for allies to support its ballistic missile defence (BMD) plans. To gain support for BMD, of which many allies and senior American military officials and political representatives remain sceptical, the Administration has exaggerated the threat, the need, and the technological feasibility. They have ignored or underestimated the costs, including opportunity costs, and also

the wider implications of their desired four-tier BMD architecture (land, air, sea and space) on international security, including surveillance and a range of peaceful and commercial uses of outer space, on which the world has become so dependent (communications, banking, meteorology etc.)

APPROACH AND INTERACTION

13. There are two axes of proliferation: horizontal proliferation—the acquisition and spread of weapons to additional states or armed groups—and vertical proliferation, which includes further qualitative or quantitative developments by States acknowledged to possess certain weapons and the means of WMD delivery. On biological and chemical weapons, the Strategy addresses both axes, but for nuclear weapons it deals almost exclusively with horizontal proliferation, which undercuts some of its laudable aims.

14. While there is arguably no direct causal link between the nuclear policies of particular weapon States and the calculations and decisions of other nuclear weapon possessors or aspirants, it does not help for NATO and the two European nuclear weapon States continually to assert the security value and necessity of nuclear weapons for themselves and to continue to hold open the option of using nuclear weapons first—or even, recent policy statements have indicated or implied—pre-emptively in the event of conflict.

15. Some of the weaknesses in the multilateral treaties—particularly their inability to address non-state actors—have begun to be redressed by agreements such as PSI and UNSC 1540, which emphasise interdiction and seizure of cargoes (PSI) and national measures and responsibilities *vis-à-vis* a State's own nationals and territories (UNSC 1540). While care must be taken with the implementation of PSI, the EU Non-proliferation Strategy is intended to be compatible with both existing treaties and with PSI and UNSC 1540, as well as seeking to enhance the export control regimes and monitoring organisations such as the IAEA and OPCW. Moreover, it is largely to the credit of some EU States that what started as unilateral or “club of the willing” initiatives have been accorded greater legitimacy and authority by being at least contextually related to international law and the non-proliferation/arms control regimes. While early international concern that such initiatives were intended to bypass or rival the treaty regimes has largely dissipated but more must be done to ensure that counter-proliferation approaches are not allowed to supersede the multilateral regimes that are based on mutual consent, participation and international law. Initiatives carried out by one or a group of states—particularly if they involve coercive or military action of any kind—should not replace or undermine multilateral verification and implementation measures and must be subject to norm-based international law and be such as to reinforce existing treaties.

16. The initiative of the EU-3 (Britain, France and Germany) to draw Iran back from the brink of nuclear proliferation is an important example of how the EU can play a constructive role that reinforces the existing instruments, using diplomacy, carrots and sticks in an alternative approach to US threats and belligerence, which is deemed more likely to corner Iran, with unpredictable but potentially counter-productive consequences. The EU should build on this initiative to address wider security concerns in the Mediterranean and Greater Middle East regions, and should work to promote peace in the Middle East and a zone free of WMD (which requires confronting Israel's nuclear opacity as well as the WMD aspirations and programmes of Iran, Pakistan and others).

17. The Strategy states (paragraph 16) that the EU will work towards having the bans on biological and chemical weapons being declared universally binding rules of international law. This would help to embed the norms against use and production and give greater force and authority to actions aimed at destroying stocks and ensuring full compliance. The lack of any similar ban on nuclear weapons is an obstacle to many of the most logical and effective approaches for preventing nuclear weapon proliferation and use.

18. The EU itself has a good record on ratifying and working to strengthen international treaties and agreements. There remain, however, some significant obstacles to more coherent EU action, including greater pressure on the United States and other delinquents (in international law terms). For example, Britain's current, complicit relationship with the United States, including nuclear weapons collaboration under the recently-renewed Mutual Defence Act (which an authoritative legal opinion from Matrix Chambers argued was in breach of the NPT), has contributed to weakening initiatives supported by the majority of EU States and compromising opposition to the Bush administration's dangerously counter-productive positions on issues such as the Comprehensive Test Ban Treaty (CTBT), monitoring pharmaceutical industries, verifying the BTWC, and negotiating a verifiable fissile material production ban (or cut-off treaty). In addition, the anomalous nuclear status of Britain and France and associated programmes (some of which are now largely commercial, such as Sellafield) have ensured a less coherent approach on issues such as full implementation of the NPT (including its nuclear disarmament obligations) and fuel cycle controls than might otherwise have been possible for the EU.

19. Paragraph 23 acknowledges the importance of positive and negative security assurances. While rightly recognising that they can serve as an incentive to forego the acquisition of WMD, the Strategy also accords them importance as a “deterrent”. This phrase needs to be clarified, as in its present wording the meaning is ambiguous and—probably deliberately—panders to the doctrines and policies of Britain, France and the United States/NATO. Together with Russia, these weapon States have elaborated doctrines that threaten to use nuclear weapons to retaliate or even pre-empt, even in cases where the putative adversary does not pose a nuclear threat.

BUDGET

20. In Chapter III (B1), the Strategy envisages a specific Community budget line for non-proliferation and disarmament of WMD. However, the December 2004 Progress Report (page 15) indicates that agreement was not reached for this for the 2005 budget. While funding for some commitments, such as better coordination of export controls and prevention of illegal trafficking may be absorbed by Member States, CTR and programmes aimed at the education, retraining and conversion of scientists to peaceful applications require a substantial financial commitment over many years.

RECOMMENDATIONS AND PRIORITIES

21. *As arguably the deadliest of what are understood as WMD, the EU should work for nuclear weapons production, acquisition and use to be stigmatised and banned, and for this to be enshrined in international law.* The nondiscriminatory prohibition regimes that ban biological and chemical weapons provide a better moral, political and practical basis for preventing the weapons’ development and use than the ambiguities of non-proliferation.

22. *EU governments—and particularly the two nuclear weapon states—should be required (or at least encouraged) to develop national plans to indicate how they intend to fulfil their obligations under the NPT, including the disarmament obligations spelled out in the consensus agreements of 1995 and 2000.* This is in accordance with Point 22 and the general logic of the Strategy, and would strengthen the NPT, which enshrines the recognition that disarmament is inextricably linked with nonproliferation.

23. *Greater financing and priority need to be given to CTR programmes.* While CTR is still needed in the Former Soviet Union, the CTR approach and lessons learned need to be expanded to other regions sooner rather than later. This was mentioned, but there appeared to be neither budget nor planning for the next steps in how and where to expand CTR.

24. *More resources and attention are needed to educate and train scientists in proliferation-sensitive fields, especially biotechnology, to ensure their understanding and cooperation in non-proliferation efforts and constraints.* In addition to the EU’s training and employment programmes to direct or convert scientists’ skills for peaceful applications, which appear to be woefully underfunded, consideration should be given to promoting, requiring and/or providing ethics and security/proliferation courses as an integral part of science education in schools and universities, and to developing a code of ethics (equivalent to the Hippocratic Oath, perhaps?) for scientists, especially those in fields with weapons potential.

