NUCLEAR NON-PROLIFERATION: THE TRANSATLANTIC DEBATE

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Introduction

Giovanni Gasparini and Ettore Greco

Nuclear proliferation has been a lingering security concern in the post-Cold War era. Suffice it to mention the widely perceived risk that, after the collapse of the Soviet Union, its nukes or related technology could fall into the hands of aspirant proliferators or even terrorist groups. While the challenging endeavour of transporting the tactical nuclear weapons deployed in the former Soviet republics to Russia took place rather quickly and smoothly, control over Russia's huge nuclear arsenal has not ceased to be a primary source of concern.

In the nineties, however, several developments, including the new US-Russian agreements to implement further cuts in strategic weapons and the successful international action to block the Iraqi nuclear program, made it possible to maintain a climate of mutual trust around the nuclear non-proliferation regime.

It was in this context that the state parties agreed to the indefinite extension of the Nuclear Non-Proliferation Treaty (NPT) at the 1995 Review Conference – a historic decision which, it was hoped, would give a boost to the ongoing non-proliferation efforts. Prior to that, the safeguards system of the International Atomic Energy Agency (IAEA) had been substantially improved.

While the subsequent NPT Conference held in 2000 was marked by widespread dissatisfaction about the lack of further progress, the state parties nevertheless managed to approve an ambitious 13-point plan to re-launch the nuclear disarmament agenda.

Since then, relations between states on nuclear proliferation issues have become much tenser and the likelihood of major conflicts involving would-be proliferators has substantially increased.

The risk of nuclear proliferation is now perceived as more threatening and imminent than in the recent past. Particularly worrying are the cases of North Korea, which withdrew from the treaty, setting a dangerous precedent, and Iran, which has continued to pursue a nuclear program that is widely suspected of having military objectives.

International attention is centred particularly on the repercussions that these trends can have on regional strategic equilibria, that is, their potential to generate dangerous security dilemmas and hence trigger inexorable proliferation chains.

In the meantime, the plan unveiled at the 2000 NPT Conference has remained on paper due mostly, although not exclusively, to the nuclear states' failure to adopt policies in line with their commitments. This has further eroded mutual trust among states parties. An ever increasing number of them do not conceal their growing misgivings about the current nuclear non-proliferation regime, which they see as both discriminatory and ineffective, and appear therefore to be increasingly tempted to challenge it. What is certain is that the hope that arose following the end of East-West confrontation that the role of nuclear weapons in international security would become marginal has proven ill-founded.

The failure of the NPT Review Conference held in May 2005 has been, in this regard, no more than the last episode of a more general trend towards an erosion of the nuclear non-proliferation regime that had manifested itself previously in various forms. However, there were also other, more specific factors at work. These have more to do with the weaknesses of the NPT itself and, to a considerable degree, with the strategies that the key actors adopted in the run-up to and during the conference.

The first two chapters of this publication by Serge Sur and William Potter look from different angles into both the structural and the more contingent reasons that account for the failure of the conference. They point out that the two types of factors have combined and have been mutually reinforcing.

A key point that the authors emphasise is the very poor record of nuclear disarmament during the five years that elapsed between the NPT Conferences in 2000 and 2005. As already mentioned, no progress was made on a number of problems of key importance for nuclear non-proliferation (nor has the situation improved since May of last year). Crucially, the Comprehensive Test Ban Treaty, widely viewed as a fundamental achievement for a more stable and less discriminatory non-proliferation regime, has not been implemented. Moreover, the promised talks on a treaty to cut off the production of fissile materials, which would have represented another important form of reassurance for the non-nuclear states, never started.

Other arms control objectives, such as introduction of a verification regime for the Biological Weapons Convention, not directly related to nuclear disarmament but which, if achieved, could have contributed to at least confuting the point that multilateral disarmament is a thing of the past, has also remained dead letter.

A general factor that weighed negatively on the NPT Conference was the nuclear states' failure to carry out their promise to disarm, enshrined in Article VI of the NPT. This is the other key element – together with the commitment of non-nuclear states not to embark on nuclear programs for military purposes – on which the treaty is based. What is worse, the United States has continued to work on a plan aimed at building new types of nuclear warheads. The record of all nuclear states has been disappointing, to say the least, but the Bush administration bears a special responsibility for the failure of the conference. It has been at the forefront in promoting the idea that multilateral regimes are obsolete instruments for achieving disarmament. This was reflected, among other things, in the passive and, to some extent, obstructionist attitude adopted by the US delegation during the NPT Conference.

All this indicates that some key prerequisites for a successful conference – or at least facilitating conditions – were lacking from the very beginning. But another major cause of the failure has to do with the intrinsic difficulty in finding effective remedies for what are increasingly perceived as fundamental weaknesses or loopholes in the treaty. Two deserve mention. First, while the NPT ensures all states parties the right to pursue nuclear programs not having military purposes, it does not provide any effective and timely instruments to prevent an aspirant proliferator from laying the groundwork for the acquisition of nuclear weapons under the disguise of a 'peaceful' nuclear program. Second, as highlighted most recently by the Korean case, the treaty does not envisage effective coercive measures against the states that violate its provisions or withdraw from it. These structural weaknesses in the NPT have often been the

subject of criticism, but today they appear particularly worrying since there is evidence that nuclear material and technology have become more accessible than in the past.

Despite these difficulties, there is plenty of room for action to keep the current nuclear arms control regime alive and possibly to increase its effectiveness. The authors of the first two chapters offer a number of suggestions on how to achieve this objective. They all emphasize the importance of developing policies that can help restore confidence. A key part of them should aim at addressing the regional dimension of proliferation problems, to the extent that they are rooted in or exacerbated by regional conflicts or rivalries. In this context, the promotion of regional non-proliferation regimes or regional arrangements specifically devoted to preventing the spread of weapons of mass destruction can play a major role. Second, the most promising non-proliferation initiatives that fall outside the framework of the NPT, such as the Proliferation Security Initiative (PSI), should be reinforced, enlarged to new states and possibly be given a formal blessing from the Security Council. Third, it is essential that the major actors reach an agreement to re-launch other crucial nuclear arms control objectives, chief among them the coming into force of the CTBT and the start of negotiations on a treaty to cut off the production of fissile material. Fourth, although the NPT Review Conference ended in failure, several proposals to remedy the shortcomings of the treaty were presented that can provide a basis for further discussion in multilateral fora.

Notwithstanding the disappointing result of the 2005 NPT Review Conference, politicians and scholars from both shores of the Atlantic agree that the world needs a strong non-proliferation policy to avoid the emergence of serious security dilemmas in many critical areas, such as the Middle East and Central-East Asia.

It remains questionable if a credible policy could come from a new "Western" approach, but certainly any disagreement between the United States and the Europeans could be seen as a sign of weakness by regimes pursuing nuclear weapons, thus encouraging their efforts.

Global security would certainly benefit from a stronger effort to bridge the gap between the current US and European policies on the proliferation problem. Indeed, the emergence of a common transatlantic approach to non-proliferation issues should remain a primary objective.

As highlighted by Joseph Cirincione's contribution, the Bush Administration has taken a substantially different direction with respect to previous US non-proliferation policy, shifting from the search for consensus in multilateral fora to a more unilateral approach, in which the use of force (or the threat thereof) has acquired a prominence rarely experienced before.

The current US Administration has been much more reluctant to be bound by international agreements and treaties and much more critical of the traditional law-based non-proliferation regime which it tends to see as non-effective.

Moreover, the US seems less interested in countering proliferation as such, than in preventing the regimes that it perceives as hostile from acquiring technology and weapons that would enable them to balance American conventional military power through nuclear blackmail.

In the US non-proliferation approach, the nature of the regime seeking nuclear weapons is more important than simple compliance with the international legal framework. The nuclear non-compliance of a friendly, or non hostile, country receives a much more accommodating response than a hostile regime.

The Bush Administration's recent complacent attitude towards India's nuclear program certainly reflects a pragmatic approach (India is already a nuclear power), but it sets a worrying precedent. In particular, the widespread criticism with which this new policy towards India has met in the US Congress reflects deep divisions within the US political community and indicates that the current non-proliferation policy is opposed not only by the Democrats but also by many Republicans.

This could pave the way for a re-thinking of the overall US strategy, especially if the Republicans should lose control of the Congress.

Another important aspect of Bush's non-proliferation policy is the importance that it has given to the risk of nuclear regimes supporting international terrorism. The transfer of nuclear technologies from countries to terrorist groups is perceived as the biggest threat to US security.

Since the use of weapons of mass destruction by actors that cannot be deterred is seen as increasingly possible, the US has placed a growing emphasis on the need to pursue active defences, such as missile defence. Active defences against nuclear strikes are perceived as important to give credibility to the possible use of conventional force against hostile regimes, thus reducing the incentive to proliferate.

Generally speaking, the US has paid less attention to the obligations of law, focusing on the actual risks, which traditional non-proliferation regimes are perceived as being too weak and ineffective to counter.

Non-treaty based initiatives such as the Proliferation Security Initiatives (PSI) have thus become the main vehicle of US efforts to make the non-proliferation regimes more effective.

Military action to avoid proliferation is always a possible option, should diplomacy and sanctions fail to achieve the results desired. The intervention in Iraq can therefore be justified as a non-proliferation war against a hostile regime, even if the absence of a real nuclear program development in the country has somewhat vindicated those who have continued to insist on the value of deterrence and sanctions, while casting a long shadow on the US' real intentions.

The negative experience in Iraq could have at least partially influenced the US reaction to the situations in North Korea and Iran which, in fact, the Bush administration has recently tried to address by relying on international partnerships and diplomacy. In North Korea in particular the US has assumed a prominent role in a multinational negotiating framework, despite the open hostility between the two countries, as acknowledged in Darryl Howlett's chapter.

The European strategic approach to non-proliferation is quite different from the US one (and that of the Bush Administration in particular). Despite the divisions existing among European countries – which can be attributed to their different bilateral relations with the US, as well as to the facts that not all are members of NATO (which provides a common nuclear protective umbrella) and that two have nuclear status – a common strategy towards nuclear proliferation has emerged, as illustrated by Bruno Tertrais.

The EU non-proliferation policy, expressed in the European Security Strategy, calls for strengthening multilateral agreements and "giving teeth" to the present regulatory frameworks and authorities, such as the IAEA, the UN nuclear watchdog. For the EU, non-proliferation is an overarching strategic goal which needs to be pursued independently of the nature of the proliferating country; non-proliferation efforts should be a mix of counter proliferation measures,

incentives to arms restraint and disarmament measures by nuclear countries. For the Europeans, international norms and treaties are the main parameter for any international action, even if they admit that the traditional multilateral framework for non-proliferation has not been strong enough to contain proliferation.

Despite the problem posed by catastrophic international terrorism, most European governments and scholars still believe that deterrence is still of strategic value, which explains the relatively low interest they show for the development of active defensive systems. The advocates of deterrence and containment through sanctions and international inspections point to the cases of Iraq and Libya as confirming their view.

The EU diplomatic posture does not in principle exclude the use of force against non-compliant regimes, but it is considered a measure of last resort. In general, the Europeans seem more inclined to offer incentives than to pursue punishment of the violating country.

The European policy towards Iran, for example, is aimed at convincing the country to renounce its military nuclear program in exchange for significant economic benefits and some security guarantees. With this diplomatic approach the EU had obtained a temporary freeze of Iran's activities, but the radical position of the new Iranian leadership has forced the Europeans to shift towards a more assertive stance, similar to that of the US. According to Martellini and Redaelli, the international community is facing difficult policy options, while Iran is likely to try to play on any possible US-EU disagreement to divide the transatlantic community.

The EU's longer-term goal for the Middle East is to establish a nuclear free zone, while the US policy is less inclined to address the problem posed by Israel's nuclear ambiguity.

The transatlantic community therefore remains in search of consensus on a joint strategy concerning nuclear non-proliferation. The final aims of the US and Europe seem quite similar if not identical in many cases (including the most controversial ones, such as Iran), but the divergence over the means to achieve them remains significant. As suggested by Gerrard Quille, the continuous search for complementarities and convergence between the European and American non-proliferation policies will therefore be a central element of transatlantic dialogue.

The Non-Proliferation Treaty and the Review Conference

1. Non-Proliferation Initiatives

Serge Sur[*]

The last Nuclear Non-Proliferation Treaty (NPT) Review Conference, held in New York in May 2005, ended in failure. This failure does not in itself create a new picture as it does not represent either an improvement or a worsening of the situation. Rather, given the collective discussions within the framework of the conference, this outcome highlights the current problems and ambiguities that will have to be addressed in the coming years. This article attempts to assess some of them.

The assessment will deal with interstate relations only, leaving aside the problem of nuclear terrorism linked to criminal or terrorist circles. There are two reasons for this. The first is that terrorists are in fact not likely to resort to nuclear weapons, basically because they have more efficient means of action at their disposal. The second reason is that responses to these threats go beyond formal international agreements, including the NPT. Indeed, they encompass a set of internal measures aimed at preventing and repressing terrorist activities as well as at developing international cooperation and coordination of intelligence agencies, surveillance and possibly covert actions. Security Council Resolution 1373 (28 September 2001) and more recently Resolution 1540 (28 April 2004) stand as good examples and good bases for these types of policies.[1]

The situation as a whole should be viewed from a wider perspective than simply that of the conference itself. It has to be seen in the context of the obstacles and difficulties that multilateral instruments other than the NPT have been encountering in recent years. It appears to have become more and more difficult, not to keep multilateral treaties alive, but to enlarge and implement them without hindrance – the Kyoto Protocol and the Rome Convention establishing an International Criminal Court being good examples. At the same time, the complexities and uncertainties of the UN reform proposals are evident to all. The difficulties of the European building process and the so-called European Constitution are similarly obvious. What we are now facing may therefore be a general crisis not only of multilateral

[*] This is a revised version of a paper presented at the international conference on "Transatlantic security and nuclear proliferation" held in Rome on 11-12 June 2005 and organised by the IAI in cooperation with the EU Institute of Security Studies (EU-ISS) with the support of the German Marshall Fund of the United States (GMF-US), the Compagnia di San Paolo, Turin, the Rome Office of the Friedrich Ebert Stiftung, and the US Embassy in Rome

[1] SC Resolution 1373 is a wide-ranging anti-terrorism resolution for suppressing the financ-ing of terrorism and improving international cooperation in the fight against it, as well as cre-ating a committee to monitor implementation; SC Resolution 1540 requires all states to refrain from supporting by any means non-state actors that attempt to acquire, use or trans-fer nuclear, chemical or biological weapons and their delivery systems.

instruments, but of multilateral institutions, that is multilateralism as a whole, of which the failure of the NPT Review Conference might not even be the worst instance.

Looking more specifically at preventive multilateral regimes in the field of arms control, of which the NPT has been a cornerstone for some forty years, the same problems of enlargement and implementation can be observed. It was, for instance, impossible to agree on a verification protocol for the Biological Weapons (BW) Convention, while the Comprehensive Test Ban Treaty (CTBT) is not, and most probably will never be, properly enforced. For its part, the Disarmament Conference seems to be caught in a stalemate with regard to a cut-off treaty, with disagreement on even the conditions for the latter's negotiation. Nevertheless, the NPT need not be considered exclusively in this context because it has its own spcificities and history. Consolation could be drawn, after all, from the fact that this is not the first time that a final document has not emerged from such a conference, without the Treaty itself having been particularly endangered by this.

However, if the NPT is considered specifically within in its own context, the recent failure of the Conference does at the very least reveal the existence of doubts concerning the Treaty's implementation and effectiveness. It shows a weakening of consensus among states parties, as well as a certain amount of frustration and lack of confidence between the parties. The main question seems to be: what do these doubts, this lack of consensus, this lack of confidence mean? Technical explanations to specific problems can always be found, as can specific motives behind individual positions. But it would be neither satisfactory nor realistic to settle for such explanations. The doubts among the states parties have deeper origins. Answers most probably lie deeper than technical problems and individual policies.

Two different hypotheses have to be considered and analysed. Neither of them is optimistic, but the second is the more pessimistic of the two. The first hypothesis – the more benign one – supposes that the main objective of the NPT, that is the non-proliferation of nuclear weapons, remains untouched, that it is still agreed upon by the parties, and that the doubts concerning the Treaty relate only to its effectiveness. Thus, the objective in itself remains valid, but in this scenario the NPT and/or its associated regimes are no longer perceived as being the best instruments with which to achieve it. If such is the case, we need to evaluate these doubts, their origins, and their consequences. A first set of remarks will deal with this hypothesis.

The second hypothesis is more malign: it supposes that these doubts are about the very objective of nuclear weapons non-proliferation. The reasons for this could be multiple, even conflicting. For instance, non-proliferation could be perceived as no longer useful to the security of the parties. It could even be perceived as dangerous because the current regime is seen either as too weak and flawed or as stabilising and even consolidating the inequality between nuclear haves and have nots. As unpleasant as such a hypothesis is, and as disturbing as some of its underlying motives may appear to be, it has to be considered, and a second set of remarks will be devoted to it.

1. The weakening of confidence and consensus around the NPT

In general terms, four non-mutually exclusive reasons for this weakening can be identified: the NPT no longer protects against proliferation; it allows the parties to prepare for proliferation; coercive measures against proliferation either do not exist or do not work; the

imbalance between nuclear weapons states (NWS) and non-nuclear weapons states (NNWS) remains at best untouched, and may be aggravated.

1.1 . The NPT no longer protects against proliferation

It is well known that several states, both parties and non-parties to the NPT, are currently asserting or developing their own nuclear capabilities. Some of them now have nuclear weapons.

Instead, for almost three decades, the NPT effectively prevented non-parties to the NPT from becoming nuclear, at least officially. It must be recalled that the NPT is not a universal norm prohibiting the proliferation of nuclear weapons as it cannot be considered to form the basis of a general customary rule in international law. Indeed, when Israel, South Africa and India after 1974 were covert or unofficial NWS, they were not violating any international legal rule.

Nevertheless, for a long time the very existence of the NPT prevented these countries from declaring themselves to be nuclear weapon states. When South Africa, acknowledging its covert possession of nuclear weapons, destroyed these weapons and joined the NPT in 1991, this was seen as a great success for the international consensus on non-proliferation and for the return of this country to the virtuous circle of civilised countries.

The picture now is very different. Among the non-parties, only Israel keeps a low profile, asserting that it will not be the first country to introduce nuclear weapons into the Middle East, even if all are convinced that it already possesses them. On the contrary, India and Pakistan, carried out spectacular nuclear tests in 1998, and it's as if some kind of taboo was broken. Since then, North Korea first and now Iran are playing with proliferation, after and in spite of the failure and the disaster of Iraq's attempt to do so.

The Iraq case requires some comment. Iraq was the first proliferator to be uncovered, and its coercive disarmament after 1991 was initially perceived as reflecting a weakness in the NPT because its mechanisms were not by themselves able to uncover Iraq's efforts or to correct them. Later though, after the unilateral instruments of the UN Security Council and the coercive means of UNSCOM were used to convince Iraq to get rid of its nuclear materials, it was objectively seen as a success for non-proliferation. It's well known, however, that this was not enough to persuade some states, namely the United States, the United Kingdom and those who joined the coalition in 2003, that Iraq was effectively no longer in possession of nuclear material and/or capabilities.

Nevertheless, confidence in the NPT was reinforced, and the Treaty itself was not at stake. Reinforcing its effectiveness was seen as a way of solving the difficulties that had emerged. The parties were keen to improve the Vienna Agency safeguards and the indefinite extension of the NPT in 1995 followed quickly, in accordance with the Treaty's rules. So, after the Iraqi breach, the Treaty actually made a comeback.

In spite of these positive developments for the NPT, the picture changed in the following years. It is difficult to single out any cogent reason for this change. It could be that the conditions of its indefinite extension were frustrating for some non-nuclear weapons parties or that the conclusion in 1996 of the CTBT was perceived by some non-parties, namely India

and Pakistan, as adding new constraints against a nuclear option they wanted to keep open. And, if non-parties openly proliferate, this can provoke spillovers: neighbouring states, even if members of the NPT, may endeavour to keep their nuclear option open, too. Whatever the reason or reasons, the fact is that some parties to the Treaty are now seeking to proliferate. And this raises a difficult question: why should the other states parties remain committed to an obligation which does not appear to be fully respected by some states, at the risk of being overcome by an illicit proliferation which could leave them without serious security guarantees?

There is also a new prospect that was not considered by the NPT because it was not perceived as representing a serious risk at the time of its negotiation. This is the acquisition of nuclear weapons, devices or material by private groups, terrorist networks or even criminal circles. It would be very difficult for such groups to acquire nuclear devices without some kind of complicity on the part of states. But to prevent such complicity, even to identify the culprits, could prove to be complicated. The story of the Khan network is illuminating.[2] Whether Pakistani authorities were aware or not of this traffic is a question that nobody, no state at least, wants to raise, perhaps for political reasons. It nevertheless represents another difficulty for the NPT because the prohibitions in the NPT and the agreements surrounding it provide no clear way to prevent this indirect proliferation, which is no less threatening to international security than the acquisition of nuclear weapons by states.

1.2 The NPT leaves room for the preparation of proliferation

In so far as states parties are allowed to pursue the "research, production and use of nuclear energy for peaceful purposes", to quote Article IV. 1 of the NPT, it is not necessarily wrong for a NNWS Party to enrich uranium and possess the fissile material needed to build nuclear weapons. At the same time and more generally, states are not prohibited from having some nuclear technology and even some materials, especially if they have dual uses. In an increasing number of situations which involve the building of nuclear weapons or devices, the real problem is no longer one of capacity, but of intentions. This has been borne out most clearly in the case of North Korea and now Iran. Indeed, it does not seem unreasonable to think that capacities other than those that we know of already exist, even if they are less public.

Obviously, the real nature of the intentions behind the production of enriched uranium must be questioned, especially when the country is a huge producer of oil and does not seem to have energy supply problems. But the burden of proof lies with the states that raise the doubts, and such evidence is always difficult to establish. Here lies the crucial explanation of the degradation of the NPT regime, namely, it was not only based on legal obligations and their verification, but relied at its very roots on confidence and it is that confidence that no longer seems to exist – on the part either NWS or NNWS.

[2] Abdul Qadeer (A. Q.) Khan, a scientist widely referred to as the father of the Pakistani bomb, was apparently in a position to transfer privately nuclear technology to states such as Iran, Libya and North Korea.

One can claim that the activity in itself, while theoretically not prohibited, comes under suspicion when it is concealed. The country under suspicion may then reply that the motives for such an accusation have nothing to do with nuclear weapons, but are related to a climate of general political hostility towards it, and then go on to claim that its security is at stake. Whatever the perceptions, in a context of mutual distrust, there is room to exploit the weaknesses of the NPT in order to prepare quietly for proliferation.

1.3 Coercive means to enforce the NPT are weak

The effectiveness of a preventive regime requires three cumulative conditions:

- a norm, whether legal or political, agreed upon by the interested states;
- some advantages for the states fulfilling the relevant norm;
- the possibility of using persuasive, but also coercive means against any violator who does not implement the obligations.

In other words, the association of carrots and sticks is the classic way of guaranteeing that all obligations will be respected, thus ensuring the effectiveness and stability of international norms and regimes. There are claims that the NPT's coercive means are weak. Is this true?

So far, coercive actions for implementing non-proliferation measures have been applied outside of the NPT framework, and have basically been decided on the basis of the Security Council's responsibilities in the field of peace and security enforcement – they were not directly linked to implementation of the NPT. Moreover, if coercion was effective in the case of Iraq in 1991, it was probably more a side effect – perhaps even an unwitting one – of a military intervention not intended for that purpose. In 2003, the military intervention in Iraq clearly had other objectives, as the alleged nuclear capabilities or weapons simply did not exist. Finally, some collateral coercion in the context of the war against Iraq may have been useful in getting Libya to renounce its nuclear programme. Yet, it now seems unlikely that the Security Council would decide in favour of the threat or use of military coercion even with regard to North Korea or Iran.

There is no doubt that the United States could opt for such coercive measures or actions. But it would certainly be better, from a legal point of view and for considerations of effectiveness, if armed action were authorised and legitimated by an international body such as the Security Council. It would also be better if such action were applied without any kind of discrimination. The UNSC obviously has the right to decide such interventions, following a violation of the NPT by a state party or on the basis of objective analysis for a non-party, if it considers the proliferation a threat to international peace and security. With the Declaration of 31 January 1992[3] and Res. 1540 (28 April 2004), the UNSC took some – cautious – steps in

[3] The resolution committed SC members to work to prevent the spread of technology relat-ed to the research or production of weapons of mass destruction; noted the importance of adherence to the Non-Proliferation Treaty and emphasised the integral role in the imple-mentation of that Treaty of fully effective IAEA safeguards, as well as the importance of effective export controls; and charged SC members to take appropriate measures in case of violations notified to them by the IAEA.

this direction and it seems difficult to go back to enforced disarmament à la Iraq, given the events which have followed.

A coercive, possibly even an armed action undertaken by a state or a coalition of states against a proliferator would be more effective. But, in addition to lacking a firm basis in the NPT, it would also create new difficulties. First, it would have to be a real war, not a threat or even a strike against a limited target – much less, softer non-military measures – as this would leave room for the resumption of undercover proliferation activities, as was the case in Iraq after the bombing of the Osirak facility. Second, it could lead other states to rush out and acquire nuclear weapons in order to deter such coercive actions and obtain the benefit of "sanctuarisation", with their nuclear capability preventing other states from risking military intervention, even by conventional means. Third, the lack of international legality of such actions would add to international insecurity and contribute to further destroying confidence among states.

A prerequisite for any kind of military action against a proliferator violating the NPT would have to be an international consensus among the state parties, as well as among the UN Security Council members, which currently does not exist.

1.4 Persistent imbalance between NWS and NNWS

There was initially some balance in the asymmetrical obligations of the NPT parties. In exchange for their renunciation of nuclear weapons, NNWS enjoyed the prospect of better security as long as nobody was proliferating. Furthermore, NWS were supposed to withdraw from the arms race and gave NNWS negative and positive security guarantees that showed they were committed to nuclear disarmament. There was also the prospect of developing and enjoying the benefits of the civil uses of nuclear energy. These hopes, thirty-five years after the entry into force of the NPT, have been dashed. For a majority of countries, civil nuclear energy did not deliver on its promises some decades ago; it has turned out that NWS are not prepared to abandon their nuclear weapons and the US seems to be on the verge of developing new ones; nuclear weapons proliferation is taking place and nothing serious is being done about it. As a result, imbalances persist and are even aggravated by the existence of new NWS that remain out of the NPT. One must admit that the frustrations of the NNWS are to some extent legitimate.

Some progress, however, has been made. The security guarantees given by the NWS to the NNWS, individually, collectively and through the UNSC have improved. Nuclear tests are no longer being carried out; there has been a real reduction in nuclear weapons. There is no longer a threat of nuclear war among the NWS or at least among the parties to the NPT. An initiative like the Proliferation Security Initiative (PSI [4]) could convince the NNWS that the NWS are concerned and serious about the enforcement of non-proliferation and persuade them to associate in this endeavour. At the same time, however, the PSI is outside the NPT and may cast new doubts on its effectiveness.

[4] A US multi-bilateral initiative that commits countries to disrupting the illicit trade in WMD by interdicting vessels, aircraft or other modes of transport in their territory or territorial waters that are reasonably suspected of carrying suspicious cargo.

To conclude this first set of remarks on a provocative note, one could put into question the wisdom of the indefinite extension of the NPT ten years ago. At that time it was perceived as a success for the Treaty. Now, one could ask whether it may not have transformed the NPT into some kind of icon, impossible to amend, impossible to adjust – it seems more difficult to reform the NPT than the UN Charter. As a result, the new developments are taking place outside the Treaty: PSI, management of the North Korean and Iranian cases, Res. 1540 of the UNSC, etc. And what could the status of India, Israel, Pakistan be within the Treaty?

Would it not have been better, in order to keep the NPT at the core ofnon-proliferation efforts, to extend it for limited periods, allowing for instance for renegotiation every ten or fifteen years to improve it or, if improvements were not possible, to go beyond them, instead of letting the Treaty become weaker and weaker? Finally, since states parties have the faculty to withdraw from the NPT, its indefinite extension is by definition in some way precarious.

2. Doubts about the non-proliferation objective

Despite all these shortcomings and weaknesses, the NPT has played a very positive role in preventing nuclear weapons proliferation in the past thirty years. It has contributed to establishing non-proliferation as an international norm, as an objective of both NNWS and NWS that has to be maintained for the sake of international security and for the stabilisation of nuclear deterrence and arms control. Most of the loopholes and criticism of the NPT are not new, yet for three decades they did not prevent the NPT from constituting the very basis of non-proliferation hopes and prospects. Indeed, in the past twenty years, NWS have strongly reduced the level of their nuclear armaments, while the nature of their relations with one another exclude any prospect of a nuclear war.

This is why, above and beyond any technical criticism of the NPT and the lack of confidence in its effectiveness, there seems to be something more to the current perceptions of nuclear non-proliferation. It is the very objective of non-proliferation itself that is openly or covertly being thrown into doubt. In other words, it seems that non-proliferation itself is no longer perceived as the main goal, the discriminant between Good and Evil. Behind it, there is now another, more limited and at the same time less neutral one: a distinction between acceptable and unacceptable proliferation.

The fact is that proliferators and would-be proliferators are acting more and more publicly and claiming legitimacy. At the same time, their motives are ever less security driven and increasingly legitimated by national interest, national pride and the rejection of discrimination among states.

2.1 Unabashed proliferation

At first, proliferators were outside the NPT and hid the fact that they possessed nuclear weapons. It is still not officially known whether Israel is a NWS. Even India, after its test in 1974, pretended its nuclear programme was solely for civilian purposes. South Africa's nuclear weapons only became public when this country, for internal rather than international

reasons, announced their destruction. To keep the proliferation secret was a value for the countries involved, a way to protect their behaviour, to escape harsh criticism. The benign concept of "threshold states" was used to cover up and avoid the question.

More recently, however, India and Pakistan adopted another approach. They were also outside the NPT, but they became nuclear publicly – without serious reactions – and in a way won the diplomatic battle of legitimacy.

Today, in a third phase, we are following the soap opera of North Korea in its fourth or fifth season, with Iran playing the same game even more overtly. If these two countries succeed in becoming NWS, they will no doubt be accepted as such ... but other states will follow. As usual in international relations, facts will override law, whether we like it or not. And the fact that would-be proliferators are acting more and more publicly, playing cynical games with non-proliferation, shows that proliferation is seen by an increasing number of states as a legitimate process.

2.2 Increasingly legitimate proliferation

Three kinds of motives underlie proliferation. The first is related to national interests and pride. There is a strong, if false, perception that to have a say in international affairs, to be taken seriously, a state must possess nuclear weapons. This does not necessarily imply aggressive behaviour, but it does limit the pressures that can be applied on such states. The US intervention in Iraq in 2003 has contributed to this perception in two ways. First, the US was acting overtly on the basis not of international norms but of its national interests, so other states will feel authorised to do the same. Second, the US was acting to prevent a state from becoming a NWS. The picture would have been different if Iraq had already been nuclear. As it is, some states have felt encouraged to consider the acquisition of nuclear weapons as a safeguard against such military invasions, illustrating a proliferation risk identified earlier.

The second motive is related to the rejection of discrimination. At the regional level, the case of Israel is striking. Israel has long had and still has a specific status as an unofficial NWS. Israel is not keen on declaring itself a NWS and no one seems about to exert pressures on it for nuclear disarmament, even if nuclear weapons do not seem particularly useful for its security. Yet this makes it difficult to persuade some countries in the region that they should permanently be denied the possibility to follow the same path. One solution is the proposal, endorsed by the United Nations and the Security Council in its Resolution 687 (3 April 1991), to establish a weapons of mass destruction free zone in the Middle East, but its prospects look remote for the moment. On a global level, why should some states be treated differently from India and Pakistan?

The flip side of the same argument is that official NWS do not seem about to undertake nuclear disarmament, reinforcing the perception of an illegitimate discrimination among states.

A third motive is the relative ease with which it is now possible to build nuclear weapons. For a long time, it was a difficult process, full of financial, technical and industrial obstacles. So, beyond the legal constraints, even the states that would have been in a position to consider the nuclear option had other priorities. Today, proliferation is no longer the

privilege of rich and developed countries, and developing countries can now find nuclear weapons of greater interest and attractiveness, reinforcing the power of the other two motives.

Obviously, such developments would have an effect on the NWS, which would have to reconsider their nuclear postures in light of the new risks or threats coming from the proliferators. The result could be another form of arms race or the development of new means of protection against nuclear strikes. In either case, nuclear weapons would no longer be at the margin of international security, as they are now, but would return to the very centre of the threats to international security and of the deterrent postures that these weapons impose.

3. Conclusions

It is not easy to conclude on a positive note. The prospects underlined in the previous section may not be likely, but cannot be excluded, and we know that states usually consider the worst-case scenario in their security calculations. To avoid such prospects, the main condition is to restore confidence between states.

Confidence-building measures were, in the seventies, a keystone of the positive process of détente between East and West. It would be interesting to develop a new thinking on confidence building in the new international context. It is obvious that the current US policy is not contributing to it, and it is not even certain that the current administration is interested in it. But, in the long run, coercion cannot be a substitute for confidence. At the same time, appeasement is not likely to be any more effective and must not be confused with confidence. Confidence is basically a political problem, even if the ways and means to achieve it encompass technical measures.

The best route to follow might require a combination of different kinds of policies and measures. At the global level, it means keeping alive the preventive regimes, which include the NPT, even if they call for amendments, and strengthening them with a set of internal measures to prevent proliferation– in this respect UNSC Resolution 1540 is a good example and should be reinforced. It also means increasing the effectiveness of the PSI through the participation of more states and perhaps also its legitimacy through endorsement by the Security Council, thus providing it with an international legal basis.

At the regional level, the Organisation for Security and Cooperation in Europe (OSCE) model could be used in other regions to allow them to benefit from regional fora on security and confidence among interested states. In this respect, more specific attention should be paid to the idea of a weapons of mass destruction free zone in the Middle East. More generally, it should never be forgotten that every situation is specific and calls for specific management and solutions, drawing on the lessons of the past. All this would require coordinated efforts, on the part of both the NWS, official or not, and the NNWS, for the sake of their own security and that of international security as a whole.