25. *The EU needs to create a specific Community budget line for non-proliferation and disarmament work and ensure that the Strategy’s current and future operations and programmes are kept adequately funded.* (5 per cent of annual military expenditure from each Member State might be a starting point, though 10 per cent would be desirable, since more effective fulfilment of the Strategy would be far more beneficial for the security of EU members than many states’ military expenditure.)

26. *In addition to the EU-3 initiative in Iran, the EU could take a greater diplomatic role in supporting peace in the Middle East and a zone free of weapons of mass destruction.* This would entail addressing the nuclear programme of Israel, as well as the WMD programmes of its neighbours. Fostering a peace process is an essential element in changing security calculations and marginalising or removing WMD aspirations and incentives.

27. *The EU should press for the removal of nuclear weapons from European territory, starting with the handful of anachronistic tactical nuclear weapons assigned to NATO.* These deployments are a remnant from the Cold War which serve no necessary or acceptable military or political purpose, but their existence impedes the scope and credibility of any efforts to control and eliminate Russia’s tactical nuclear weapons, which are the most mobile and vulnerable of what is still a large nuclear arsenal.

28. *The EU could take the lead in declaring a moratorium on plutonium separation and uranium enrichment as a first step towards closing and dismantling all reprocessing and uranium enrichment facilities.* In the past year, from George Bush to Mohamed ElBaradei proposals for addressing the most proliferation-sensitive parts of the nuclear fuel cycle have been advanced. These range from halting or restricting reprocessing and uranium production to internationalising such fuel cycle facilities or products in some way. Recognition of the need to address the nuclear fuel cycle has come about largely as a consequence of attempts by Iran and North Korea to mask nuclear weapon programmes or ambitions behind currently permitted but proliferation-conducive nuclear energy programmes,

29. *Radiological dispersal weapons should be included in the Strategy's scope.* This will necessitate the EU developing much better safety and security practices for the transport and disposal of nuclear materials and wastes from nuclear and medical facilities. Transshipments should be restricted to the minimum necessary. Nuclear wastes should be vitrified and stored under high security at site rather than transported for reprocessing.

30. *Missiles are less of a threat than presented and missile defence needs to be treated with extreme caution as it may precipitate a worse security environment than that it purports to address. The EU needs to make clear its opposition to the weaponisation of space and EU security attention and operations need to focus on the more likely means of possible delivery.* These include the “dirty bomb” ignition and dispersal of radioactive material, such as spent fuel rods, and the dispersal of biohazardous, toxin, infective or chemical agents by relatively low-tech means into water, mass transit systems, crop spraying aircraft, and so on. Such capabilities would present their own technical and practical challenges, but would still be more accessible to the terrorism-minded than stealing or developing and deploying missiles with deliverable nuclear, chemical or biological warheads.

31. *The EU should publicly declare that EU Member States will not threaten non-nuclear weapon states with any kind of nuclear strike.* Negative security assurances need to be clarified and should reflect the progressive marginalisation of nuclear weapons in the security doctrines and policies of EU Member States. This recommendation requires that Britain, France and NATO clarify their positions, as the present confusion reduces the credibility of the EU Strategy in the eyes of many non-nuclear developing countries.

32. *The EU should put on the table for consideration a single permanent seat on the UN Security Council for the European Union, the holder of which would rotate with the Presidency.* Debates on Security Council reform have been continuing for many years now. The UN Secretary General's High Level Panel proposes two alternatives for restructuring. This recommendation would promote more coherent EU policies, encourage greater balance on the SC, and further delink the possession of any kind of WMD from the UN Security Council. It would entail France and Britain giving up their separate seats, which they are presently reluctant to do (for obvious reasons). Individual EU States (including Britain and France) would still be eligible for non-permanent seats, as is current practice.

20 January 2005

Memorandum by Professor Graham S Pearson,¹⁵ Department of Peace Studies, University of Bradford

THE EU STRATEGY AGAINST PROLIFERATION OF WEAPONS OF MASS DESTRUCTION

INTRODUCTION

1. The EU Strategy against Proliferation of Weapons of Mass Destruction is welcomed as increasingly it is becoming evident that the EU, particularly as it expands and is associated with more and more States in Europe, has the potential to influence developments on the international scene relating to weapons of mass destruction. Whilst the political bodies that used to be effective in this international scene were the Western Group on the one hand, and the Non-Aligned Movement on the other, the Western Group is no longer an effective grouping—and in some fora, such as that relating to the Biological and Toxin Weapons Convention, has not made a statement since 2002. The EU needs to take a leadership role in such fora and effectively replace the previous Western Group as the EU positions are generally acceptable to Australia, Canada, Japan, New Zealand and South Korea. It has to be recognised that the present United States administration in this

¹⁵ Professor Graham S Pearson is Visiting Professor of International Security in the Department of Peace Studies. He was previously Director-General and Chief Executive of the Chemical and Biological Defence Establishment, Porton Down from 1984 to 1995. He is author of the book “The UNSCOM Saga: Chemical and Biological Weapons Non-Proliferation” (Macmillan, 2000). He has also written over 30 Briefing Papers and some 20 Evaluation Papers for the delegations of the States Parties engaged in the Ad Hoc Group negotiations in Geneva of a legally binding instrument to strengthen the effectiveness and improve the implementation of the Biological and Toxin Weapons Convention.

monopolar world is focussed on what international treaties might do to the United States rather than on what benefits such international treaties will bring to the United States. However, it is a fact that the United States has in some areas adopted much tighter regulations and controls nationally than it would ever agree to in an international forum—and the benefits of an international regime based on such tighter regulations and controls appears not to be appreciated by the United States. The EU needs to strengthen the regimes to counter proliferation taking the United States with the EU to the extent possible but not jeopardising the security benefits for the EU of stronger regimes because of US reluctance.

2. The EU Strategy has therefore to be considered against the above actual political world in considering what can be done. It is noted that the Sub-Committee's main concern is whether the Strategy is soundly designed, realistically prioritised, properly coordinated with the work of other relevant actors, adequately resourced and effectively overseen and managed. This evidence will address these aspects.

PRIORITIES

3. The greatest danger from proliferation of weapons of mass destruction today comes from biological weapons—whether by a State or by terrorists—as the prohibition regime for biological weapons is the weakest of all the regimes addressing weapons of mass destruction. Yet biological weapons—the deliberate attack of humans, animals or plants by disease—can cause immense damage and alarm as demonstrated by the anthrax letters in the United States in the autumn of 2001. Biological weapons are totally prohibited by the Biological and Toxin Weapons Convention (BTWC) which opened for signature and entered into force in 1975. The BTWC regime has been nurtured through successive Review Conferences at five-year intervals which have reaffirmed that the prohibitions in the Convention apply to all the scientific and technological developments in the life sciences.