2. The NPT Review Conference: 188 States in Search of Consensus

*William Potter**

This was not a good year for theater productions on or off Broadway. By far the most costly and disappointing spectacle staged in New York this past season was the 2005 Nuclear Non-Proliferation Treaty (NPT) Review Conference – an ill-conceived amalgam of farce and tragedy performed with little direction by an uninspired cast and with an all too predictable ending.

As a bit player in the recent drama and as a veteran of two prior Review Conference "blockbusters", as well as six Preparatory Committee rehearsals, the author's current task is as a theater critic. Since the script itself is well known, attention will be concentrated primarily on two themes: 1) Why did the production fail? and 2) What are the implications of its failure?

1. Historical context

In order to address these topics, it is useful to place the most recent Review Conference in historical perspective. In this regard, one should recall that of the seven review conferences held since the entry into force of the NPT in 1970, only three of them – 1975, 1985 and 2000 – produced "consensus" final declarations. Even the historic 1995 NPT Review and Extension Conference failed to generate an agreed-upon final declaration.[1] Indeed, most analysts agree that Sri Lankan President Jayantha Dhanapala very consciously and wisely chose to invest his energy and diplomatic skills in negotiating a closely linked package of three decisions and one resolution at the 1995 Conference at the expense of a final declaration.[2] This package, which consisted of decisions to extend the NPT indefinitely, strengthen the NPT review

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[1] For a review of the major issues and trends during the first six NPT Review Conferences, see C. Stoiber, "The Evolution of the NPT Review Conference Final Documents, 1975- 2000", The Nonproliferation Review (Fall/Winter 2003) pp. 126-47.

[2] See, for example, T. Rauf and R. Johnson, "After the NPT's Indefinite Extension: The Future of the Global Nonproliferation Regime", The Nonproliferation Review (Fall 1995) pp. 28-42. See also J. Dhanapala with R. Rydell, "Multilateral Diplomacy and the NPT: An Insider's Account" (Geneva: UNIDIR, 2005).

process, and adopt a set of principles and objectives for nuclear non-proliferation and disarmament, as well as a resolution on the Middle East, set the stage for many of the debates that would be the focus of NPT deliberations for the next ten years.[3] One must, therefore, be cautious in the standard one uses or the criteria one adopts for evaluating the success or failure of a Review Conference, which need not correspond to the presence or absence of an agreed final declaration.

It is also useful to recall that the NPT was widely perceived to be under significant challenge prior to earlier Review Conferences, although for reasons different from those in 2005. Prior to the 2000 NPT Review Conference, for example, expectations for a successful outcome were very low, in part because of the disastrous 1998 NPT Preparatory Committee (Prep Com) and the inability of the 1999 Prep Com to reach agreement on any substantive recommendations or to agree on an agenda for the Review Conference. In 2000, however, this perception of high threat to the Treaty led most key delegations to display considerable flexibility in their positions on both procedural and substantive matters. As a consequence, in stark contrast to 2005, it was possible in 2000 to adopt an agenda at the start of the meeting and to negotiate a rich and consensual final document, including the so-called "Thirteen practical steps"[4] for implementing Article VI of the NPT (disarmament) and the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament".

In 2000, there was great concern that the issue of national missile defence and, more specifically, Russian and Chinese reactions to the new US position on the ABM Treaty, might torpedo the Review Conference. This prospect, however, was removed when the five permanent members (P-5) of the UN Security Council made a joint statement during the first week of the Conference, which effectively took the divisive ABM issue off the conference table. By contrast, in 2005 not only were the P-5 unable to put forward a statement of substance at the outset of the Review Conference, they were unable to agree on any statement before the Conference concluded.

Finally, by way of historical comparison, prior to the 2000 Review Conference there was tremendous unease in many capitals that the great promise of the 1995 package of decisions (and one resolution) had been squandered. While both nuclear weapon states (NWS) and non-nuclear weapon states (NNWS) parties continued to play lip service to the key provisions of the NPT, in practice they were very selective in implementing their obligations. The NWS emphasised horizontal non-proliferation, but shunned major steps in nuclear disarmament; the

[3] For background materials related to the 1995 NPT Review and Extension Conference, see NPT Briefing Book (Southampton: Mountbatten Centre for International Studies and Monterey Institute Center for Nonproliferation Studies, May 2005).

[4] 1. Sign the CTBT; 2. Stop nuclear weapons testing; 3. Negotiate a treaty banning the production of fissile material; 4. Establish a subsidiary body to deal with nuclear disarmament in the Conference on Disarmament. 5. Make nuclear disarmament and related arms control and reduction measures irreversible; 6. Abolish nukes; 7. Uphold existing treaties; 8. Implement existing treaties; 9. Take steps towards nuclear disarmament in ways that promote international stability, based on the principle of undiminished security for all; 11. Reaffirm the ultimate objective of general and complete disarmament under effective international control; 12. Report regularly on the implementation of Article VI; 13. Further develop veri-fication capabilities.

NNWS trumpeted the need for rapid nuclear disarmament, but remained too complacent regarding other major challenges. Fortunately, in 2000 a new political grouping – the New Agenda Coalition (NAC 4) – emerged and provided a vision regarding disarmament that could be largely embraced by almost all states, both NWS and NWSS, a vision that helped to forge a consensus around the 2000 NPT Final Document. No such political grouping with a comparable vision emerged in 2005.

2. What went wrong?

A number of outside analysts – including the author – were very pessimistic long before the start of the 2005 NPT Review Conference about the prospects for negotiating a substantial final document. At meetings for many of the principals in New York in October 2004 and again in Annecy, France in March 2005, few senior diplomats were prepared to acknowledge that the NPT faced a crisis. President-designate Sergio Duarte of Brazil, in particular, very much opposed the use of the term "crisis" to characterise the status of the NPT. Few national representatives took seriously the warning of some NGO experts that procedural issues, such as the adoption of an agenda or the designation of subsidiary bodies, could delay the work of the Review Conference beyond the first week. Indeed, at a working dinner in Geneva of key Review Conference representatives less than three months before the start of the Conference, many of the participants characterised the issue of subsidiary bodies as a "silly one" that did not merit much attention. Few of these individuals, however, had ever attended a Review Conference. Like their counterparts on most delegations to the 2005 Review Conference, they had very little institutional memory or first-hand recollection of the significance of crucial bargains that had been struck at prior conferences, crises that had been narrowly averted, and lessons – both positive and negative – that should have been learned. Indeed, by far the most experienced delegates at the 2005 Review Conference were those from the NGO community.

Although the final outcome of the 2005 Review Conference was predictable, the process by which the Conference sputtered and then collapsed generally was not anticipated. Among the principal surprises were the extent of divisions within a number of the major political groupings and the vigour with which one state party sought to block almost every attempt at forging consensus on both procedural and substantive issues.

Many commentators have portrayed the 2005 Review Conference as a classic battle between NWS (and especially the United States) and the NNWS. Although this divide certainly was evident in many respects, as it always has been in NPT negotiations, more striking were the fissures within the Non-Aligned Movement (NAM), the New Agenda Coalition (NAC [5]), and the P-5.

Given the large size (116 NPT members and 16 observers) and diversity of NAM, it is customary to observe considerable friction in the hammering out of NAM positions on NPT-related issues. At the 2005 Review Conference, however, these typical tendencies were

[5] The seven members of the New Agenda Coalition are Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa, and Sweden.

magnified by personal animosities, fundamental disagreements over tactics, the absence of a shared vision about what would constitute a desirable conference outcome, and an uncompromising negotiating stance by Egypt. As a consequence, NAM's ability to promote the substantive positions it had agreed upon prior to the Review Conference was significantly diminished.

The same paralysis that impeded the promotion of NAM objectives at the Review Conference was also reflected in the stunted contribution of NAC. Although at first glance this development may appear to be linked to the overlap between three of the main protagonists in NAM – Egypt, South Africa, and Brazil [6] – and NAC, in fact the demise of NAC is probably more attributable to the growing gulf between its NAM and non-NAM members. Indeed, the differences within NAC over the scope of the disarmament agenda and the pace and manner with which it is pursued are now so great as to doom the persistence of that body as a political grouping. Almost certainly, NAC will cease to function, at least as it is presently constituted.

The United States and Russia (and previously the Soviet Union) historically have pursued many parallel policies at NPT Review Conferences, and often have coordinated their approaches. Although the two NWS continue to share a number of common perspectives on issues related to disarmament, non-proliferation, and peaceful nuclear energy, the coordination of their policies was not much in evidence at the 2005 Review Conference. The focus of much of the Conference on procedural issues, the reliance by the Conference President on consultation with the chairs of the main regional groupings, and the absence for most practical purposes of an "Eastern Group", effectively marginalised the role of the Russian Federation. The head of the Russian delegation, in fact, complained to the President in a plenary session of his delegation's frustration at not being actively engaged in consultations.

A low-level and, for the most part, inexperienced US delegation also had the effect of diminishing joint US-Russian or broader P-5 initiatives. Little effort appeared to have been invested in promoting common objectives in any of the main committees or subsidiary bodies. Confusion was particularly evident in Main Committee III when the United States – to the surprise of at least some of its P-5 colleagues – chose at the last moment to block the transmittal of the bracketed text of the Committee to the Plenary.

In contrast to NAM, NAC, and the P-5, the European Union (EU) generally presented a solid front at the Review Conference with a well-defined set of positions, which were actively promoted by Luxembourg on behalf of the EU. The EU perspective was especially well developed on the subject of Article X (withdrawal), which was the focal point for discussion in the subsidiary body associated with Main Committee III. The generally positive impact of the common EU position on Conference developments was diminished, however, by the reluctance of most EU states to reiterate that position in separate national interventions. The influence of the EU – and all other political groupings –was also reduced by the absence of a clear conception of what the Conference could and should achieve and a coherent strategy for realising that objective. Unfortunately, it was not obvious that any key player – including the President – had such a vision and strategy, with the exception of several states for which an

[6] Technically, Brazil is an observer to NAM, but actively participates in its deliberations on NPT issues.

immobilised Review Conference appears to have been a desirable outcome.

Given the pronounced intra-group, as well as inter-group, differences at the 2005 Review Conference, it is doubtful that even a full four weeks of time for substantive debate would have yielded consensus on any significant issue. Nevertheless, the success of procedural brinkmanship and the lack of time for debate in the main committees and subsidiary bodies prevented much headway from being made on a number of important subjects for which considerable common ground may have existed. One such issue is preventing non-state actors from gaining access to nuclear weapons.

When the NPT was concluded in 1968, the drafters did not contemplate the danger of nuclear terrorism, and the Treaty provides no guidance on this subject. In April 2004, however, the UN Security Council adopted an important resolution (SCR 1540) requiring all UN member states to establish effective domestic controls to prevent non-state actors from acquiring nuclear, chemical or biological weapons, their means of delivery, and related materials. This rare display of unanimity by the Security Council, and the subsequent acceptance of the mandate by most states, was indicative of the potential for progress on the nuclear terrorism front at the 2005 NPT Review Conference. In fact, at least one significant initiative was launched, gained considerable support and is likely to be pursued further outside of the context of the review process. Conceived of by Kyrgyzstan and Norway, and with useful input from Germany, Canada, Austria, Japan, Greece, the United States, and Sweden, it seeks to combat the risk of nuclear terrorism by reducing the use of highly-enriched uranium (HEU) in the civilian nuclear sector.[7] More specifically, the initiative identifies HEU as the likely fissile material of choice for a non-state actor intent upon constructing a crude nuclear explosive device, and in the context of the Review Conference, sought to:

- Encourage all countries to consider and, if deemed necessary, implement additional measures to protect and control existing HEU stocks;
- Express the view that minimising the use of and commerce in HEU for civilian purposes is desirable, as is the goal of total elimination of HEU in the civilian nuclear sector as soon as technically feasible;
- Encourage all countries to eliminate or commit to converting those civilian HEU-fueled installations under their control, for which there is a continuing need, to LEU fuels as soon as technically feasible;
- Discourage all countries from undertaking or supporting new civilian projects involving HEU fuel other than for the purpose of down-blending that fuel to low-enriched uranian;
- Encourage the IAEA to establish a comprehensive global inventory of HEU in civilian use and to report to the next NPT Review Conference on the progress made in fuel conversion and in the elimination of reactors and critical assemblies internationally.

[7] See "Combating the Risk of Nuclear Terrorism by Reducing the Civilian Use of Highly Enriched Uranium", Working Paper submitted by Iceland, Lithuania, Norway, and Sweden, 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, 20 May 2005 (NPT/CONF.2005/MC III/WP.5).

The general intent of this working paper was captured in the chair's draft report for Main Committee III. Only one state (Egypt) expressed opposition to the relevant language in the report during the Committee debate, and even that opposition appeared to be driven more by a Review Conference dispute with one of the sponsors of the initiative than with its content. Although the United States ultimately blocked the transmittal of the text of Main Committee III to the plenary – most likely due to a mistake on the part of the senior US official in the Committee meeting at the time – the Review Conference afforded an opportunity to build significant support for a new approach to reducing the risk of nuclear terrorism. The coalition forged at the Review Conference on the issue of HEU elimination now has the opportunity to promote the initiative in other international fora, including the IAEA and the First Committee.

3. The consequences of failure

The greatest fear of many prior to the start of the 2005 NPT Review Conference was that states parties would be so intent upon producing an anodyne final document that they would pretend there was no crisis confronting the NPT, would put aside the tough issues, and would adopt a path of least resistance. Such an approach ran the risk of making the NPT review process irrelevant and would have been applauded by the critics of the NPT who question the ability of a multilateral and nearly universal forum to adapt to new circumstances in a creative and timely fashion. In some respects, the actual Review Conference outcome was even more disappointing than this worst-case expectation as many states parties appeared almost indifferent to the calamity. Telling in this regard was the apparent lack of constructive engagement in the endgame of the negotiations by very senior policymakers. Only the foreign minister of Japan saw fit to communicate his concerns to the Review Conference delegates during the last week of the Conference.

Should one infer from this disengagement and lack of investment by the senior political leadership of many major states in the strengthening of the review process that these states parties are content with the Conference outcome? If so, to what extent did they actively seek to obtain what they got? Also, is the outcome symptomatic of the more general dire state of non-proliferation affairs or does it reflect the rigidity of the NPT itself and its inability to adapt to new circumstances? Finally, what are likely to be the short- and longer-term effects on the non-proliferation regime of the inability of states parties to reach any agreement on substantive matters at the 2005 Review Conference?

3.1 The winners: North Korea, Iran, Egypt and the United States

It probably is too early to answer most of these questions conclusively. At first glance, however, one can identify a number of states which appear to be content with the results of the recent Review Conference, albeit for very different reasons. They include both NPT states parties and NPT outliers. At the top of this list must be the Democratic Peoples Republic of Korea (DPRK).

As was the case in 2003 and 2004 at the meetings of the NPT Preparatory Committees, the only consensus that was reached regarding the DPRK was the procedural decision to entrust the country's name plate to the Secretariat, thus begging the question of whether or not the DPRK remained an NPT party. The inability of the Review Conference to acknowledge that a member state – for the first time – had withdrawn from the Treaty must have been confusing for the DPRK leadership. They could only have taken great satisfaction, however, from the fact that the Review Conference was unable to make any comment about – much less condemnation of – their nuclear weapons brinkmanship – arguably the most significant challenge to the NPT in the past five years. Although considerable informed debate took place on the issue of Article X in the subsidiary body associated with Main Committee III, states parties remained very far apart on the wisdom of reinterpreting that article or otherwise increasing the costs of treaty withdrawal. As a consequence, it proved impossible even to transmit the bracketed chair's report on the subject to the Conference plenary.

Iran, Egypt, and the United States are the states parties which appear to have been most content with the outcome of the Review Conference. The situation is clearest with respect to Iran, which avoided any Conference language about its lack of compliance with Treaty and IAEA obligations, or new restrictions on access to peaceful nuclear technology. Indeed, the extended stalemate over procedural issues during the first three weeks of the Conference enabled the sophisticated team of Iranian diplomats on occasion to assume the role of moderate facilitators. Thanks to the bluster and incompetence of other delegations, Iran emerged from the 2005 Conference with no scars and without being tarred as the party responsible for the barren Review Conference outcome.

In contrast to the out-of-the spotlight success achieved by Iran, Egypt's "victories" were pursued on centre-stage, unrelentingly, at times single-handedly, and often abrasively, frustrating efforts by NAM and other parties to reach compromises on issues of both procedure and substance. Although many of the individual stands taken by Egypt can be explained in terms of commitments to principle or tactical considerations, the pattern of behaviour over four weeks of negotiations suggests that other factors may also have been at work.

Among possible contributing determinants identified by some delegates are: 1) dissatisfaction with the benefits Egypt has derived from NPT membership; 2) Egyptian disenchantment with the lack of implementation of the 1995 NPT resolution on the Middle East; 3) manoeuvring for position as its regional grouping's candidate for a seat on an expanded Security Council; 4) wariness in Cairo that Iran has embarked on a dedicated nuclear weapons programme, and 5) calculations that a spoiler's role at the Review Conference would play well at home politically, especially in a more democratic political environment. Which combination of these factors accounts for Egypt's performance at the Review Conference may well determine the future role of the NPT in Egypt's security calculations, as well as its future adherence to the Treaty.

Senior US officials indicated prior to the 2005 NPT Review Conference that they would not judge the success or failure of the Conference in terms of the presence of a final document. They also emphasised that at this particular moment in time non-proliferation was the Treaty pillar most in need of attention. Compliance with the NPT's non-proliferation provisions, they maintained, was the standard by which the NPT and the review process must be judged. However, as was evident at the 2004 NPT Prep Com and in the procedural battles

at the 2005 Review Conference, the United States was unwilling to advance its pursuit of these objectives if it required an acknowledgment – or even the implication – that it remained bound by political commitments on disarmament undertaken at prior Review Conferences by other administrations.

The powers that be in Washington who value unconstrained military flexibility over enhanced nuclear safeguards and export controls if they come with serious disarmament commitments probably are satisfied with the 2005 Review Conference outcome. For them, the inability of the unwieldy body to agree on any non-proliferation measures must reinforce their existing conviction that non-proliferation progress will only be achieved by more stream-lined "coalitions of the willing". They are unlikely, however, to acknowledge the degree to which their own uncompromising stance on disarmament issues contributed to a self-fulfilling prophecy. Instead, they, along with other members of the P-5, are apt to take satisfaction in the diminished strength of the most ardent advocates of disarmament thanks to the demise of NAC and the disarray in NAM.[8]

3.2 The loser: The Treaty

Many NGO and academic analysts share the concern that the dismal outcome of the Review Conference may reinforce a US predilection and ability to redirect non-proliferation efforts away from the NPT. As such, some have been quick to emphasise that the failure of the Review Conference does not represent a failure or deficiency of the Treaty. Although that may be correct in a narrow sense, it also is the case that the problems evident at the 2005 Review Conference reflect fundamental disagreements among states parties to the NPT about the principal security challenges of the day, their urgency, the relative emphasis and resources that should be given to nuclear disarmament, non-proliferation and peaceful nuclear use, and the need for the Treaty to adapt to new circumstances. Although the NPT is not responsible for the lack of imagination, flexibility and political will displayed by states parties last month in New York, its utility derives from compliance by member states with its provisions and their perception that the Treaty enhances their security interests. In the general debate at the 1995 NPT Review and Extension Conference, state after state expressed the view that the Treaty served their national interests and should be extended indefinitely. Today, although most states parties continue to express that view, their conviction appears less deeply held and more conditional.

On one side of the aisle a growing body of both NWS and NNWS raise legitimate questions about the ease with which parties to the NPT can, with impunity, take advantage of Article IV (peaceful uses) and Article X to acquire nuclear technology useful for both civilian and military purposes and then announce their withdrawal from the Treaty. These states maintain that the Treaty's provisions related to peaceful use, safeguards and withdrawal must be strengthened if the Treaty is to meet urgent, contemporary challenges. For most of these

[8] This perspective is not confined to the NWS. One NNWS ally of the United States pri-vately expressed the view that, if nothing else, the Review Conference contributed to the weakening of NAM.

states the inability of the Review Conference to make much progress on those matters represented an important missed opportunity, but did not alter their basic faith in the Treaty or the review process. For a smaller number of countries, however, the paralysis of the recent conference may have raised deeper doubts about the feasibility of introducing timely adjustments in a body wedded to consensus decision-making and organised along outdated and increasingly dysfunctional regional groupings.

Across the aisle a large body of countries, all NNWS, are equally frustrated by the failure of the Review Conference to address satisfactorily their perceived security concerns, which tend to deal less with non-proliferation. From their vantage point, the NPT made sense largely due to its disarmament and peaceful use provisions, aspects which they correctly regard to be of secondary concern to the NWS. Although most of these countries also are not yet inclined to jettison the NPT, they increasingly question the relevance of the Treaty to their most pressing needs. They also find disingenuous arguments that the non-proliferation dimension of the NPT should be strengthened and actions taken to condemn non-compliance in this realm, at a time when they question the commitment of the NWS to honour their nuclear disarmament and peaceful use obligations. A small number of them may not rule out withdrawal from the Treaty for symbolic purposes if their views continue to be disregarded.

The ultimate, potential, negative consequence of a failed NPT Review Conference is that inaction makes a nuclear catastrophe more likely, be it by accident, terrorist design, or state aggression. In his opening address to the Review Conference on 2 May 2005, UN Secretary General Kofi Annan sought to jolt delegates to action by raising precisely this spectre. How, he asked, would the leaders of every nation represented at the Conference respond to the question: "How did it come to this? Is my conscience clear? Could I have done more to reduce the risk by strengthening the regime designed to do so?" He then challenged the assembled delegates to rise to the challenge and undertake actions on many fronts, including:

- Strengthening the integrity of the Treaty in the face of violations and withdrawals;
- Making compliance measures more effective including, for example, universalisation of the Additional Protocol and its use as the new standard for verifying compliance;
- Reducing the threat of proliferation of non-state, as well as state, actors;
- Coming "to grips with the Janus-like character of nuclear energy".

These were unusually forceful and focused words from the most senior UN official, but they fell on too many deaf ears.

4. Conclusion

The closing scene of the 2005 NPT Review Conference was one that had the potential for drama, which was generally absent during the four-week negotiation. It featured Iran, which castigated the United States for pursuing a series of policies and practices at odds with the NPT.[9]

[9] See "Concluding Statement by H.E. Dr. M. Javid Zariv, Permanent Representative of the Islamic Republic of Iran to the UN", 2005 NPT Review Conference, 27 May 2005.

Although many delegates expected the United States to reply forcefully to the accusations, the senior US official present chose not to respond and the Conference ended with barely a whimper, much less a bang. It was almost as if the delegates were anxious to beat the traffic home.

It may be that future critics will be able to discern the elements of a coherent plot in the events that appeared to unfold haphazardly at the UN in May 2005. Among the questions that remain unanswered are:

What outcome did President Duarte hope to achieve and how realistic were his objectives/expectations?

Would the Conference outcome have been different had delegates at the 2004 NPT Prep Com been able to agree upon an agenda for the Review Conference?

What components of the 1995 package of decisions and resolutions remain relevant? Can one still meaningfully speak about a "strengthened review process"?

Are there any practical alternatives to the traditional consensus-based mode of NPT decision-making?

If the existing major political groupings are outmoded, how should they be reconfigured?

What accounts for the demise of the NAC, and can an effective alternative political grouping be constituted?

Why did the United States (and other NWS) allow the chair's draft report for Main Committee I (operation of the treaty), which contained language at odds with a number of key US positions, to be transmitted to the Review Conference Plenary, but blocked the transmittal of the much less contentious chair's draft report for Main Committee III?

Why were the P-5 unable to reach an agreement on a joint statement in 2005, and could such a statement have played a constructive role comparable to that in 2000?

What were the actual motivations for Egypt's stance at the Review Conference?

Will Secretary General Kofi Annan's warnings to delegates have to transpire before the NPT review process realises its potential?

Canadian Ambassador for Disarmament Paul Meyer also used a theatrical metaphor in his closing remarks to the Review Conference on 27 May. He observed that, [d]espite the scenes these rooms have witnessed over this month, the Review Conference must not be reduced to a theatre where we play at nuclear non-proliferation or disarmament. We cannot afford merely "to suspend disbelief" in enacting the NPT review process or the curtain is soon likely to come down.[10]

The curtain has not yet fallen on the NPT, despite the dismal performance of its cast last spring in New York. Hopefully, their sponsors in national capitals will take careful stock of the production's poor showing, informed by the many critical reviews of those in attendance. Ideally, new investors and a more experienced cast will be found, along with a director whose vision can fulfil the potential of the script, which must also be reinterpreted if not revised. There is not much time to waste – rehearsals begin in Spring 2007, and audiences around the world will tolerate nothing less than success.

[10] Ambassador Paul Meyer, "Closing Remarks", 2005 Review Conference on the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, 27 May 2005.

US, Europe and Nuclear Non-Proliferation Policies

3. A US Perspective: The Failure of American Non-proliferation Policy

Joseph Cirincione

Every government plan deserves some time to see if it can produce the desired results. It has now been five years since George W. Bush became President of the United States and began to change America's non-proliferation strategy. He and many officials in his administration treated the policies of his predecessors with scorn. They mocked the approach of what they called the "feckless" Europeans, and advocated a unilateralist strategy that relied primarily on US military power. Their positions seemed shaped by a Hobbesian view of the world as a jungle, where only the strong prevail and their analytical methods have proven hopelessly flawed and their "bold" strategy has produced a string of failures, worsening problems rather than solving them.

1. The neo-conservative revolution

While the President's governing coalition includes a diverse group of conservatives, the faction that has dominated foreign policy has been the neo-conservatives. This revolutionary group forged their radical ideas in think tanks and journals during the eight years of Bill Clinton's presidency and came to power prepared to act. Appointed to many key posts in the national security bureaucracy, they used their friendship and political networks to maintain a sense of discipline and purpose rare in American politics.

Still, it was the more traditional "realists" that seemed to have the upper hand in the first few months of the new administration. The attacks of 9/11 changed the internal balance of power. A number of other moves, controversial before the attacks, were made with relative ease. These included withdrawal from the Anti-Ballistic Missile (ABM) Treaty and a major increase in US military spending. A tectonic shift in US policy was underway.

As part of that shift, the 9/11 attacks allowed the neo-conservatives to implement their new approach to proliferation that reversed almost forty years of the liberal-conservative consensus. The strategy document detailing the plan called it "a fundamental change from the past".[1] The Al Qaeda attacks confirmed what many of these officials already believed: with the end of the superpower conflict, the world confronted a fundamentally different proliferation problem. Although the global non-proliferation regime may have worked in the past, they doubted the holdouts could be convinced to adopt the same norms as those held by

[1] National Security Council, National Strategy to Combat Weapons of Mass Destruction, Washington DC, 2002, p. 1 <http://www.whitehouse.gov/news/releases/2002/12/WMDStrategy.pdf>.

the regime founders. Inspections, they argued, had failed to independently detect significant hidden programmes in Iran, Iraq and Libya. Many believed that the entire process of negotiating and implementing non-proliferation treaties was both unnecessary and harmful to US national security interests. They argued that some of the treaties – such as the Comprehensive Test Ban Treaty (CTBT), the ABM Treaty and the Landmine Treaty – restrict necessary armaments, thus weakening the principal nation that safeguards global peace and security.

Current US ambassador to the United Nations, then Undersecretary of State for non-proliferation, John Bolton said in 2004, "The Bush administration is making up for decades of stillborn plans, wishful thinking, and irresponsible passivity. After many years of hand-wringing with the vague hope to find shelter from gathering threats, we are now acting decisively. We will no longer accept being dispirited by difficult problems that have no immediate answer."[2]

In Bolton's view – one shared by the majority of Bush administration officials – the Clinton administration suffered from a "fascination with arms control agreements as a substitute for real non-proliferation of weapons of mass destruction."[3] Gary Schmitt, an analyst at the neo-conservative institute, the Project for the New American Century, said more directly, "Conservatives don't like arms control agreements for the simple reason that they rarely, if ever, increase US security…. The real issue here, and the underlying question, is whether the decades-long effort to control the proliferation of weapons of mass destruction and the means to deliver them through arms control treaties has in fact worked. Withdrawing from the ABM Treaty not only represents a sea-change in how we think about the nature of deterrence but it also marks the end of an era in which it was plausible to argue that our overall security was best served by a web of parchment accords, and not our own military capabilities."[4]

This action-oriented approach was detailed in two key documents, "The National Security Strategy of the United States of America" (September 2002) and "National Strategy to Combat Weapons of Mass Destruction" (December 2002).[5] The way to deal with the threat was not through multilateral treaties and organisations but through the direct application of US military, economic and political power. The National Security Strategy says, "The United States possesses unprecedented – and unequaled – strength and influence in the world.… The great strength of this nation must be used to promote a balance of power that favors freedom." Thomas Donnelly, an analyst at the American Enterprise Institute, explains, "The task for the United States is nothing less than the preservation and expansion of today's *pax americana*, the extension of the 'unipolar moment' for as long as possible."[6]

[2] J. Bolton, remarks to Chicago Council on Foreign Relations, 19 October 2004.

[3] J. Bolton, "A Legacy of Betrayal", *Washington Times*, 12 May 1999.

[4] G. Schmitt, "Memorandum to Opinion Leaders", 13 December 2001, Project for a New American Century <http://www.newamericancentury.org/defense-20011213.htm>.

[5] National Security Council, The National Security Strategy of the United States of America, Washington DC, 2002 <http://www.whitehouse.gov/nsc/nss.pdf> and National Strategy to Combat Weapons of Mass Destruction.

[6] Thomas Donnelly, "The Top Ten Questions for the Post-9/11 World", American Enterprise Institute, *National Security Outlook*, 23 July 2004.

Proliferation was seen as part of this larger, global struggle, not an end in itself. In short, there was good proliferation and bad proliferation. Whereas previous presidents treated the spread of these weapons as the core problem and sought their elimination through treaties, the Bush administration saw the threat as a small number of outlaw states, particularly the nexus of these states, weapons and terrorists. President Bush said in his 2003 State of the Union address: "The gravest danger facing America and the world is *outlaw regimes that seek and possess nuclear, chemical, and biological weapons*" (italics added). In other words, the weapons were not the problem, it was certain regimes that had these weapons. President Bush, in effect, changed the focus from "what" to "who". His strategy sought the elimination of regimes rather than weapons. His administration believed that it could decide which countries could have nuclear weapons and which ones could not. It could pick and choose the "good guys" and the "bad guys". It would be American power, not multilateral treaties that would enforce this judgment.

2. The results of the revolution as concerns proliferation

The war with Iraq was a direct application of this theory. It was the world's first non-proliferation war, a battle fought primarily over the claimed need to prevent the acquisition or transfer of nuclear, biological and chemical weapons. Rather than eliminating dangerous weapons, the administration itself now concludes that Iraq ended all its nuclear, chemical and biological programs between 1991 and 1995 and did not have stockpiles of these weapons. Although senior officials, including Vice-President Dick Cheney, mocked the United Nations inspectors before the war and discredited their work, it is now clear that UN sanctions and inspections were more effective than most realised in disarming Iraq after the 1991 war. In 2002 and 2003, the inspectors were finding what little there was to find. If they had been allowed to continue their work, it is likely that they could have certified in just a few more weeks that Iraq did not have active weapons programmes. This is particularly true of the nuclear programme, the hardest to hide and the one used to justify the need for immediate military action, as officials repeated references to "mushroom clouds" and the alleged danger that Saddam Hussein would deliver a nuclear weapon to Osama bin Laden.

We also now know with great certainty that in the year prior to the war, US and British officials systematically misrepresented Iraq's weapon capabilities. This last finding is contested by US and British officials but is widely accepted outside these governments.

The spill-over effect of the war in Iraq means that it has not only strained the US military and limited military options elsewhere in the world, but has also resulted in much lower public support for using force against Iran or North Korea.

2.1 Negative results

There is now a growing recognition that the new strategy has failed. Criticism in the US Congress, from both Democrats and Republicans, is more vocal. These criticisms are fuelled not by politics but by the worsening proliferation landscape. Since 2000, proliferation problems have grown worse, not better. A short list summarises the record:

• The war in Iraq, justified as necessary to disarm Saddam Hussein and to "send a message" to other would-be proliferators, is a costly and debilitating quagmire.

• Iran has accelerated its programme – whether peaceful or not – in the past five years. The United States has no coherent plan for how to stop the programme. It missed critical moments after September 2001 and after the invasion of Iraq to develop a new relationship with Iran based on that nation's abandonment of nuclear weapon capabilities.

• North Korea has also accelerated its programme, possibly increasing five-fold its amount of bomb material. Since 2002, North Korea ended the freeze on its plutonium programme, claimed to have reprocessed the plutonium into weapons, withdrew from the NPT and declared itself a nuclear weapon state.

• The danger of nuclear terrorism has also increased. While the demand-side has grown, there has been no compensating effort to reduce the supply of weapons and weapons materials. Fewer weapons and materials have been secured in the years after 9/11 than were secured the in the equivalent number of years before 9/11. CIA Director Porter Goss said in his February 2005 Senate testimony that he could not assure the American people that some of the material missing from Russian nuclear sites had not found its way into terrorist hands.

• While US attention focused on the three "axis of evil" states, A. Q. Khan's nuclear black market spread nuclear weapon technology and know-how around the world. It is unlikely that this network has shut down completely. Elements of the network have probably gone further underground.

• More nations are declaring their intentions to develop the ability to enrich uranium for nuclear reactor fuel – but the same technologies could be used to enrich uranium for nuclear bombs. US proposals to curtail these technologies have failed to win any significant support.

• The United States and Russia have ended the process of negotiating reductions in their nuclear arsenals, and the reductions themselves are proceeding at a slower pace than previous administrations planned.

• There is growing concern that the entire non-proliferation regime is in danger of a catastrophic collapse. The NPT Review Conference of May 2005 ended acrimoniously, failing to act upon the consensus of the vast majority of states for stronger non-proliferation and disarmament efforts or to adopt any of the dozens of creative suggestions proposed by many of the nations present.