4. Work started in 1991 to strengthen the Convention through consideration first of possible verification measures and then from 1994 onwards by negotiations of a legally binding instrument to strengthen the effectiveness and improve the implementation of the Convention. There was a political endorsement of these negotiations by the Foreign Ministers of 57 States Parties in September 1998 in their declaration¹⁶ (see WP.324 available at <http://opbw.org>) that “The Ministers affirm their strong support for the Biological and Toxin Weapons Convention and for strengthening the effectiveness and improving the implementation of the Convention. The Ministers underline the political and security imperatives of concluding, as a matter of priority, a protocol to the Convention. . . . They strongly believe that benefits in terms of security and development will accrue to all States Parties to the protocol.” and that “The Ministers are determined to see this essential negotiation brought to a successful conclusion as soon as possible . . .”. Although a Chairman's composite text for the legally binding instrument was issued in March 2001 and there were high hopes for the successful conclusion of the negotiations by the Fifth Review Conference in December 2001, in July 2001 after over 50 of the 55 or so States Parties engaged in the negotiations had spoken in favour of the Chairman's composite text forming the basis for the legally binding instrument, the United States rejected both the Chairman's text and the whole approach towards the instrument to strengthen the effectiveness and improve the implementation of the Convention. This was regarded then by analysts as a huge mistake¹⁷—an assessment that remains valid today.

5. The US rejection in July 2001 also had a negative impact on the Fifth Review Conference of the BTWC in November/December 2001 which had to be suspended for a year because the United States at the final moment proposed language terminating the mandate to strengthen the Convention through a legally binding instrument. When the Review Conference resumed a year later in November 2002, no Final Declaration was agreed seriously damaging the BTWC prohibition regime and it was only possible to agree a modest programme of annual meetings during the period up to the Sixth Review Conference in 2006.

6. A major priority of the EU Strategy should therefore be to strengthen the effectiveness and improve the implementation of the BTWC. Whilst the Strategy under the item:

(3) *Enhancing political, financial and technical support to verification regimes*

usefully includes the words “The BTWC does not contain at present a verification mechanism. The EU must find ways to strengthen compliance.” this is not highlighted as a major shortcoming of the overall Strategy and in the Action Plan it is included in the section on *B. Measures for the coming months or the longer term* in a combined item 17. Reinforcing the BTWC and CWC. Putting the BTWC into a combined item is

¹⁶ Australia, *Declaration of the Informal Ministerial Meeting on the Negotiation Towards Conclusion of the Protocol to Strengthen the Biological Weapons Convention*, Working Paper, BWC/AD HOC GROUP/WP.324, 9 October 1998. Available at <http://www.opbw.org>.

¹⁷ Graham S Pearson, Nicholas A Sims & Malcolm R Dando, *The US Rejection of the Composite Protocol: A Huge Mistake based on Illogical Assessments*, University of Bradford, Department of Peace Studies, Evaluation Paper No. 22, August 2001. Available at <http://www.brad.ac.uk/acad/sbtwc>

unfortunate as it fails to recognise the very different situation regarding the implementation and effectiveness of the BTWC and the CWC. The four page BTWC has no implementation mechanism and has no organisation to carry out and oversee its implementation whereas the over 150 page CWC includes detailed implementation provisions and has an organisation—the Organisation for the Prohibition of Chemical Weapons—to carry out its implementation.

7. It is strongly recommended that the strengthening of the BTWC should be identified as a discrete item in the EU Strategy Action Plan and should be promoted to inclusion in the *Measures for Immediate Action* thereby reflecting its importance as the weakest element in the entire strategy of countering the proliferation of weapons of mass destruction.

POLITICAL CONSIDERATIONS

8. There are important political considerations which need to be taken into consideration and which underline the importance of upgrading the priority given by the EU Strategy to the strengthening of the BTWC. It should be noted that the meetings of the Foreign Ministers of the Non-Aligned Movement have been calling for some time for a verification Protocol to strengthen the BTWC. Thus, for example, at the Meeting of the States Parties to the BTWC held in Geneva on 6 to 10 December 2004, Malaysia speaking on behalf of the NAM and Other States said that “The high importance the Group attaches to an effective and verifiable BWC, implemented in a comprehensive manner cannot be overemphasised.” and drew the attention of the meeting to paragraph 78 of the XIV NAM Ministerial Conference held in Durban, South Africa in August 2004 which said that:

The Ministers of the States Parties to the Biological and Toxin Weapons Convention (BWC) reaffirmed their conviction that the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (biological) and Toxin Weapons and on their Destruction is essential for the maintenance of international and regional peace and security. They reaffirmed the Movement’s continued determination, for the sake of humankind, that the possibility of any use of bacteriological (biological) agents and toxins as weapons should be completely excluded, and the conviction that such use would be repugnant to the conscience of humankind. They recognised the particular importance of strengthening the Convention through multilateral negotiations for a legally binding Protocol to the Convention. They believed that the effective contribution of the Convention to international and regional peace and security would be enhanced through universal adherence to the Convention. They stressed the importance for all States Parties to pursue the objectives that were set forth by the Fourth Review Conference and underlined that the only sustainable method of strengthening the Convention is through multilateral negotiations aimed at concluding a non-discriminatory legally binding agreement. They have been deeply disappointed at the inability that has been demonstrated in the endeavours of the States Parties of the BWC to successfully undertake initiatives to strengthen the implementation of the Convention. They further regretted the limited nature of the decision that was taken during the resumed session of the Fifth Review Conference held from 11–15 November 2002 in Geneva and were disappointed that the opportunity to strengthen the Convention was foregone and that limited work, which at best only has the potential of enhancing the implementation of the Convention, is all that could be achieved despite the Movement’s best endeavours. They believed that, however, the Movement has succeeded in preventing any attempt to foreclose the option of more meaningful work in the future. In this regard, the movement has succeeded in preserving multilateralism as the only vehicle for preventing reprehensible use of disease as instruments of terror and war in a sustainable way.

9. The UN Secretary-General’s High Level Panel on Threats, Challenges and Change report¹⁸ issued on 2 December 2004 includes as recommendation 27:

27. States parties to the Biological and Toxin Weapons Convention should without delay return to negotiations for a credible verification protocol, inviting the active participation of the biotechnology industry.

As I have pointed out in a report¹⁹ on the Meeting of the States Parties to the BTWC in Geneva on 6 to 10 December 2004, although there is clearly much to be considered before there are any decisions on whether to implement the recommendations of the UN Secretary-General’s High Level Panel, there is little doubt that future statements on behalf of the NAM and by individual NAM States will not miss any opportunity to cite recommendation 27 as being in support of the NAM position for multilateral negotiations of a legally binding

¹⁸ United Nations General Assembly, *Note by the Secretary-General*, A/59/565, 2 December 2004.