• President Bush's decision to reverse thirty years of US policy towards India and begin selling sensitive nuclear technology rewards India's nuclear proliferation. The action would serve as a *de facto* recognition of India as a nuclear weapon state, with all the rights and privileges reserved for those states that have joined the NPT (even though India is not even a member of NPT). Other states, such as Pakistan and Israel, may demand the same status.

• The element of the president's counter-proliferation strategy that has consumed the most money has shown the least progress. Over the past five years, the United States has spent over $50 billion on anti-missile systems without realising any substantial increase in military capability. The anti-missile system now being built in Alaska is widely regarded as ineffective and unnecessary.

2.2 Positive results

There is only one case – Libya – that has been an unqualified success. In December 2003, that nation abandoned decades of work on nuclear and chemical weapons and missile programmes. But this diplomatic victory came only after the administration reversed its declared policy. With Libya, the United States changed a regime's behaviour, not the regime. America agreed to guarantee Libya's security, restore full diplomatic relations and drop all sanctions against the country in exchange for the end of Libya's nuclear weapon, chemical weapon and long-range missile programmes. Although Libyan President Moammar Gaddafi was undoubtedly influenced by US military actions in Iraq, economic factors appear to be the dominant force in his decision to abandon twenty years of largely fruitless efforts to acquire nuclear weapons. Thus, the Libya model has proven to be a highly successful, low cost alternative to the administration's current strategy.

3. The bottom line?

Some believe that the Bush strategy, or some modified variation, could still prove its worth. Many countries are cooperating in the Proliferation Security Initiative to interdict illegal trade in weapon components. There is a greater willingness on the part of some states to enforce non-proliferation commitments. The right combination of force and diplomacy could yet result in negotiated solutions to the North Korean and Iranian programmes. And prospects for peacefully resolving regional conflicts may have increased with the growing movement for democracy in the Middle East and Central Asia.

A combination of approaches probably offers the best chance of success – a new strategy that combines the best elements of the US-centric, force-based approach with the traditional multilateral, treaty-based approach. For example, the European Union has crafted a joint non-proliferation strategy that includes tying all EU trade agreements to the observance of non-proliferation treaties and norms. This "soft power" approach could meld with the "hard power" of the United States to replicate the success of the United States and United Kingdom with Libya. The Libya model could prevail over the Iraq model.

4. Elements of a new non-proliferation policy

The theory and practical applications of a new approach have been detailed in a 2005 Carnegie Endowment report, *Universal Compliance: A Strategy for Nuclear Security*.[7] This report analyses how to end the threat of nuclear terrorism by implementing comprehensive efforts to secure and eliminate nuclear materials worldwide and to stop the illegal transfer of nuclear technology. The strategy would prevent new nuclear weapon states by increasing

[7] G. Perkovich, J. Mathews, J. Cirincione, R. Gottemoeller and J. Wolfsthal, *Universal Compliance: A Strategy for Nuclear Security* (Washington: Carnegie Endowment for International Peace, 2005) <www.CarnegieEndowment.org/strategy>.

penalties for withdrawal from the NPT, enforcing compliance with strengthened treaties, and radically reforming the nuclear fuel cycle to prevent states from acquiring dual-use technologies for uranium enrichment or plutonium reprocessing. The threat from existing arsenals would be reduced by shrinking global stockpiles, curtailing research on new nuclear weapons, and taking weapons off hair-trigger alert status. Finally, greater efforts would be devoted to resolving the regional conflicts that fuel proliferation and to bringing the three nuclear weapon states (India, Pakistan and Israel) outside the NPT into conformance with an expanded set of global non-proliferation norms.

Some elements of this approach are now creeping into US policy, as, for example, US Secretary of State Condoleeza Rice has slowly but steadily changed the strategy towards North Korea to permit actual negotiations with that state. The US rhetoric towards North Korea has softened, there have been numerous bilateral meetings, and US officials are now allowed to depart from prepared texts and engage in a genuine give-and-take with their Korean counterparts. This change is beginning to show results, in sharp contrast to the failures of the past three years.

Colin Powell's former director of policy planning at the state department, Richard Haass, currently the head of the Council on Foreign Relations, notes in a recent article, "The uncertainties surrounding regime change make it an unreliable approach for dealing with specific problems such as a nuclear weapons program in an unfriendly state."[8] The reason is simple: "Regime change cannot be counted on to come quickly enough to remove the nuclear threat now posed by [North Korea and Iran]." This is sound advice, and the new Secretary of State appears to be following it, at least with North Korea. It remains to be seen whether she – and the President – will take all of Haass' prescription: "The safest and best way to encourage their moderation or implosion is to smother them with policies that force them to open up to and deal with the outside world".

[8] R. N. Haass, "Regime Change and Its Limits", *Foreign Affairs*, July/August 2005, p. 70.

4. A European Perspective: The European Union and Nuclear Non-Proliferation: Does Soft Power Work?

Bruno Tertrais[*]

Nuclear proliferation is not an immediate threat to the European Union (EU). When it comes to capabilities, no regional actor with a nuclear programme (except Israel) is able, at least as far as known capabilities are concerned, to pose a potential threat to European Union member states.[1]

When it comes to intentions, no nuclear-armed country is known to be hostile to Europe as such.

Nevertheless, current and foreseeable moves on the nuclear proliferation front are in many respects a source of concern for Europe. Proliferation can affect different types of interests according to the region concerned. In North Africa, a renewal of nuclear proliferation would naturally affect Europe's efforts, particularly through the Barcelona process, to develop good relations. Many Europeans would consider nuclear-armed regimes in Algeria or Egypt as potentially hostile – especially if nuclear programmes were coupled with the affirmation of an Islamic identity. In the Middle East, other interests could be affected: economic security (proliferation being likely to concern zones that are sources of oil and gas supply), defence agreements between certain members of the Union and Gulf states, and the European involvement in the Israeli/Palestinian conflict. In Asia, the risks for Europe are more indirect. They essentially have to do with what can be termed global stability, with non-proliferation regimes and norms being called into question. Nevertheless a major conflict in Asia over nuclear issues or involving the risk of nuclear use would have serious indirect political, economic and financial consequences for Europe.

This correlation between interests at stake and the location of threats is approximate. The EU sees itself as a responsible world power and cares about international law and multilateral regimes, wherever the proliferation threat may be. It also intends to become a fully-fledged global actor, and is developing political and economic links to all major regions in the world. It is not impossible that in the next ten to fifteen years the Union will have to conduct major military operations at a considerable distance from its territory: what then if its forces find themselves exposed to a nuclear threat in an area not covered by the Washington Treaty?

[*] This is a revised version of a paper presented at the international conference on "Transatlantic security and nuclear proliferation" held in Rome on 11-12 June 2005 and organised by the IAI in cooperation with the EU Institute of Security Studies (EU-ISS) with the support of the German Marshall Fund of the United States (GMF-US), the Compagnia di San Paolo, Turin, the Rome Office of the Friedrich Ebert Stiftung and the US Embassy in Rome.

[1] Even so, Sicily was within range of Libya's Scud missiles, and the improved version of Iran's Shahab-3 can reach Greek territory.

Furthermore, the increase in the range of missiles developed or obtained by proliferating countries will bring the territory of the Union within range of a larger number of them.

Finally, the enlargements of the EU have led to a greater interest in nuclear issues. The ex-Soviet nuclear heritage is not a proliferation threat per se, but nevertheless a nuclear risk and a potential source of materials and expertise: successive enlargements have brought the ex-Soviet nuclear problem much closer to Europe than it was in 1990. Also, the debate on Turkey's possible accession to the EU gives particular salience to the EU/Iran discussions: were Iran to have nuclear weapons, the integration of Turkey into the EU would establish a new "nuclear frontier" for Europe.

Against this background, this article will analyse the European Union's (EU) record in the fight against nuclear proliferation and attempt to draw conclusions with regard to its efficiency.

1. The EU's response to nuclear proliferation

1.1 The gradual construction of an EU approach

Initially Europe was mostly concerned with internal proliferation. The EURATOM treaty signed in 1957 was not designed with a non-proliferation goal in mind – rather the opposite: at that time, there were still French-German-Italian discussions on a possible trilateral nuclear force. Later, after France became a nuclear power, a major question in transatlantic circles was whether or not other European Community (EC) members could and would become nuclear powers. [2] One of the main goals of the Nuclear Non-Proliferation Treaty (NPT), signed in 1968 and entered into force in 1970, was to prevent further nuclear proliferation on the continent. Today, implementation of the most stringent non-proliferation controls (the Additional Protocol) is a prerequisite for joining the Union.[3]

Still, until the early 1980s, nuclear proliferation outside Europe was not an important concern, to the point that in the 1970s, several European countries were still exporting sensitive nuclear technologies with little regard for their potential military applications. In this regard, Europe came of age later than the United States. This explains why proliferation was near the bottom of the European Community's list of concerns for a long time. Real efforts only began in the aftermath of the Cold War, with the conjunction of France's signature of the NPT, the first Gulf war, and the development of a Common Foreign and Security Policy (CFSP).

A EU non-proliferation policy began to take shape in the mid-1990s with the use of the CFSP toolbox (Presidential Declarations, Common Positions, Common Strategies, and Action Plans) for non-proliferation purposes: the adoption of the 1995 Joint Actions on the Union's participation in the Korean Energy Development Organisation (KEDO) and on the NPT

[2] For a history of the early non-proliferation debate in the EC, see T. Sauer, "How 'common' is European nuclear non-proliferation policy?", paper presented at the Joint Sessions of Workshops of the European Consortium for Political Research, Edinburgh, 28 March – 2 April 2003.

[3] Even though the Additional Protocol was not yet in force in Estonia and Slovakia on 19 July 2005 according to the IAEA.

Review Conference, the 1997 Joint Action on transparency of export controls in the nuclear field. Common positions were then adopted on nuclear and ballistic non-proliferation in South Asia (1998), on the Comprehensive Test Ban Treaty (CTBT, 1999), and on the next NPT Review Conference (2000).

A new phase opened in 2003 in the aftermath of the Iraq war and amidst revelations of the extent of Iran's nuclear programme. Simultaneously new EU actions were taken on assistance to the ex-Soviet Union and on the entry into force of the CTBT. Most importantly, the EU adopted a comprehensive strategy to fight proliferation. Today, EU non-nuclear proliferation policy is a combination of comprehensive overall efforts and targeted regional efforts.

1.2 Overall efforts

The EU strategy against proliferation is largely the offspring of 9/11 and its aftermath. In April 2002, the Council envisioned an overall strategy against proliferation in the context of the fight against terrorism. The adoption by the United States of a new "National Security Strategy" (September 2002) and a "Strategy to Combat Weapons of Mass Destruction" (December 2002) gave a boost to European efforts. Finally, after the Iraq war, many in the EU sought reconciliation with the United States and wanted Europe to become a responsible non-proliferation actor. In February 2003, upon the initiative of Sweden, the General Affairs and External Relations Council (GAERC) formally agreed to review EU non-proliferation policy. In June, the Thessaloniki European Council paved the way for a new era in EU non-proliferation strategy.[4] This was followed by the formal adoption in December 2003 of the "EU Strategy against Proliferation of Weapons of Mass Destruction".[5] While including no major political or conceptual breakthroughs, these texts – taken together – constituted the first systematic and comprehensive EU approach to the problem of proliferation. Noteworthy among the provisions is the possibility of using force (especially since no mention is made of the need for an explicit authorisation from the United Nations Security Council).[6] The Strategy has had the effect of putting the EU into high gear with a flurry of new activities since 2003.

EU efforts in the field of multilateral instruments have essentially focused on implementing existing agreements rather than devising new ones. Its main stated goals are: "strengthening the international system of non-proliferation, pursuing universalisation of multilateral agreements, and reinforcing strict implementation and compliance with these agreements".[7]In

[4] Three texts were adopted at the Thessaloniki Summit: a "Declaration on the Proliferation of Weapons of Mass Destruction", the "Basic Principles for an EU Strategy against Proliferation of Weapons of Mass Destruction" and an "Action Plan for the Implementation of the Basic Principles for an EU Strategy against Proliferation of Weapons of Mass Destruction".

[5] European Council, "EU Strategy against Proliferation of Weapons of Mass Destruction", Brussels, 12 and 13 December 2003 <http://ue.eu.int/uedocs/cmsUpload/st15708.en03.pdf>.

[6] C. Portela, The Role of the EU in the Non-Proliferation of Nuclear Weapons. The Way to Thessaloniki and Beyond, PRIF Reports 65 (Frankfurt: Peace Research Institute Frankfurt, undated) p. 27.

[7] Council of the European Union website <http://ue.eu.int/cms3_fo/showPage.asp?id=392 &lang=EN>.

2004, it adopted a Common Position on the universalisation and reinforcement of multilateral agreements in the field of weapons of mass destruction (WMD).

The NPT has been the crux of EU multilateral efforts in the nuclear area. In the Final Document of the 2000 NPT Review Conference, the emphasis on "irreversibility" and "transparency" owed a lot to the EU.[8] In 2005, the Union was able to agree upon a Common Position despite initial disagreements over references to the disarmament commitments contained in the 2000 Final Document. The text was longer than in 2000 and included the acquis of the EU Strategy.[9] During the Conference, the EU made substantial contributions to the review process, in particular through the submission of "common approach" working papers on cooperative threat reduction and on withdrawal from the Treaty.

The EU has also attempted to contribute to the entry into force of the CTBT. It adopted a Common Position in 1999 on the early entry into force of the CTBT, which was renewed in 2003 and accompanied by an Action Plan. Nevertheless, these efforts have not been very successful so far. As of 19 September 2005, only 121 of the 175 States that signed the Treaty have ratified it, including 33 "Annex Two countries". There have been only nine ratifications since the 2000 NPT Review Conference and 51 countries still have not ratified it, including 11 of the 44 "Annex Two countries" (whose signatures are needed for entry into force). Among those that have not ratified, three countries could be called "easy cases" (Colombia, Indonesia and Vietnam) while eight could be called "hard cases" (China, North Korea, Egypt, India, Iran, Israel, Pakistan, United States).

Finally, the EU has adopted a Joint Action for support to the International Atomic Energy Agency (IAEA), including a financial contribution of 10 million euros for three years (3.3 million euros for 2004) to its Nuclear Security Programme (2004).[10]

1.3 Regional efforts

The reduction of nuclear risks on the territory of the ex-Soviet Union – be they civilian or military – have been a major area of efforts by the Union. This focus on the former Soviet Union can be easily explained: this territory is lies in the immediate neighbourhood of the Union, and it is the principal potential source of diversion of fissile materials (or even weapons) to states or terrorist groups.

An essential vehicle of EU efforts has been the Technical Assistance to the Commonwealth of Independent States (TACIS) programme. Aid to countries of the former Soviet Union has also been the subject of several EU Joint Actions. EU efforts have focused on safety and security, plutonium disposal and the employment of nuclear scientists and engineers.

[8] Portela, The Role of the EU in Non-Proliferation, p. 7.

[9] "Council Common Position of 13 April 2000 relating to the 2000 Review Conference of the Parties to the Treaty on the Non-proliferation of Nuclear Weapons" (2000/297/CFSP), Official Journal of the European Communities, 19 April 2000, L 97/1; and "Council Common Position 2005/329/PESC of 25 April 2005 relating to the 2005 Review Conference of the Parties to the Treaty on the Non-proliferation of Nuclear Weapons", Official Journal of the European Communities, 27 April 2005, L 106/32.

[10] Council of the European Union, "Implementation of the WMD Strategy – Annex B: List of priorities for a coherent implementation", 3 December 2004, p. 39.

Under the umbrella of the Global Partnership, the EU has pledged a total of one billion euros for the years 2002-12. However, about half of this sum will be devoted to nuclear safety in general. According to data provided by the non-governmental Strengthening the Global Partnership (SGP) project, nuclear non-proliferation related programmes under the current EU budget cycle (through 2006) include 125 million euros for the International Science & Technology Centre (ISTC) and the Science and Technology Centre in Ukraine (STCU), 78 million euros for export control assistance, 50 million euros for nuclear submarine dismantling, 23 million euros for fissile material safeguards, 6 million euros for plutonium disposal, and 5 million euros for a 2004 Joint Action on the physical protection of nuclear installations.[11] This amounts to a total of 287 million euros.

While numbers are contradictory for annual spending and spending on specific programmes,[12] on the basis of these evaluations one can say that the EU spends more or less 50 million euros per year on nuclear non-proliferation related activities in Russia and the ex-Soviet Union, most of it financed by the European Commission.[13] The bottom line is that the EU contribution is still fairly modest.

North Korea has been another focus of EU efforts. Europe is concerned about the North Korean nuclear crisis for many reasons: the importance of the North Korean case for the non-proliferation regime; the danger of the transfer of nuclear expertise and technology to countries geographically close to Europe that have in the past shown an interest in nuclear matters; the involvement of some member states in maintaining security in the peninsula, through the Military Armistice Commission, the Committee supervising the Commission, and the 1953 declaration that guarantees South Korea's security; the risk, in the event of a serious crisis on the peninsula,

[11] Strengthening the Global Partnership: EU Donor Factsheet, <http://www.sgpproject.org/Donor%20Factsheets/EU.html>, accessed 28 May 2005.