¹⁹ Graham S Pearson, *The Biological Weapons Convention Meeting of States Parties*, Review no 22, in *THE CBW Conventions Bulletin*, Issue No. 66, December 2004, pp. 21-34.

instrument to strengthen the Convention. Because of the US continuing opposition to any form of multilateral negotiation of a legally binding instrument to strengthen the BTWC and the failure thus far of the EU to take a leadership position in the BTWC meetings, it seems probable, if no remedial action is taken, that there could all too easily be a situation at the Sixth Review Conference that is a repeat of that at the Fifth Review Conference with all the States Parties other than the NAM Group being portrayed as those that have prevented progress.

10. The solution—and indeed, the political imperative—is for the EU as a coherent political group to devise a package of measures that will together strengthen the Convention that can attract broad support and, should consensus not be forthcoming, can be taken forward by a coalition of the willing on as wide an international basis as possible or perhaps on a regional basis in one or more regions. This would offer the prospect of a successful outcome to the Sixth Review Conference one way or another—either by consensus or by a coalition of the willing.

11. Although there appears little probability that the current US administration will change its views on a legally binding instrument to strengthen the BTWC, it needs to be recognised particularly in the aftermath of the war in Iraq that in the absence of a comprehensive implementation regime for the BTWC, assessments of the extent to which other states are in compliance or not with the obligations of the Convention will be based solely—as at present—on whatever snippets of information or misinformation that may be acquired by a government making such an assessment. There is no doubt at all that the draft legally binding instrument rejected by the United States in July 2001 would have brought much greater benefits²⁰ to all States Parties to the BTWC, as the proposed regime was comparable to that under the CWC, than a continuation of the current situation.

12. The above considerations underline the necessity for the strengthening of the BTWC to be given high priority as a stand-alone measure for immediate action in the EU Action Plan to implement the EU Strategy. The dangers posed by biological weapons whether by States or by non-State actors such as terrorists are too great to allow them to be treated as a composite item alongside the consideration of chemical weapons where there is an effective instrument for the implementation of the CWC.

13. It is strongly urged that the Sub-Committee should recommend as a matter of urgency that the EU Strategy and Action Plan be modified so that the strengthening of the BTWC is identified as a discrete item in the EU Strategy Action Plan and should be promoted to inclusion in the *Measures for Immediate Action* thereby reflecting its importance as the weakest element in the entire strategy of countering the proliferation of weapons of mass destruction.

12 January 2005

Memorandum by Leonard S Spector, Deputy Director, Monterey Institute Center for Non-proliferation studies, Washington DC, United States of America

THE EU STRATEGY AGAINST PROLIFERATION OF WEAPONS OF MASS DESTRUCTION

1. It is an honour to provide evidence for the Sub-committee regarding the EU Strategy Against Proliferation of Weapons of Mass Destruction. Please note that my comments are personal views and should not be taken as the corporate position of the Monterey Institute of International Studies or of the Institute's Center for Non-proliferation Studies.

2. By committing the EU to be an active player in global efforts to combat the spread of weapons of mass destruction, the Strategy is an extremely important step forward. The Strategy's declaration that the EU is prepared to employ sanctions in certain contexts; to condition cooperation agreements and assistance programs on recipients' non-proliferation behaviour; to make adoption of the Additional Protocol (to International Atomic Energy Agency Non-proliferation Treaty Safeguards Agreements) a condition of nuclear supply; and to consider more coercive remedies under Chapter VII as a last resort are particularly noteworthy in this regard. Other commitments more in keeping with past EU practices, such as the commitments to strengthening export control policies and to extending the program on disarmament and non-proliferation in the Russian Federation, are no less welcome.

3. Taking the Strategy together with the recent intervention of the "EU Three" in addressing Iran's deviation from its NPT commitments, it is clear that the Union is going to play an increasingly salient role in this arena.

²⁰ Graham S Pearson, Nicholas A Sims & Malcolm R Dando, *The Composite Protocol Text: An Evaluation of the Costs and Benefits to States Parties*, University of Bradford, Department of Peace Studies, Evaluation Paper No. 21, July 2001. Available at <http://www.brad.ac.uk/acad/sbtwc>.

COVERAGE

4. The coverage of the Strategy is quite comprehensive and, indeed, does address the issue of the “dirty bomb,” correctly giving it somewhat less priority than other matters, but identifying it as a substantial concern nonetheless.²¹

5. One area, however, has been overlooked: the use of plutonium in the civilian nuclear energy sector within the EU. Unlike plutonium bound up in spent reactor fuel, separated plutonium is directly usable for nuclear weapons.

6. Currently the United Kingdom and France separate plutonium from domestic spent fuel, as well as from Japanese and other foreign spent fuel, at reprocessing plants at Sellafield and La Hague, respectively. France uses French-origin plutonium domestically, in mixed uranium-oxide/plutonium-oxide (MOX) fuel for its nuclear power plants; the United Kingdom has no domestic programme to utilise its separated plutonium, however. Both states are fabricating or plan to fabricate MOX fuel for Japan, but technical and licensing challenges and political controversies (especially in Japan) are delaying full implementation. As a result, accumulations of separated plutonium for which there is no clear future use are likely to grow steadily in coming years.

7. Most observers believe that security measures covering this material in the EU are strong, reducing the danger of theft or seizure by terrorists. Nonetheless, one must question whether further production of tons of separated plutonium for which there is no obvious use is a wise course. Certainly security would be better ensured if the material were to remain in spent fuel. Indeed, it is curious that the EU is preparing to spend hundreds of millions of euros to assist Russia to put currently separated military-origin plutonium back into spent fuel, so as to enhance its security, when at the same time, some of the very EU members pledging to expend funds for this purpose are taking plutonium out of civilian spent fuel at home, without a clear plan for utilising the material in most cases.

8. Far more troubling than the possible security risks within the EU from separation of this material, however, is the example that United Kingdom and French policies provide for others.

- The United States and the EU Strategy, albeit somewhat opaquely, are seeking to ban the development of plutonium separation and uranium enrichment capabilities in countries not now possessing them. A powerful argument for discouraging the acquisition of such capabilities in Iran, for example, is that they are not justified economically—in the case of plutonium separation, because of the availability of inexpensive uranium fuel. That argument is severely undercut, however, when some of its proponents are themselves separating plutonium without apparent economic justification.
- Russia also separates plutonium from civilian spent fuel without any program for its future use. In Russia, the EU shares the common view of other outside observers that fissile materials are poorly protected and it has pledged significant sums to help remedy the situation. Russia should be pressed to halt additional separation of civilian plutonium (now occurring at a rate of roughly 1.25 tonnes per year) on the grounds that this activity has no economic justification and exacerbates the very security risks EU assistance programs are trying to reduce. Again, however, because EU States are engaged in the same behaviour—economically unjustified separation of plutonium—the EU cannot credibly make this complaint to Moscow.
- Japan is completing a mammoth plutonium separation plant at Rokkasho-mura, but has no program for using its output for many, many years to come. Japan would be far more likely to defer operation of this facility, perhaps indefinitely, and thereby avoid the added security risks of large-scale accumulation of separated plutonium, if other states were pursuing a similar course.