[12] Evaluations are imperfect and contradictory because the level of EU financial effort direct-ly related to nuclear non-proliferation, scattered among different budget lines, is not easily broken down into nuclear and non-nuclear activities and often involves both the civilian and military dimensions. While some experts suggest a total of 40 million euros a year (I. Anthony, "The Role of the European Union in International Non-Proliferation and Disarmament Assistance", paper presented at a workshop on "The Future of Disarmament and Expanded Cooperative Threat Reduction Programs", Centro Volta - Landau Network, Geneva, 28 September 2004, p. 11; Examination of Witnesses, House of Lords, European Union Committee, 13 th Report of Session 2004-2005, "Preventing Proliferation of Weapons of Mass Destruction: The EU Contribution, Report with Evidence", London, 5 April 2005, p. 47), others indicate a total of 57.9 million euros for 2004, including 50 million euros for TACIS programmes and 7.9 million euros for nuclear security in Russia ("Supplementary memorandum by the Stockholm International Peace Research Institute", Examination of Witnesses, House of Lords, p. 82). There are also other inconsistencies: e.g. for the Joint Action for nuclear security in Russia, the SGP project mentions 5 million euros for 2004, while SIPRI sets the figure at 7.9 million euros and the December 2004 EU progress report plans for 7.73 million euros in three years (Council of the European Union, "Implementation of the WMD Strategy – Annex B: List of priorities for a coherent implementation", 3 December 2004, p. 39). Also, the Joint Action on IAEA support (for which 3.3 million euros were allocated for 2004) does not seem to be taken into account, even though it will largely be devoted to nuclear security in the ex-Soviet republics of the Caucasus and Central Asia.

[13] According to EU officials, non-proliferation activities in 2004 in the context of CFSP amounted to 15 million euros out of a total CFSP budget of 62.6 million euros (Examination of Witnesses, House of Lords, p. 41).

that North Korea could be tempted to blackmail the United States' European allies;[14] and finally, the dramatic effects that another Korean war would have on the world's economy and, therefore, that of Europe.

For these reasons, one of the EU's first concrete nuclear non-proliferation actions was its involvement in KEDO through EURATOM, for which 115 million euros were spent until the suspension of operations. Later, in May 2001, at a time when the Bush administration had closed its channels of communication with North Korea, upon Sweden's initiative, the Union struck up a dialogue with Pyongyang.

European interests in the Iranian nuclear crisis are also numerous. Although the Union's territory – with the possible exception of Greece – is not yet with-in the range of existing Iranian missiles, Turkey, a key NATO ally and a candidate for EU membership, already is. This is also true of several countries of the region vis-à-vis which some EU members (France and the United Kingdom) have security commitments, such as the United Arab Emirates.

But the credibility of the European Security and Defence Policy (ESDP) and of the "effective multilateralism" that the EU claims to promote is also at stake in the EU's involvement in Iran. What the Europeans are trying to demonstrate is "the power of soft power": that means resolving a proliferation crisis by using the Union's political and economic might. The prospect of additional nuclear powers in the Middle East, a volatile region that is also Europe's immediate neighbourhood, is scary enough. But the Europeans also attach great importance to the survival of the NPT, which could very well be at stake here. Finally, European countries and companies have some significant industrial interests in Iran and a last, but not insignificant detail: Iran is one of the Middle East's main producers of oil and gas.

Before 2003, nuclear issues had been discussed only superficially between the EU and Iran. The negotiation of a Trade and Cooperation Agreement (TCA) was largely separate from these discussions. But things changed in mid-2003 for two reasons: the IAEA issued a negative report on Iran and in that circumstance France and Germany felt they wanted to play a stronger role on the non-proliferation scene. The two countries also wanted to reconcile with the United States, while showing that proliferation can be dealt with through diplomatic means. The United Kingdom, for its part, was keen to demonstrate its ability to play along with its key European partners on a significant security problem. The European Union as such was only included later as a full partner. While no specific proposals seem to have come from Brussels, the advantage of having the EU "in" was that it would give additional political weight to the European delegation and ensure that the Iranians would understand that they could not "de-link" their bilateral relationship with the Union from the ad hoc negotiating process.

After the failed start of the October 2003 Tehran agreement, negotiations began in earnest after the November 2004 Paris agreement. It was clearly meant by both sides as the opening of a new phase, with a formal negotiating process including three "baskets" (political, economic, nuclear). In late May 2005, the negotiations had failed to produce any tangible result, and Iran had made it clear on several occasions that it intended to resume its nuclear activities, and that it would not renounce its alleged right to the whole fuel cycle. In August, Iran went ahead and

[14] It is noteworthy that if North Korea continues to increase the range of its missiles, European territory will in theory be vulnerable to such a threat before the United States.

removed UN seals under IAEA supervision from its facilities in Isfahan, interrupting the suspension agreed upon with Europe.

The situation has been stalled since then, but however things develop, Europe – including the EU – has already achieved two significant results: it has demonstrated its ability to be a credible actor in a complex nuclear crisis, and has been able to delay the continuation of Iran's enrichment programme.[15] But a successful outcome would require either a shift in Tehran's position, or a change in Europe's desired outcome, or a change in the mix of carrots and sticks that the Europeans have been willing to offer.

The situation in South Asia has been the focus of EU efforts on rare occasions. One of those was after the 1998 tests, when the Union temporarily deferred the conclusion of trade agreements. The second was the 2001-02 military face-off between the two nuclear-armed neighbours, India and Pakistan, at which time High Representative Solana travelled to the region to express Europe's concern.

The EU plans to do more. A program for nuclear material accountancy and export control assistance is envisioned for up to 10 million euros, equally shared between an EU-India programme and an EU-Pakistan programme for a duration of three to five years.[16]

2. Net assessment and policy recommendations

2.1 Net assessment

After having thoroughly examined the EU's record, Clara Portela's harsh judgement is that "the EU is still ineffective as a non-proliferation actor".[17] This is perhaps a bit severe. The EU's nuclear non-proliferation efforts face five inter-related hurdles.

• The first obstacle is the complexity of EU policies, in a field that has to involve both the Commission and the Council;

• The second is the Union's cumbersome budgetary practice, which precludes it from being appropriately responsive to new international developments, all the more since many members are reluctant to increase the EU budget;

• A third obstacle is the "competition" that the EU faces from national efforts: individual member states also contribute, diplomatically and financially, to non-proliferation. To be sure, it should be noted that the EU's two nuclear powers, France and the United Kingdom, also contribute through their deterrence and disarmament policies. Nuclear proliferation is seen by both London and Paris as a key rationale for maintaining nuclear deterrence posture.[18]

[15] This assumes, of course, that there are no hidden enrichment facilities in Iran.

[16] EU Council, "Implementation of the WMD Strategy – Annex B", pp. 42-3.

[17] Portela, The Role of the EU in Non-Proliferation, p. 21.

[18] This issue lies beyond the scope of this paper, since the EU is not involved in nuclear weapon policymaking, and deterrence is arguably a response to proliferation, not a non- proliferation instrument. For more on this, including prospects for a "European deterrent" and the ultimate scenario of a "nuclear EU" which would entail a reduction in the number of nuclear powers in Europe (from two to one) and thus be a contribution to non-proliferation, see B. Tertrais, Nuclear Policies in Europe, Adelphi Paper no. 327 (Oxford: IISS/Oxford University Press, 1999).

• A fourth but by no means less important hurdle is the diversity of "nuclear cultures" within the Union, ranging from countries which are members of the New Agenda Coalition (Sweden, Ireland) to the two European nuclear powers (France, the UK), with a mix of neutral countries, non-aligned ones, NATO members, and NATO nuclear host countries in between; and from countries which plan to or have already given up nuclear power as a source of energy to countries such as France and Lithuania which rely heavily upon it.

• The fifth hurdle is the fact that the EU as an institution has had to overcome national preferences in a domain very closely associated with sovereignty and independence, in both the military and civilian dimensions.

Given these difficulties, the EU has not fared too badly and its nuclear non-proliferation efforts can be considered moderately successful. Progress in the past decade has been very significant. Awareness of nuclear proliferation issues has increased dramatically in EU circles. Coordination and visibility of EU actions have improved. Non-proliferation activities represent a large part (some 25 percent) of the total CFSP budget.[19] The nomination in October 2003 of a Personal Representative on non-proliferation of weapons of mass destruction has helped a lot. Most importantly perhaps, there is no major nuclear proliferation issue today on which the EU is not involved in one way or another.

All things considered, the diversity of nuclear cultures in Europe may be an asset to some extent. While the existence of EU Common Positions acts as a "buffer" that limits the possibility of disparate national initiatives, this diversity makes the EU able to act as a "bridge" between nuclear weapon states and coalitions such as the NAC and the Non-Aligned Movement (NAM) – a role it played on several occasions during the 2005 NPT Review Conference.

The EU has three major assets in the fight against nuclear proliferation: its financial resources, its attractiveness as a trade and investment partner, and its preference for "engagement". However, it also lacks three significant non-proliferation instruments. One is the ability to extend a security guarantee to a country that feels threatened in order to persuade it not to embark on a nuclear programme. Another is the ability to dissuade, through missile defence, a country from investing in a ballistic programme – the inevitable companion of a nuclear programme. A third is the ability to threaten credibly the neutralisation or destruction of a large nuclear programme by conventional means (more a lack of know-how, adequate planning and training than a lack of military assets). In fact, it can be argued that the only comparative advantage that the EU has is that it is not the United States. Europe's positive reputation is a political asset that helped it conclude the Iran-Europe agreements of 2003 and 2004. It remains to be seen whether the EU as a collective entity can make a real difference in the management of a nuclear proliferation problem. The EU's soft power works; whether it is enough is a different matter.

The US tends to consider the Union a junior partner in the management of nuclear affairs, be it with Russia, or in negotiations with Iran and North Korea. With the exception of the NPT Review Conferences, the EU is largely reactive and not often proactive.[20] In some respects, the

[19] See footnote 13.

[20] Some have gone so far as to say that the EU Nuclear Non-Proliferation effort has been "Americanized" (T. Sauer, "The 'Americanization' of EU Nuclear Non-Proliferation Policy", Defense & Security Analysis, vol. 20, no. 2, June 2004, pp. 113-31).

European Union dissociates itself from the United States. The EU tends to prefer universality over compliance, while the reverse is true for the US. Also, Europeans are keen to emphasise the importance of the non-proliferation and disarmament regimes, while the current US administration emphasises the nature of political regimes. Other European specificities include an absence of opposition in the EU to reprocessing and fast-breeding technologies, and a linkage between disarmament and environmental issues in assistance to the ex-Soviet Union. But by and large, the Union's policies are hardly imaginative and are not that different from those pursued by Washington. Clearly – and this has been the case since 1957 – most Europeans look to Washington first as a point of reference when it comes to nuclear non-proliferation, either to follow the US lead or to distance themselves from US policies. This is all the more true since non-proliferation policies are often instrumentalised to the benefit of the broader transatlantic relationship.[21]

At the same time, the US presence in the background is likely to remain a necessary component of any effective and comprehensive European nuclear non-proliferation strategy. Europeans often complain of being asked to finance US-devised policies without a real say in the making of such policies; but it is far from certain, for instance, that it would be productive for the EU to "stretch its foreign policy wings over Korea" and build a separate approach from the one pursued in the context of the Six-Party talks, as proposed by some in the European Parliament.[22]

2.2 Policy recommendations [23]

Europe must be realistic. Lecturing India and Pakistan on the urgent need to join the NPT is probably not the best way to play a useful role in dealing with nuclear risks in Asia, and could even be counter-productive in terms of Europe's credibility as a security partner in the region. The EU could conceivably make such a request as a matter of principle, but merely as a reminder. Likewise, the idea of a nuclear weapon free zone in the Middle East has no chance of succeeding in the short or medium term: at present the problem of defining such a zone seems impossible and it is difficult to admit the argument that Israel's nuclear capability presents an obstacle to lasting peace in the region when it is put forward by countries that have not even acknowledged Israel's right to exist. In fact, such a zone will be a realistic prospect only after a just and durable peace is established in the region.

[21] In this regard, Clara Portela argues that "there is a risk (..) that the WMD issue is approached primarily as a transatlantic issue rather than for its own sake" (C. Portela, "The EU and the NPT: Testing the New European Nonproliferation Strategy", Disarmament Diplomacy, no. 78, July/August 2004 <http://acronym.org.uk/dd/dd78/78cp.htm>.

[22] See S. Kwon and G. Ford, "The EU Stretches its Foreign Policy Wings Over Korea", The Nautilus Institute, undated document <http://www.nautilus.org/fora/security/0531AKwon_ Ford.html>.

[23] For a lengthier discussion of recommendations for the EU, see B. Tertrais, "Europe and nuclear proliferation" in Lindstrom, G. and B. Schmitt (eds), Fighting proliferation – European per-spectives, Chaillot Papers no. 66 (Paris: EU Institute for Security Studies, December 2003) pp. 37-58; and by the same author, "Nuclear disarmament: how to make progress" in Schmitt, B. (ed.), Effective Non-proliferation. The European Union and the 2005 NPT Review Conference, Chaillot Paper no. 77 (Paris: EU Institute for Security Studies, April 2005) pp 27-42.

Use of the principle of conditionality vis-à-vis non-proliferation has become routine practice. But the EU still does it in a rather "soft" way. Full compliance should be a prerequisite for access to European markets and investments. (A precedent was the case of Ukraine: the cooperation agreement with this country was only implemented after Kiev became a signatory of the NPT). The EU should request strict compliance with the "non-proliferation clause". Future clauses should include specific commitments such as CTBT ratification where applicable and, most importantly, ratification of the IAEA's Additional Protocol, designed to strengthen and expand existing IAEA safeguards for verifying that non-nuclearweapon states, parties to the NPT, only use nuclear materials and facilities for peaceful purposes.[24] "Hard" conditionality should ideally become a sine qua non of access to European aid and markets.

Full support for the current moratorium and the importance of signatories to finance the CTBT organisation and its monitoring system should continue to be clearly stated by the EU. The Union should use conditionality in its dealings with the three "easy cases" mentioned above, as well as with "hard" ones such as Egypt and Iran. It should also, of course, continue to promote the CTBT in its contacts with the US Senate.

The EU should attempt to reconstruct a European-wide consensus on the Fissile Material Cut-off Treaty (FMCT). If EU members really believe that an FMCT can be verified (which Americans do not), then they should demonstrate it. To this end, the EU could commission a study that would make use of its considerable nuclear expertise at the national and the EURATOM level to make a convincing case for verification.

European contributions to the dismantling of former Soviet nuclear arsenals are still disparate. It would therefore be useful to coordinate all national initiatives under the aegis of the Union and, as of 2006, significantly increase joint aid. Moreover, the Union could take advantage of the fact that so-called "theatre weapons" (which are of particular concern to the new member states) are not covered by binding bilateral disarmament agreements. A possible future withdrawal of US nuclear theatre weapons from Europe would indirectly contribute to non-proliferation by helping to build a new norm forfeiting the deployment of nuclear weapons outside the territory of nuclear weapon states. Russia claims the destruction of these weapons has been delayed because of the priority given to strategic weapons (which has been financed partially by US programmes). Europe could take Russia at its word and finance an increase in Russia's dismantling facilities. Actions taken must not be limited to Russia: Europe can play its part by securing the materials contained in tens of research reactors around the world. It can also, where appropriate, share the benefits of its own unique experience of multi-nationalisation of enrichment facilities (URENCO, EURODIF) and intra-regional non-proliferation controls (EURATOM).

Such measures would make the best of the differences and similarities between the EU and the United States, and maximise the efficiency of the instruments available to the EU. In other words, they would allow the EU to become one of the two key global actors in the fight against nuclear proliferation.

[24] As of 19 July 2005, according to the IAEA, the Strengthened Safeguards System had entered into force in only 69 states. Among the countries where the Additional Protocol is not yet in force are Iran and Libya.

5. Prospects for a Common Transatlantic Nuclear Non-Proliferation Strategy

Gerrard Quille

1. Origins of a EU Strategy

Members of the European Union, shaken by their failure to unite on pre-war strategy toward Iraq, decided in late 2003 that they needed a new approach for dealing with future security challenges and in particular from the threats posed by nuclear, chemical, or biological weapons and materials. The EU-25 adopted the European Security Strategy and to reflect their priority to move forward on WMD non-proliferation they adopted a far more detailed statement including action points in the landmark "Strategy Against Proliferation of Weapons of Mass Destruction"[1] More immediately, three European nations— France, Germany, and the United Kingdom plunged into negotiations with Iran to prevent a nuclear crisis with Iran from creating a fresh diplomatic debacle. Although on 26 June 2004 the EU-US agreed a joint declaration on the non-proliferation of weapons of mass destruction which underpinned a developing agenda on non-proliferation, the US remained skeptical about the EU approach to Iran.[2]

Post 9/11, Iraq and Madrid there is a recognition in Europe that the threat is evolving and we can indeed see convergence on a transatlantic threat assessment. This includes an understanding for the need to adress WMD proliferation and potential threats from terrorism, fragile states, prolfieration of materials and technology, cold war clearup of fissile materials and facilities, and in the contrext of regional security ongoing concerns of accidental or even deliberate use of nuclear weapons especially in Asia and the Middle East.