9. It is understandable that the EU would not wish to address this issue in the EU Strategy document because of the differing attitudes of Member States. But certainly the matter should be on the EU non-proliferation agenda, if only as a subject to be carefully examined in coming years.

10. In the end, one must ask whether we would not be safer today had the United Kingdom and France accepted the admonitions of the Carter Administration in the late 1970s and abandoned this technology in favor of retaining plutonium in spent fuel, as practiced by most States around the globe.

²¹ See Action Plan, Item 15, “Improve control of high activity radioactive sources.”

PRIORITIES

11. The EU and various Member States are working with the United States and other G-8 members to reduce the dangers posed by the Soviet nuclear legacy through the G-8 Global Partnership Against the Spread of Weapons and Materials of Mass Destruction. Although a detailed analysis of all EU and EU Member State activities planned or under way through the Global Partnership is not possible here, it may be noted that many specific Global Partnership activities are not focused on the most urgent priorities: securing weapons of mass destruction and fissile materials—and ending their further accumulation. Helping with the dismantlement of Russian general-purpose nuclear submarines for environmental reasons is a case in point. Indeed, even spending on the plan to place separated military plutonium into spent fuel (the “plutonium disposition” program) misses the mark to a degree, since this initiative is unlikely to bear fruit for at least a decade. EU funds would be better spent on accelerating the blend-down of Russian highly enriched uranium through the development of strategic reserves of low-enriched uranium or on enlarging the capacity of the highly secure, US-funded, Mayak Fissile Material Storage Facility.

12. As for efforts to secure fissile materials, the rule should be to give greatest priority to securing highly enriched uranium (HEU). Terrorists would find it far simpler to use this material for nuclear arms than plutonium, because HEU can be detonated in a “gun-type” device; detonating plutonium would require use of an “implosion-type” device, a far more difficult task. In this area, the watchword should be, “Put HEU at the head of the queue.”²²

INTERACTIONS

13. In virtually all areas, the EU Strategy and US policy are parallel and mutually reinforcing. Where the two sides’ paths are likely to diverge is in assessing how to address specific proliferation challenges, in particular Iran, where the United States has shown itself recently to be more ready to escalate and intensify diplomatic pressure than the EU. Nonetheless, as noted earlier, the EU Strategy, itself, encompasses the full range of non-proliferation measures up to and including coercion under the UN Charter. Thus, should divergences occur, the cause will be less the policies detailed in the Strategy’s than the differing judgements of various States at the moment when action is contemplated.

14. As for interactions with other States, of greatest interest may be interactions stemming from the EU’s linkage of cooperation agreements and assistance programs with non-proliferation behaviour. The EU linkage policy will need an approach that is carefully calibrated for each target country. For India and Pakistan, the short-term goal should be to reinforce the nuclear testing moratorium and encourage both States to adopt effective export controls and stringent measures to protect fissile material at home.

MANAGEMENT

15. Most of the issues raised by the Sub-committee’s inquiries in this area require a detailed knowledge of domestic laws of EU Member States or of the internal workings of the EU itself, which are beyond my expertise. Intelligence sharing is of great importance, since it underpins most non-proliferation diplomacy and verification activities, but it is most difficult for a non-governmental specialist to comment on this topic authoritatively.

ADDITIONAL MATTERS

16. I would like to bring two additional points to the attention of the Sub-Committee.

17. First, there is a growing need for the establishment of international mechanisms to review biological research proposals and/or publications to help ensure that they do not inadvertently lead to advances that create dangerous new agents that might be turned into biological weapons. Ensuring freedom of scientific inquiry, while also averting potential injury to the public by such “contentious research,” is an extremely difficult task and one that is made the more challenging because it must be undertaken on an international basis. It would serve little to have one nation restrict certain types of scientific research (and associated publications) only to have them pursued elsewhere. If the EU were to develop a model approach for addressing this issue, it could create a 25-nation precedent that other States could follow.²³

²² Regarding the threat of terrorist use of nuclear instrumentalities, see Charles D Ferguson and William C Potter, with Leonard S Spector, Amy Sands, and Fred L Wehling, *The Four Faces of Nuclear Terrorism* (Monterey, CA, and Washington, DC: Monterey Institute Center for Nonproliferation Studies, 2004).

²³ This issue was brought to my attention by Center for Nonproliferation Studies colleague Jonathan B Tucker. See, “In the Shadow of Anthrax: Strengthening the Biological Disarmament Regime,” *Nonproliferation Review* (Spring 2002) p. 112. 28 January 2005.

18. The second issue concerns the need for tighter export controls on radioactive sources. Specifically, the new export control rules being adopted in many States under the guidance of the IAEA Code of Conduct on the Safety and Security of Radioactive Sources are not sufficiently broad and, once adopted, will continue to permit potent radioactive sources to be exported under a general license, without end-user/end-use checks and without any type of notification to governmental licensing authorities. In particular, the proposed rules will permit sources listed in IAEA Category 3 (“Dangerous”) to be transferred without these critical safeguards. This gap could permit such sources to be received by spurious end-users that are serving as fronts for terrorist organisations intent on developing radiological dispersion devices, or “dirty bombs.”

19. The dangers posed by Category 3 sources have been highlighted in the scholarly literature and in testimony before the US Congress.²⁴ Moreover, Category 3 sources have already become the target of criminal interest, because of their recognised potency.²⁵ For the foregoing reasons, it is essential to ensure that exports of Category 3 sources be far better controlled than they would be under the new export control rules being adopted at this time. At the very least, shippers should be required to notify licensing authorities in advance of making exports of these items to permit authorities (1) to screen for adequacy of recipient country regulatory mechanisms and appropriateness of specific end-users and then (2) to freeze individual exports that raise concerns so as to permit a further look and/or imposition of the requirement for a specific license.

12 January 2005

Memorandum by The Verification Research, Training and Information Centre (VERTIC)

**INQUIRY INTO THE EU STRATEGY AGAINST PROLIFERATION OF WEAPONS OF MASS
DESTRUCTION**

VERTIC welcomes the EU Strategy of December 2003 as a long overdue effort to focus the attention of the Union on a challenge that is vital to European and global security. We commend the Strategy’s emphasis on multilateral institutions and methods to tackle the problem, including the centrality of the UN Security Council. We particularly welcome the Strategy’s commitment to the enhancement of international capacity to verify compliance with key arms control and disarmament treaties.

This submission comments on the areas identified by the Sub-Committee as being of particular concern, while also taking the opportunity to comment on some of the specifics of the Strategy. We also take into account the six-monthly progress report on Implementation of the WMD Strategy issued by the EU Council Secretariat on 3 December 2004. Since VERTIC is concerned with effective and efficient verification of multilateral arms control and disarmament agreements, our comments will focus largely on those issues.