However, the clear tensions shown over the lead up to the War in Iraq have not disappeared completely. In fact this tension is not just between Europeans and the US it is manifest at the heart of the EU's own historical breakthrough to deal with the non-prolfieration of Weapons and Materials of Mass Destruction. In particular the key to strengthening a common transatlantic strategy on non-proliferation will be the ability for EU Member States to continue to support their WMD Strategy adopted at the December European Council in 2003. This will require political will to find a balance between non-prolfieration prioties and concrete diarmament initiatives. It will also require sustained political commtiment to the WMD Stratgey and support for the EU Personal Representative for WMD as well as a continued commitment of resources to implement the list of priorties drawn up by the Office of the PR (OPR).

[1] EU Strategy Against Proliferation of Weapons of Mass Destruction (WMD), Brussels, December 12, 2003. See http://ue.eu.int/uedocs/cmsUpload/st15708.en03.pdf.

[2] http://europa.eu.int/comm/external_relations/us/sum06_04/decl_wmd.pdf

We can already see a strong European commitment in the 2003 European Security Strategy and in particular the WMD Strategy to support a transatlantic approach to addressing the threat from nuclear proliferation. The EU stratgey shows a willingness by Europeans to be innovative and willing to reach out to the US in supporting new iniaitves such as PSI, UNSC 1540 and G8 Global Partnership and even contribute to the debate on the use of force. The EU has made good progress, despite the dissapointment at the NPT Review cofnerence, as set out in the Progress Report of the OPR and in the additional list of priorities. This has been supported by recent European Parliament resolutions and an emerging report from its new sub-Committe on Secuirty and Defence (SEDE). However the tension in the original deal within the Union on stricking a balance between disarmament and non-proliferation priorties also reflects an ongoing tension in the EU-US transatlantic relationship that has yet to be fully played out and which surfaces at moments such as the NPT Review Conference and indeed in the present US-EU-3 approach to Iran.

These tensions remain and in addressing a common threat assessment they have the potential to frustrate or weaken the emerging common transatlantic strategy.

This presentation will outline where those tensions exist by looking at the NPT Review Conference and highlighting that the recent US change to support the EU-3 initiative with Iran will prove an important testing ground for the European approach and for convincing Washington of the merits of balancing its non-proliferation priorities with the need to build bridges with those favouring more multilateral processes. The presentation will then conclude that a common transatlantic deal for tackling non-proliferation is emerging but at the price of neglecting disarmament obligations (under article VI of the NPT) which may ultimately undermine the sustainability and success of the common approach.

2. The EU at the NPT Review Conference

Tensions inherent in the transatlantic approach to non-proliferation are indeed at the heart of the EU WMD Strategy and can be highlighted by looking at the EU's development of a common position for the recent and disappointing NPT Review Conference. The EU played a crucial role in securing the indefinite extension of the NPT in 1995 and it helped to achieve the Final Document at the 2000 Review Conference, which contained new and specific commitments by the nuclear-weapon states toward disarmament i.e. the so-called 13 steps.

However, it was unable to act to save the 2005 Review Conference. Although the role of the US, Iran and Egypt have been singled out in particular for this outcome all States Parties including those of the EU have to accept responsibility for this outcome.

In fact the EU WMD Strategy clearly makes it a priority to "pursue the universalisation of the NPT, the IAEA Safeguard agreements and protocols additional to them."[3] A new Common Position, which reflected a consensus position and guideline for EU action before and during the conference, was approved by the European Council meeting on April 25-26

[3] EU WMD Strategy, chap. 2, para. 16.

2005. It committed the EU and its member states "to strengthen the international nuclear non-proliferation regime by promoting the successful outcome" of the 2005 NPT Review Conference. [4] The Common Position included 43 distinct measures to achieve this goal and mandated the EU Presidency to undertake demarches in order to convince both NPT and non-NPT member states of the EU approach.

2.1 Non-proliferation

The EU's non-proliferation policy emphasizes improving the verifiability of multilateral treaties and "strengthening the enforcement of obligations" in multilateral treaty regimes.[5] Generally speaking, the EU has moved closer to the United States on many compliance issues, including the possible use of force to enforce compliance, but Europeans continue to favor approaches that take place within multilateral frameworks such as the Security Council.

Like the United States, the EU supports the idea of making the 1997 Model Additional Protocol the new safeguards standard under Article III of the NPT [6] and wants the IAEA Board of Governors to adopt such a new verification norm.[7] The EU also will be "working to ensure that the Nuclear Suppliers Group makes the export of controlled nuclear and nuclear-related items and technology conditional on ratifying and implementing the Additional Protocol."[8] What this means in practice, however, is still being debated.

The EU has also agreed to some U.S. proposals for IAEA reform. The EU now agrees that "countries under investigation for non-technical violations of their nuclear non-proliferation and safeguards obligations should elect not to participate in decisions by the IAEA Board of Governors or the Special Committee regarding their own cases."[9] This idea had originally been proposed by Bush in February 2004 and was endorsed at the Group of Eight (G-8) summit in June 2004.

EU officials have focused on the inclusion of all new EU member states in the export control regimes, and its bureaucracy will compile a prioritized list of third countries that could benefit from EU assistance vis-à-vis export controls.

A "non-proliferation clause" to be included in agreements with third countries was drawn up and has been included in agreements with Syria, Tajikistan, and Albania as well as between the EU and the African, Caribbean, and Pacific countries—the revised Cotonou Agreement. There are also ongoing discussions to include the clause agreements with the Gulf

[4] Council Common Position relating to the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. Council of the European Union, Brussels [April 25, 2005]

[5] See EU WMD strategy. See also "Council Common Position 2003/805/CFSP of November 17, 2003 on the Universalization and Reinforcement of Multilateral Agreements in the Field of Non-Proliferation of Weapons of Mass Destruction and Means of Delivery," art. 2.

[6] "EU-U.S. Declaration on the Non-Proliferation of Weapons of Mass Destruction," 10761/1/04 REV 1 (Presse 206), June 26, 2004 (hereinafter WMD declaration press release).

[7] NPT Common Position, op. cit. para 17.

[8] EU WMD Strategy, chap. 3, para. 29, A4.

[9] WMD declaration press release.

Cooperation Council and Mercosur countries.[10] As in the negotiations with Iran, this marks one of the few instances where Europe is directly using its economic might to achieve security objectives.

On April 28, 2004, EU member states on the Security Council co-sponsored Resolution 1540 on WMD non-proliferation and contributed actively to its adoption by consensus. Unlike many other states, the commission submitted the Common EU report to the 1540 Committee by the October 28, 2004, deadline.

The EU WMD strategy also embraces the Bush administration's Proliferation Security Initiative (PSI), a political arrangement that calls for the interception of WMD and related goods.[11]

On other issues, including discussions on reforming Article IV rules governing control of the nuclear fuel cycle, the EU has simply decided to put off a clear policy decision until after the conference. Two models are on the table: Washington has proposed the creation of a cartel of states possessing nuclear fuel-cycle technologies by denying all states that do not yet possess operational enrichment or recycling facilities technology the capacity to build such facilities. European states, however, have thus far only agreed to a one-year moratorium on delivery of enrichment and reprocessing equipment to other states.[12] This compromise was reaffirmed at the U.S.-EU summits in June 2004 and February 2005.

IAEA Director-General Mohamed ElBaradei, on the other hand, proposes multinational control of new enrichment and reprocessing facilities.[13] Europeans possess real experience in multinational management of enrichment plants because the only two examples of such facilities—Eurodif, a French-run enrichment facility in which Belgium, Italy, and Spain participate; and Urenco, a multilateral enrichment company jointly operated by Belgium, Germany, and the United Kingdom—are located in the EU. Nevertheless, the EU has not yet taken clear sides on this issue. The EU has highlighted that any decision on this question "should not create new dividing lines among NPT states-parties and should be balanced, maintaining the fundamental bargain underlying the NPT."[14] The EU's Common Position for the NPT Review Conference recognizes that states "may" have to resort to peaceful uses of nuclear energy, urges "the formulation of guarantees to nuclear fuel services, or to fuel itself, subject to appropriate decision", and calls for a swift start of deliberations within the IAEA on a report by an international IAEA expert group that was delivered to ElBaradei on February 22, 2005.[15]

[10] "'Non-Proliferation Clause' to Be Included in Agreements With Third Countries: Countering Proliferation of Weapons of Mass Destruction," available at http://ue.eu.int/uedocs/cmsUpload/st14997.en03.pdf

[11] See "Non-Proliferation Support of the Proliferation Security Initiative," 10052/04 (Presse 189), June 1, 2004, available at http://ue.eu.int/uedocs/cmsUpload/st10052.en04.pdf.

[12] Office of the Press Secretary, The White House, "Remarks by the President on Weapons of Mass Destruction Proliferation," Washington, DC, February 11, 2004.

[13] Mohamed ElBaradei, "Toward a Safer World," *The Economist*, October 18, 2003, p. 43.

[14] De Visser statement, para. 34.

[15] NPT Common Position, op. cit. paras 27,-29; „Multilateral Approaches to the Fuel Cycle", Expert Group Report submitted to the Director General of the International Atomic Energy Agency, Vienna, INFCIRC/640, 22 February 2005.

One major distinction between the EU strategy and that of the United States is the emphasis it places on the regional security concerns that motivate states to obtain nuclear weapons. Such motives could include enhancing regional standing or countering the capabilities of potential regional foes. The Europeans maintain that regional political solutions will offer the best prospect for states to renounce nuclear weapons and join the NPT. Such an approach is seen as useful in the context of the Iran negotiations to support "compliance," but it is also recognized as a complementary strategy to support processes for universal membership in WMD regimes.

The EU strategy states that 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."[16]

Yet, deeds have yet fully to match words. Apart from European engagement to resolve the crisis around Iran's nuclear program, EU engagement on regional proliferation issues has only included modest attention to North Korea. Until the political process associated with the Korean Peninsula Energy Development Organization (KEDO), the international cooperation to supply North Korea with proliferation-resistant light-water reactors, broke down in 2003, the EU supported attempts to resolve the crisis around the North Korean nuclear program. It provided 115 million euros for KEDO and undertook diplomatic missions to Pyongyang, including the visit of the EU-3 in May 2001. For the moment, it seems that the EU has realized that it cannot often be expected to perform the kind of mediating role it has attempted to play vis-à-vis Tehran.

2.2 Divisions over Disarmament

Still, the EU policy on non-proliferation has been far more coherent than on issues affecting disarmament obligations under Article VI of the NPT. The establishment of a progressive common policy approach has been blocked by the differences between the two EU states with nuclear weapons—France and the United Kingdom—and other members, including such pro-disarmament countries as Sweden and Ireland. Internal divisions within the EU on disarmament issues have increased. In fact, one could argue that at the NPT the EU's did not live up to expectation, such as raised by its common position, to be a constructive force at the NPT and it appeared more a microcosm of global divisions on non-proliferation and disarmament between nuclear-weapon states and non-nuclear-weapon states. Its common position stated that it would "help build a consensus on the basis of the framework established by the NPT by supporting the Decision and the Resolution adopted at the 1995 Review Conference, and the final document of the 2000 NPT Review Conference, and shall bear in mind the current situation …".[17] This statement did not even clearly endorse

[16] EU WMD strategy, para. 21.
[17] NPT Common Position, op.cit., Article 2 (b).

the 13 disarmament steps but we will have to await fuller analysis of the EU's role at the NPT.

There are also divisions within the EU on some specific issues discussed at the NPT, mostly triggered by the U.S. rejection of some of the 13 steps. On July 29, 2004, the United States announced a change of policy toward the negotiation of a fissile material cutoff treaty (FMCT), a binding agreement to end production of fissile materials for nuclear weapons. U.S. officials argued that it no longer believes that such a treaty could be effectively verified and that it now favors negotiations on a treaty that does not contain provisions on verification.

This change in policy by the United States has shattered the EU consensus to commence FMCT negotiations on the basis of 1995 Shannon mandate, which called for including effective verification measures. But which has been in deadlock for eight-years at the UN's Conference on Disarmament (CD) along with other arms control treaties. Others such as Sweden insist that the CD negotiate a verifiable FMCT.[18] The EU Common Position has it both ways. It endorses the early start of negotiations in the CD on a "non-discriminatory, universally applicable" FMCT "without precondition" but also mentions the Shannon mandate.[19]

The withdrawal of tactical U.S. nuclear weapons deployed under NATO nuclear sharing arrangements remains a taboo for the Europeans.[20] Improved transparency and better control of Russian tactical nuclear weapons has been highlighted by several EU member states during NPT preparatory meetings and the Common Position calls "on all States with non-strategic nuclear weapons to include them in their general arms control and disarmament processes, with a view to their reduction and elimination."[21]. But so far the Europeans are unwilling talk about such weapons deployed on its own territory. NATO enlargement and the withdrawal of U.S. nuclear weapons deployed in Greece have increased the potential for political movement on this difficult issue, but no consensus on a non-nuclear NATO has emerged yet among European NATO members.

Agreement within the EU on some other disarmament issues may be easier to generate. All EU member states have ratified the Comprehensive Test Ban Treaty (CTBT) and are supportive of early entry into force of the treaty. The EU has focused on encouraging signature and ratification by non-CTBT member states, in particular those of the 44 states whose ratification is necessary for the treaty's entry into force but have yet to do so.[22] However progress on this issue at the NPT suffered the same fate as the others. Given the EU's long-standing engagement in favor of the test ban treaty, its position on this issue will be one important test for Europe's will to articulate an independent position on an important disarmament issue.

[18] Laila Freivalds, statement to the Conference on Disarmament, Geneva, March 15, 2005.

[19] NPT Common Position, op.cit., para 36.

[20] See Hans M. Kristensen, "U.S. Nuclear Weapons in Europe. A Review of Post-Cold War Policy, Force Levels, and War Planning," February 2005. See also H. Beach, "Tactical Nuclear Weapons: Europe's Redundant WMD," *ISIS*, April 2004.

[21] NPT Common Position, op.cit., para 31.,

[22] See "Council Decision 2003/567/CFSP of July 21, 2003 Implementing Common Position 1999/533/CFSP Relating to the European Union's Contribution to the Promotion of the Early Entry Into Force of the Comprehensive Nuclear Test-Ban Treaty."

In touting its disarmament credentials, the EU can point to its support for the G-8 Global Partnership and similar efforts to secure or destroy former Soviet stockpiles of nuclear, chemical, and biological weapons and related delivery systems. Under the Global Partnership, the United States has pledged $10 billion over 10 years, and EU G-8 member states (France, Germany, Italy, and the United Kingdom) have pledged a total of 4 billion euros for cooperative threat reduction activities.

The EU through the European Commission has committed a further 1 billion euros, but most analysts project that, if spending continues at current levels, the EU will only meet half of its pledge. Recently, the European Commission has proposed to stabilize European Community spending on non-proliferation during 2007-2013 with the inclusion of a WMD budget line.

3. Iran

The first major test for the EU's WMD Strategy came in August 2002 with the revelation that Iran possessed clandestine uranium-enrichment and heavy-water production facilities. This led to an International Atomic Energy Agency (IAEA) investigation and concerns, particularly on the part of the United States, that Iran might be developing nuclear weapons. The resulting IAEA investigation revealed other serious breaches of Iran's safeguards obligations.

Talks between the foreign ministers of France, Germany, and the United Kingdom (the so-called EU-3) and Tehran began in October 2003 as a crisis management exercise. They have subsequently deepened under the Paris agreement struck in November 2004 to replace the botched Tehran agreement and lessons have been learnt from its predecessor's failure. Its terms and scope, for example, were more detailed. In the new agreement, the EU demanded "objective guarantees" that Iran will not misuse its nuclear program for military purposes. By this, the EU means that Tehran should abandon enrichment and reprocessing activities. In return, the EU offered more specific political and economic inducements, including on the resumption of talks on a Trade and Cooperation Agreement. In addition, the duration of suspension was more clearly defined: "while negotiations proceed on a mutually acceptable agreement on long-term arrangements." During the NPT Review Conference in May the EU-3 managed to maintain Iran's commitment to suspension whilst we await a final position of the Europeans after Iranian elections. Still, no breakthrough has been achieved on the central question of whether Iran will give up its capacity for enrichment and reprocessing completely.

A key element of the EU strategy is the use of economic incentives to achieve the political objective of non-proliferation. The process is coordinated and reviewed by a joint steering committee that meets occasionally at the level of political directors. More regularly, three working groups come together to discuss nuclear, technological, and economic cooperation as well as security issues.

The Europeans find themselves facing two problems that might limit their broader ambitions to establish an independent and coherent non-proliferation policy. First, unlike the United States, the EU has few incentives to offer. Iran's wish list is likely to include the lifting of U.S. sanctions, the delivery of nuclear fuel and nuclear technology, and security

assurances, all of which the United States is better positioned to address than the EU. It can thus be seen as a success for Europeans that, following his visit to Europe at the end of February 2005, President George W. Bush initiated a review of the White House's position toward the European talks. As a result, the United States has supported the idea of offering incentives to Iran. Washington has agreed to license civilian aircraft parts for sale to Iran on a case-by-case basis and not to object to Iranian membership in the World Trade Organization. Ironically, perhaps the greatest "carrot" Europe may have to offer Iran is bringing the United States to the bargaining table.