COVERAGE

While the Strategy is comprehensive in covering all types of weapons of mass destruction, including radiological weapons, there are, in our view, two significant loopholes:

1. The Strategy’s focus on nuclear non-proliferation, to the neglect of nuclear disarmament, ignores one of the central bargains of the 1968 Nuclear Non-Proliferation Treaty (NPT)—namely that non-nuclear weapon States would forever forswear nuclear weapons if the existing nuclear weapon States made genuine efforts towards nuclear disarmament. With all of the designated nuclear weapon States still in possession of nuclear weapons and the two major powers still having enough nuclear arms to destroy human civilization, nuclear disarmament efforts have palpably not worked. The Strategy should, at the very least, have included a statement of principle on the need to rid the world of such weapons entirely and an acknowledgement of the NPT bargain and the unequivocal nuclear disarmament undertaking in the 2000 Review Conference Final Declaration.
2. While the Strategy notes that there is no verification mechanism for verifying compliance with the 1972 Biological Weapons Convention (BWC), it ducks the challenge of redressing this and moves

²⁴ See, eg, Testimony Stanford University Provost Steven E Koonin, before the US Senate Foreign Relations Committee, 6 March 2002.

²⁵ One of the best known cases involves the theft in December 2002, of two americium-241/beryllium sources used for well logging that were stolen from an oil company truck while it was in transit in the southern Niger Delta region. Such sources are typically of about 0.7 TBq activity. The sources were later discovered in a scrap metal shipment in Europe.

straight to how to improve compliance. While improving compliance of States is important, it is also vital to have a system that can verify, support and encourage such compliance and provide an agreed institutional framework in which non-compliance can be dealt with. In failing to deal with this issue, undoubtedly because of the opposition of the United States, the Strategy signals a failure of political nerve on the part of the EU.

PRIORITIES

The Strategy is poor in its elucidation of the priorities for EU action. This appears to have been at least partly rectified in the “Priorities requiring EU Funding” annex attached to the December 2004 progress report. However, this suggests that availability of funding, rather than a real sense of priorities, is driving the implementation of the strategy. This avoids hard choices being made.

VERTIC would suggest that overall multilateral verification priorities should be as follows:

1. increased efforts to strengthen IAEA safeguards through mandatory adoption of the Additional Protocol and pursuit of integrated safeguards;
2. increased involvement of the IAEA in verifying the disposition of fissionable material from dismantled Russian (and US) warheads via the Trilateral Agreement and cooperative threat reduction programmes;
3. negotiation of a fully verified cut-off of fissionable material for use in nuclear weapons or other nuclear explosive devices;
4. an early return to the BWC verification protocol negotiations, as the December 2004 report of the UN High Level Panel on the future of the UN recommended; along with simultaneous efforts to establish interim verification modalities for the BWC, with or without the United States;
5. support for action by the UN Security Council to preserve the capabilities of the UN Monitoring, Verification and Inspection Commission (UNMOVIC);
6. strong support for the earliest full establishment of the CTBT’s verification system to permit “virtual” verification of the CTBT, while at the same time making efforts to ensure the earliest possible entry into force of the treaty.

ADDITIONAL COMMENTS

In addition to the above VERTIC has the following particular comments related to the Strategy’s approach to the different types of WMD.

Nuclear Weapons

- While it is encouraging that EU Commission Services has produced a position paper on the compatibility of EC Law with the US proposal to constrain enrichment and reprocessing technologies, the Strategy could have been more forward-looking in declaring that internationalisation of uranium enrichment, recently suggested by IAEA Director General Mohamed ElBaradei, is a worthwhile goal that should be examined in substantive, not just legal terms.
- VERTIC is pleased that the EU Strategy promotes the Additional Protocol as a condition of supply of nuclear materials but is concerned that there is yet no agreement on the range of items that should be covered. VERTIC would like to see all Nuclear Supplier Group items covered.
- The Strategy should have contained a reference to so-called integrated safeguards, especially since their implementation across the EU could reduce IAEA safeguards expenditure in Europe substantially, freeing resources for use in cases of proliferation concern.
- Since April 2000, the United Kingdom’s Atomic Weapons Establishment (AWE) has conducted a commendable research project, which is about to end, on how nuclear disarmament might be verified. Ideally the EU Strategy should have mentioned how the EU, drawing on the work of the United Kingdom and bearing in mind the need to avoid proliferation of nuclear weapons know-how, might become involved in such work, as the Union should be a key player in future multilateral

verification of nuclear disarmament. This could occur under the Common Security and Foreign Policy (CSFP) umbrella, involving the United Kingdom and France, as the two nuclear weapon State members, and other States with substantial verification research capabilities, such as Finland, Germany and Sweden.

Biological Weapons

- The EU Strategy calls for the establishment of a roster of experts, drawing on the capabilities and experience of UNMOVIC, but fails to say for what purpose. Since there are standing verification mechanisms in place for nuclear and chemical weapons whose mandate and role should not be interfered with, the only purpose can be to verify compliance with the BWC (and perhaps voluntary constraints on ballistic missiles). The Strategy fails to recognise that such a roster already exists, albeit much neglected, under the UN Secretary-General's mechanism for verifying chemical and biological weapons use, which upholds the 1925 Geneva Protocol. VERTIC has suggested ways to update this mechanism, along with other ways of improving BWC implementation, in a submission in December 2004 to the Weapons of Mass Destruction Commission entitled *Enhancing BWC Implementation: A Modular Approach* (copy attached, not printed).
- It is of concern that the EU expert group on BWC compliance mentioned in the Strategy has not yet been convened. It should be assembled urgently, not just on compliance issues but to develop options for verification, including possible interim measures until a comprehensive verification protocol can be agreed.
- The EU plan to assemble a roster of legal experts on national implementation measures for the BWC is a good idea, but there needs to be a support structure (even electronically) to assist States Parties.
- The establishment of a scientific experts group mentioned on page 35 of the December 2004 progress report is also a commendable idea but should do more than just support the legal experts: it should help examine verification options for the BWC.

The plethora of apparently worthy but vague ideas for improving implementation of the BWC contained in the Strategy and subsequent progress reports indicates the disarray that EU policy in this area is in. Urgent streamlining and close attention to priorities is necessary.

Chemical Weapons

- VERTIC supports efforts made by the EU to promote the use of challenge inspections under the Chemical Weapons Convention (CWC), especially when there have already been serious allegations made by one State Party to the treaty against another (by the US against Iran) without any attempt to trigger the treaty's formal compliance mechanisms. However, a challenge inspection should not be conducted for its own sake, but only when there is credible evidence to warrant it, lest the credibility of the challenge inspection mechanism itself be damaged.
- One of the major criticisms of the CWC regime to date that the EU Strategy ignores is the overemphasis on verifying the destruction of existing chemical weapon stockpiles versus verifying the non-diversion of chemicals and chemical production facilities to weapons purposes. VERTIC's 2002 report, *Getting Verification Right: Proposals for enhancing implementation of the Chemical Weapons Convention* (included with this submission—not printed) contains further detail.

A STANDING UN VERIFICATION BODY

VERTIC supports urgent action to ensure that the extant capabilities and experience of UNMOVIC are retained and utilised by the United Nations, preferably through a standing WMD verification body. In March 2004, the EU working group on global disarmament and arms control had a first exchange of views on an international inspection and verification capability but appears to have made little progress. Given that it is now almost two years since UNMOVIC inspectors were withdrawn from Iraq, urgent action is required to prevent the organisation atrophying. The EU should support an appropriate UN Security Council resolution with this goal. An article by VERTIC's Executive Director, Trevor Findlay, published on this subject in *Disarmament Diplomacy* in March/April 2004, is attached—not printed.

27 January 2005

Memorandum by Dr Richard Whitman, Head, European Programme,²⁶ and Olivia Bosch, Senior Research Fellow, New Security Issues Programme,²⁷ Chatham House

EU STRATEGY AGAINST PROLIFERATION OF WEAPONS OF MASS DESTRUCTION

PART I

1. The EU Strategy Against Proliferation of Weapons of Mass Destruction (hereafter called Strategy) is a policy that has been clearly articulated and which represents a coherent standpoint for the EU. However, the Strategy suffers from poor implementation.
2. The WMD Strategy's failures reproduce characteristics of the EU's foreign and security policy where the procedure of producing policy often prevails over the implementation of that policy. The EU's counter-proliferation efforts to date have largely focused upon the reconciliation of existing national foreign policy positions. The Strategy has been of much less impact when directed at third parties beyond the EU. As the EU's own progress reports on the Implementation of the WMD Strategy illustrate, there has been an overwhelming concern with declaratory statements and insufficient attention to advancing third party compliance with existing international agreements covering the proliferation of WMD.
3. An important policy initiative has been the inclusion of a non-proliferation clause in trade and aid agreements with third countries. Whether these provisions will actually be effective if breached awaits a test case. No dedicated monitoring structure has been put in place to gauge compliance. Furthermore the EU has not engaged in any contingency planning for such an eventuality and the sanctions at its disposal for non-compliance are limited.
4. A classic EU response to a foreign policy problem is to declare a strategy and then to create institutional arrangements, action plans and timetabled reviews of the policy. This pattern has been replicated with the Strategy. Energy and effort has gone into creating a policy process with less attention given to the external impact and implementation of policy. Attention has been made to creating institutional structures within the EU, as exemplified by the creation of the position of the High Representative's Personal Representative for the Strategy. This may be necessary to ensure that the Strategy is implemented but does have the effect of creating an additional actor in the development and implementation of EU foreign and security policy that embraces twenty-five Member States, the Council of Ministers, the Political and Security Committee, the European Commission, the Council Secretariat and the European Parliament. Furthermore, the decision to appoint a civil servant, rather than a more high profile figure, to the position conveys an impression of a low order of political priority to implementing the Strategy.
5. The EU's policy has also failed to make a significant impact to date due to a concern with bureaucratic politics and budgetary battles. Illustrative of these problems is the disagreement between the Council of Ministers and the European Commission over working with the Organisation for the Prohibition of Chemical Weapons (OPCW), which implements the 1993 Chemical Weapons Convention (CWC). A multi-annual financing programme to facilitate the implementation of the Strategy would demonstrate that the EU has a long-term commitment to the success of UNSC Resolution 1540.
6. Problems have arisen over the EU's budgetary management for the Strategy. Disagreements between the European Parliament, the European Commission and the Council of Ministers as to the modalities of the financial arrangements for the Strategy have unnecessarily delayed implementation of policy. Illustrative is the EU's support to the G-8's Global Partnership on fighting WMD. The European Commission, whose role is to administer the EU contribution, has struggled to deliver the financial commitment to the Partnership. Similarly, the EU's assistance to Russian nuclear disarmament was hamstrung by a disagreement between the European Commission and the Council of Ministers on what would be the appropriate composition of the unit created to deliver this assistance. Future strategy documents that emanate from the EU Security Strategy should ensure that these details are determined prior to the launch of future initiatives.
7. EU inter-institutional wrangling is not unique to this Strategy. However, there are a number of important upcoming events (the 2005 NPT Review Conference, 2006 BTWC Conference) where the EU will squander the opportunity to make a significant contribution to events if institutional dysfunction continues to prevail. The forthcoming United Kingdom Presidency of the EU could be used to initiate a review of foreign and security policy decision-making and propose reforms for greater efficiency and effectiveness that do not require treaty reform.

²⁶ Part I.

²⁷ Part II.

8. The EU efforts in working to contain Iranian attempts to weaponise nuclear material is not replicated across its other policy responses to the proliferation of WMD. There is the need for much greater energy and effort if the EU is to realise its aspiration to become a major international player in halting the proliferation of WMD.
9. The Strategy could be further strengthened through more effective implementation of existing initiatives with third parties. Most notably this should be through the speedy implementation of the EU-US action plan agreed at the EU-US summit of June 2004.
10. Additionally there should be the creation of more stringent, measurable goals for the Strategy. For example, there could be a commitment to ensure that all states in the EU's New Neighbourhood Policy fully comply with UNSCR 1540 before being granted an Action Plan detailing the future development of the third party's relationship with the EU.
11. As a matter of urgency there should be the development of a joint EU-NATO work programme on WMD to ensure that there is effective action by both organisations acting in concert and each acts where it enjoys a competitive advantage.

PART II

12. Improving EU effectiveness in dealing with WMD proliferation can be directed by its competence. In light of EU's competencies in economic, industrial and public health matters, it is well-placed to deal with mitigation as well as prevention of WMD proliferation in ways not yet elaborated or still being developed in the Strategy.
13. In the area of prevention this involves improving intelligence sharing and cooperation as well as working with industry to develop codes of conduct for scientific and technical staff working on dual-use research and development/technology. Regarding the former role, the counter-terrorism co-ordinator created in the wake of the March 2004 Madrid commuter train bombings provides a mechanism for improving information sharing, in tandem with the US, Europol, and Interpol. The May 2003 Proliferation Security Initiative (PSI) uses existing or specially created channels of intelligence sharing, with participating EU Member States acting upon information as required in the interdiction of suspected land, sea, and air shipments to prevent proliferation of WMD, related materials and delivery means. While the emphasis of PSI is on shipments and physical capabilities, it is as important to ascertain intentions, an area traditionally relegated to the intelligence community but one where industry might also make an effective contribution.
14. With regard to the second activity to improve prevention, the EU is well placed to assist the development and promulgation of codes of conduct and practice for industry and academic scientists, technicians and engineers working with dual-use materials—and, as importantly, processes. Implementation of such codes may also provide early warning of “disgruntled employees” among such staff to undertake unlawful activities. Knowledge of such behaviour might contribute to information sharing networks not only within industrial sectors but also between the private sector, appropriate government agencies, and the proposed EU Centre for Prevention and Control of Diseases. The codes of conduct and practice would be particularly helpful in the biotechnology and related pharmaceutical sectors, as these sectors lack treaty-based implementing and verification mechanisms comparable to the OPCW-CWC relationship for the chemical industry and the IAEA-NPT in the nuclear area. Additionally, while the nuclear industry is already heavily regulated, with the support of EURATOM, and thus more amenable to controls on proliferation, the chemical and biotechnology industries have fewer regulations and a much wider global presence, which can facilitate proliferation.
15. Some of the leading biotechnology companies have in place such codes, which can be managed as an adjunct to existing requirements for related health and safety legislation. Advocacy and promulgation of codes are likely by the larger corporations, which are already interested in being seen as accountable and applying very rigorous standards to promote their share performance and reputation generally. Private-public sector consultations that have begun at the national level are to be further encouraged and expanded.
16. In the area of mitigation, EU competency is also well placed to improve industry's role in civil contingency planning—building on the more traditional and long-standing practices of business continuity planning and reputation management. While information sharing between government and industry can contribute to preventing the use, or threat of use, of WMD, provision for business recovery and continuity is essential to deal with the consequences of such eventualities. This approach can be compared with that for dealing with cyber “incidents”, where ascertaining the cause can take a long time but in the meantime efforts are made by businesses and government, including the emergency services, to resume business activities and operations.

The analogy is particularly apposite where WMD materials or agents are released where the cause is not easily attributable and effects are uncertain.

17. Implementing these mitigation measures can capitalise on EU competencies:

- Dealing with consequences through a traditional reactive role by law enforcement and the emergency services to mitigate the immediate physical effects of a WMD attack—coordinating with the military as appropriate, as well as the secondary often more destructive effects arising from public panic and loss of public health capacity;
- Liaising with commerce and industry, including through trade associations, to promote business continuity plans and their exercise with local law enforcement, defence personnel and critical infrastructure sectors as required. Reputation management invariably is done in any event by larger companies, but this can be leveraged in time of crises, particularly with respect to press and media relations.

18. The EU can enhance its capacity for mitigation through cooperation with such centres of NATO expertise in dealing with disaster and consequence management, as its Civil Emergency Planning. There is more scope for sharing tasks and minimising overlap between the EU and NATO in areas where the EU has competency and resources that is more applicable than NATO's (given the traditional national security dimension of WMD).

19. The EU has many interactions with international organisations or major states of concern to deal with non-proliferation and most are well known or established. One area referred to indirectly in the Strategy (Chapter III, B, 1) and which can be further developed is a capability to deal with know-how and expertise, a role performed by the 1992 International Science and Technology Center (ISTC). The ISTC can be loosely described as a counterpart to the activities of the well-known Cooperative Threat Reduction (CTR) program. Whereas the CTR deals more with the control of the physical components of WMD systems and programmes of the former Soviet Union, the ISTC deals with the non-proliferation of know-how and personnel. The CTR arose in late 1991 for the US Department of Defense to facilitate arrangements for the non-proliferation of possible "loose nukes" and related materials not under proper physical access control in the aftermath of the dissolution of the former Soviet Union. The CTR was also concerned with unauthorised trafficking of chemical and biological capabilities, though the main focus and expenditure remains on non-proliferation of nuclear materials and technology. The intergovernmental ISTC coordinates government and private sector efforts to re-employ former nuclear weapon programmes scientists and experts from Russia and the CIS into civilian and commercial sectors and partnerships. In so doing, the ISTC fosters good business practices, assists with better understanding of the motivations of such personnel, and promotes accountability of the research activities undertaken by these experts as they partner with others throughout Europe and its neighbouring countries, and globally.

20. The EU along with Japan, Russia, and the US were founder members of the ISTC. They were joined by Armenia, Belarus, Georgia, Kazakhstan, the Kyrgyz Republic, and also by Canada, Norway and South Korea. The "G-8 Action Plan on Nonproliferation" released at the Sea Island Summit on 9 June 2004, reaffirmed addressing proliferation challenges by, for example, retraining Iraqi and Libyan scientists involved in past WMD programmes. The need to better understand know-how, expertise and intentions of personnel associated with WMD and related materials, are topics that the Iraq Survey Group's September 2004 Report also expounded upon with respect to Iraq's former WMD programmes. The Strategy (Chapter III, B,1) indirectly refers to a type of ISTC set-up—and which could be expanded to include dealing with these scientists from Libya and other parts of the Middle East and North Africa.

21. Components of the Strategy itself, as a basis or model of good practices to deal with non-proliferation among a particular group of States, can be exported to a wider group if not globally. This process was recognised in the European Council Common Position 2003/805/CFSP of 17 November 2003 on the "universalisation and reinforcement of multilateral agreements in the field of non-proliferation of weapons of mass destruction and means of delivery". While this Common Position focused only on encouraging States to sign and ratify the main WMD treaties rather than providing alternative reinforcing courses of action, it was agreed in the run-up to UNSCR 1540 (28 April 2004), and therefore supported the Resolution's goals that include strengthening of non-proliferation norms. UNSCR 1540 requires all states to legislate and enforce measures to stem the proliferation of WMD, related materials and delivery means to individuals and other non-state actors, particularly for terrorist purposes. The Strategy contributes to this new universal requirement, with the promotion of the "Non-proliferation clause" to be included in third country agreements. UNSCR 1540—being under Chapter VII of the UN Charter and thus legally-binding on all States—may have the weight of being more enforceable but leveraging trade arrangements through the clause can also be effective.

22. Among the many initiatives to improving enforcement of non-proliferation activities, the US Department of Energy's National Nuclear Security Administration (NNSA) has bilateral arrangements with several of the new EU accession states and developing countries for training customs officials and border guards to curb trafficking of WMD and components. The EU Strategy can examine areas where its measures via the new European Borders Agency and Community Customs Code can be made to harmonise or work with these US developments, as well as with the IAEA (via its Illicit Traffic Database) and the World Customs Organisation (WCO). The WCO is increasingly playing a leading and innovative global role, through, for example, its Customs Enforcement Network and emerging framework of standards, in dealing with unlawful import/export activities while facilitating global trade and safeguarding national customs revenues.

23. Since the early 1990s, advances in dual-use materials and in processes in the life sciences and the biotechnology sector, along with the global and commercial accessibility to these technologies by individuals, mean there needs to be a new look at how non-proliferation is to be achieved in future. While the traditional defence-oriented approach undertaken by other organisations and initiatives to non-proliferation is still necessary, the EU, with its competency in economics, industry, and public health, has a responsibility to build innovative networks and capacity to deal with the adverse security impacts of these new technology and personnel challenges.

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