Second, the EU's insistence that Iran give up its plans to construct a closed nuclear fuel cycle goes beyond its traditional preference for solving non-proliferation problems within the framework of multilateral treaties. The NPT provides no legal basis for the European's demand that Iran abandon enrichment and reprocessing activities. After all, Article IV of the treaty provides for the "inalienable right" of non-nuclear-weapon states to research, develop, and use nuclear energy for non-weapons purposes.

4. Conclusion: Towards a common Transatlantic Strategy on non-proliferation

A rich agenda is developing whereby one can see a convergence of EU and US approach to tackling nuclear proliferation. This has been one positive outcome of an otherwise destructive approach by the Bush administration to dealing with the new threats. The Bush administrations approach has forced Europeans to re-examine the failings of multilateral approaches embedded in the non-proliferation treaties and set a positive common strategy for dealing with the threats. The burden of proof has shifted from statements of support to the multilateral non-proliferation regime to setting out concrete actions for achieving multilateral non-proliferation. In fact this reflects a similar process undertaken at the UN under the High Level Panel on Threats, Challenges and Change and captured in UN Secretary General Kofi Annan's response entitled 'In larger freedom: towards development, security and human rights for all'. Where in the latter he underlines the importance of multilateral agreements in safeguarding international peace and security in the field of nuclear, biological and chemical weapons as well as recent efforts to supplement shortfalls such as in Security Council Resolution 1540 (2004). The EU arrived at this position with its WMD Strategy in December 2003.

However, article VI disarmament objectives are generally viewed as being neglected even more so after the outcome of the NPT Review Conference. In this respect the transatlantic approach could be strengthened by providing clear leadership on disarmament matters and taking important early steps to ratify the CTBT, begin negotiations on the FMCT including the so-called 'Shannon mandate', renewing negative security assurances (removing the ambiguity creeping into nuclear postures in response to Chemical and Biological Weapons), withdrawal of all (US and Russian) tactical nuclear weapons from Europe…

The nuclear non-proliferation agenda is developing well in particular on UNSC 1540, PSI, G8 Global Partnership. However, even this agenda could do with a little critical reflection in order to strengthen it. At present there appears to be an 'either non-proliferation

or disarmament' debate going on with extreme views defending either end of the spectrum. The transatlantic approach could be strengthened by examining the non-proliferation agenda in order to strengthen it. This could involve examining:

– the G8 Global Partnership, with the development of analysis on progress in implementation and lessons learnt in the current largely bi-lateral approaches to dealing with Russia. This might help resolve US problems with indemnifying personnel and it would be useful if Russia was more transparent on the extent of the cold war stockpiles, including bio-weapons materials and facilities, to be addressed.

– UNSC 1540 has been widely welcomed but its current 2 year mandate is almost half way through and its is limited to monitoring received reports. It would be worth examining its limited mandate with that of the Counter Terrorism Committee which has also been provided with the resources to send teams to countries to verify the accuracy and validity of their reports.

– in the European context whether the WMD Strategy is adequately resourced in order to achieve the priorities set out in the list of the Progress Report from the OPR.

Test Cases: Iran and North Corea

6. A 'Concert of the Willing': A New Means for Denuclearising the Korean Peninsula?

Darryl Howlett

On 19 September 2005, the fourth round of the six party talks involving China, Japan, Russia, South Korea, North Korea and the United States agreed a joint statement aimed at the denuclearisation of North Korea and the Korean Peninsula.[1] The Statement was prefaced by a commitment of intent and outlined the following six elements concerning the process whereby denuclearisation would occur:

For the cause of peace and stability on the Korean Peninsula and in northeast Asia, the six parties held in a spirit of mutual respect and equality serious and practical talks concerning the denuclearisation of the Korean Peninsula on the basis of the common understanding of the previous three rounds of talks and agreed in this context to the following

• The six parties unanimously reaffirmed that the goal of the six-party talks is the verifiable denuclearisation of the Korean Peninsula in a peaceful manner […]

• The six parties undertook, in their relations, to abide by the purposes and principles of the Charter of the United Nations and recognized norms of international relations […]

• The six parties undertook to promote economic cooperation in the fields of energy, trade and investment, bilaterally and/or multilaterally […]

• The six parties committed to joint efforts for lasting peace and stability in northeast Asia. The directly related parties will negotiate a permanent regime on the Korean Peninsula at an appropriate separate forum […]

• The six parties agreed to take coordinated steps to implement the aforementioned consensus in a phased manner in line with the principle of "commitment for commitment, action for action."

• The six parties agreed to hold the fifth round of the six party talks in Beijing in early November 2005 at a date to be determined through consultations.

Much still needs to be resolved particularly in implementing the Joint Statement, yet there are aspects deriving from what has occurred that may have lasting effect. One positive outcome is that the six party talks could represent not only a means for solving the pressing issue of North Korea's nuclear programme but also a basis for longer term peace and stability in northeast Asia. Thus the six party talks may presage the establishment of a new security arrangement for the region or what could be termed a "Concert of the Willing".[2]

[1] Text of the Joint Statement of the Fourth Round of the Six-Party Talks, Beijing, September 19 2005, U.S. Department of State, http://www.state.gov/r/pa/prs/ps/2005/53490.htm.

[2] The concept of "Concert of the Willing" arose from discussions between the author and John Baylis on how to characterize the six party talks in terms of regional security arrangements. This concept for

The Joint Statement had also followed in the wake of a particularly troubled period in the context of North Korea's nuclear programme. In January 2003 North Korea had withdrawn from the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), removed the monitoring devices installed by the International Atomic Energy Agency (IAEA) on the Yongbyon nuclear complex and had ejected the IAEA's safeguards inspectors.[3] On 27 September 2004 North Korea then claimed to have weaponized. This claim was repeated on 10 February 2005 at the time North Korea announced it was suspending for an indefinite period further participation in an earlier round of the six party talks. More recent reports had suggested that North Korea was preparing for an underground nuclear test.

Two scenarios stemming from the current situation are therefore possible. A pessimistic outlook, if the initiatives in the Joint Statement fail to materialize and nuclear weapon development by North Korea continues, could see: a 'proliferation chain' engulf the region; the potential for renewed conflict on the Korea Peninsula; and spell further erosion or even collapse of the NPT.[4] An alternative scenario based on the full implementation of the Joint Statement and the verified dismantlement of North Korea's nuclear programme would serve not only to foster peace and stability in northeast Asia but also re-invigorate global efforts to stem proliferation. It is the latter of these two scenarios that forms the guiding beacon for this analysis although it is the former that continues to caste a foreboding shadow if a favourable outcome is not achieved.

North Korea's activities over the past decade and a half have also highlighted shortcomings in the global treaty-based approach to dealing with proliferation. In response to this additional measures have been introduced through the G8, the Proliferation Security Initiative and Cooperative Threat Reduction efforts. More will be required if the dynamics of nuclear proliferation are to be addressed. As one policy paper has concluded, there is a need to develop a spectrum of incentives to dissuade those attempting to acquire a nuclear weapons capability and establish more robust responses should dissuasion fail.[5]

regional security is a hybrid drawn from the "Concert of Europe" initiated by Austria, Britain, Prussia and Russia to manage European relations following the 1815 Congress of Vienna and the recent notion of "Coalition of the Willing" used to describe the fluid arrangement of those parties willing to commit forces to counter the proliferation of weapons of mass destruction. For further analysis on this theme see: David Kerr, 'The Sino-Russian Partnership and U.S. Policy Toward North Korea: From Hegemony to Concert in Northeast Asia' *International Studies Quarterly*, (2005) vol. 49, pp. 411-437; and Francis Fukuyama, 'Re-Envisioning Asia', *Foreign Affairs*, January/February 2005, p. 75.

[3] Chaim Braun and Christopher F. Chyba, 'Proliferation Rings. New Challenges to the Nuclear Nonproliferation Regime, *International Security*, vol. 29, No. 2, Fall 2004, p. 10 quoting 'Fact Sheet on DPRK Nuclear Safeguards', Vienna: IAEA, May 2003

[4] The notion of 'proliferation chains' comes from Lewis A. Dunn and William H. Overholt, 'The Next Phase in Nuclear Proliferation Research', research note, *Orbis*, Summer 1976, pp. 497-523.

[5] *The New Partnership: Building Russia-West Cooperation on Strategic Challenges*, Frances G. Burwell, rapporteur, Policy Paper, April 2005, Atlantic Council of the United States, p. 11.

1. North Korea's withdrawal from the NPT

International law is based on the expectation that any state entering an international legal treaty will fulfil its obligations. North Korea had disclosed its intent to abrogate the NPT and pursue a nuclear weapons capability as a result of its 2003 notification of withdrawal. This was in violation of both the spirit and the letter of the obligations North Korea has assumed. The possibility that some states might use international agreements as a cover for clandestine activities to pursue weapons procurement and development had been highlighted in the 2004 UN 'Report of the High-Level Panel on Threats, Challenges and Change'.[6] Consequently, if ways are not found to respond to such situations then the credibility of global non-proliferation and disarmament efforts would be severely compromised and other states might decide that this is an appropriate course to follow.

Related to the issue of North Korea's withdrawal from the NPT has been the issue of what the objectives of non-compliance procedures should be in such cases: to ensure a return to the *status quo ante* without any apparent reward for non-compliance; to achieve the same objective but at the cost of undermining global non-proliferation efforts by offering positive benefits for a return to compliance; or to punish the non-compliance in order to deter others by acts such as the forced dismantlement of all nuclear facilities. Finally, what should be the objective when a return to the *status quo ante* appears impossible with or without rewards?[7]

Article X.1 requires that for a state to withdraw legally it must: give notice of withdrawal to all parties to the NPT; give notice of withdrawal to the United Nations Security Council; provide a statement of the extraordinary events which it considers to have jeopardized its supreme interests; and provide 90 days notice of withdrawal. This Article became the focus of attention in 1993 when North Korea first announced it was withdrawing from the NPT but later rescinded this action and in 2003 when it again withdrew.

North Korea withdrew from the NPT while non-compliant with its safeguards obligations. North Korea 'suspended' the earlier withdrawal and claimed it was in a 'special status' under the Treaty. When, on 10 January 2003, North Korea again issued notice of withdrawal it fulfilled the 90-day notice required to enact this obligation but did not offer an explanation of what extraordinary event(s) had led the country to take such an action. The question of what happens in situations where a state withdraws from the NPT without any proven non-compliance by other parties was not considered at the time of the drafting of the Treaty but had become a central concern as a result of North Korea's actions.[8]

[6] 'Report of the UN High-Level Panel on Threats, Challenges and Change', (New York: United Nations, 2004).

[7] For a discussion of compliance issues see: Serge Sur, ed., *Disarmament and Arms Limitation Obligations: Problems of Compliance and Enforcement*, (Geneva: UNIDIR/Dartmouth Publishers, 1994); and Brad Roberts, 'Revisiting Fred Ikle's 1961 Question, "After detection—What?"', *The Nonproliferation Review*, Spring 2001.

[8] Darryl Howlett & John Simpson, Harald Muller and Bruno Tertrais, edited by Burkard Schmitt, Effective Non-Proliferation. The European Union and the 2005 NPT Review Conference, *Chaillot Paper*, No. 77, Institute for Security Studies, Paris, April 2005.

At the 2005 NPT Review Conference, on behalf of the European Union, Luxembourg tabled a Working Paper designed to clarify the consequences of withdrawal.[9]

The EU paper was divided into four parts. Part I dealt with the wording of Article X and stated that although it was a states' sovereign right to withdraw from the Treaty there was a need for the Conference to consider what the consequences of this were. Part II called for the Conference to 'reiterate' the legal obligations of Article X. These included that a "notice of withdrawal" (to be provided three months in advanced of intended withdrawal and containing details of the extraordinary events that have prompted it) must be given in writing to all parties to the Treaty and to the President of the UN Security Council. Additionally, the start date for such a withdrawal would be the 'date of transmission' to all relevant parties.

In Part III further measures were suggested. These included that: on receipt of a notice of withdrawal the Depositary States should initiate 'a consultation process of interested parties to explore ways and means to address the issues raised by the notification of intent, taking also into account the state of compliance of the notifying party with its safeguards undertakings by IAEA'; the UN Security Council was the final arbiter in cases of withdrawal and for that body to assess the causes of withdrawal, which under Article X have to be "related to the subject matter of the Treaty"; and, the deliberations of the Security Council should involve the possibility of requesting a 'special inspection of the notifying party'.

Finally, Part IV dealt with measures associated with the 'effects of withdrawal'. This section called on the Review Conference, among other things, to: reiterate 'the principle whereby a State will remain internationally liable for violations of the Treaty committed prior to withdrawal'; affirm 'that a withdrawal from the Treaty could in a given case constitute a threat to international peace and security'; and that 'any nuclear materials, facilities, equipment and technologies acquired from third countries' should be frozen, dismantled, not transferred and remain subject to IAEA safeguards.

Other papers and statements also made reference to withdrawal from the Treaty. The statement by the United States referred to the central role of the UN Security Council in deciding on such cases. It also called for the Council to examine the "extraordinary events" that prompted the action and for that body to consider: 'the possibility of alternative measures short of withdrawal to address and resolve the circumstances cited by the party'; and 'the full range of options provided by the Charter and warranted by the circumstances of the case'.[10] The statement included proposals for the IAEA to continue its safeguarding role in the withdrawing state, the suspension of technical assistance, and 'prompt reporting' of 'any outstanding safeguards or other compliance concerns'.

[9] 'Withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons', European Union common approach, Working Paper submitted by Luxembourg on behalf of the European Union. *NPT/CONF.2005/ WP.32*, 10 May 2005

[10] Statement by Sally Horn, The Delegation of the United States of America to the 2005 Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons, Main Committee III, Article X, New York, May 2005,

The Working Paper submitted by Australia and New Zealand on Article X contained direct reference to action by the UN Security Council in the event of withdrawal.[11] This Paper proposed that the Council should have an automatic and immediate right to consider the circumstances surrounding withdrawal and for that body to deal with it appropriately.

Discussion of Article X at the Review Conference occurred in a Subsidiary Body to Main Committee III. The Statement by Japan stated that withdrawal was 'extremely serious', with the most serious case being 'a State's withdrawal from the Treaty after having developed nuclear weapon capabilities under false pretenses'.[12] In reference to the papers tabled by the EU, and by Australia and New Zealand, Japan expressed reservations in the proposals they contained and called for measures that would serve both as a deterrent to withdrawal and for a rapid response in the case of such an event. Japan considered that measures requiring amendment to the Treaty would 'not be realistic'. Instead, effort should be directed towards 'raising the cost of withdrawal rather than elaborating procedural steps before the withdrawal'.

The Statement by the Republic of South Africa on withdrawal made reference to the EU working paper submitted on the issue.[13] South Africa was concerned that parts of the working paper would require amendment to the NPT: South Africa views the first Parts I and II of this Working Paper as dealing with procedural aspects of withdrawal and in our view does not constitute an amendment of the NPT. However, Parts III and IV are more substantive, and if endorsed could be regarded as constituting an amendment to the Treaty.

Additionally South Africa considered that it was not the intention of the drafters of the Treaty to discourage withdrawal and penalise such an action if this occurred. Rather the Treaty expressly allows a state to withdraw as an 'exercise of its sovereign authority in certain defined circumstances'. Thus, to seek additional measures penalising withdrawal would require an amendment as allowed under the procedures in Article VIII of the Treaty.

Other parties expressed concerns about the impact that focusing discussion solely on Article X and those states considering withdrawal would have on Article IX relating to the commitment to attain universality of the Treaty. Consequently, the issue of withdrawal also gave vent to the tensions in the NPT community between maintaining the integrity and cohesion within the Treaty and attempts to ensure its universality by encouraging India, Israel and Pakistan to become parties.

There was not a final document at the Review Conference but a Draft Report of Main Committee II was produced.[14] In relation to Article IX the Report called for the Conference to re-affirm that the 'preservation of the integrity of the Treaty and its strict implementation are

[11] Working paper on article X (NPT withdrawal) submitted by Australia and New Zealand, *NPT/CONF.2005/WP.16*, New York, May 2005.

[12] Statement by Mr. Takashi Nakane, Deputy Director-General, Non-Proliferation and Science Department, Ministry of Foreign Affairs, Representative of Japan to the NPT Review Conference in 2005 At the Subsidiary Body of Main Committee III, 20 May 2005.

[13] Statement by The Republic of South Africa on The Issue of Withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons in the Subsidiary Body Established in Main Committee III, New York, 20 May 2005.

[14] 'Draft Report of Main Committee III, 2005 Review Conference of the parties to the Treaty on the Non-Proliferation of Nuclear Weapons', *NPT/CONF.2005/MC.III/CRP.4*, 25 May 2005.

essential to international peace and security', and that 'States not Parties to the Treaty should accede to it only as non-nuclear-weapon states'.

The Report also addressed aspects raised in the working papers associated with Article X. These included a re-affirmation that withdrawal 'remains a sovereign right for States Parties under Article X and International Law' while noting that Article X 'subjects this sovereign right to conditions and a time framework'. Additionally it called on all parties to consult and use every diplomatic means to persuade the withdrawing state to reconsider its action and encourage regional initiatives while also taking cognisance of that party's security needs.

Because there was no final document at the 2005 Review Conference and little time was spent at the Conference discussing the initiatives proposed to clarify withdrawal, uncertainty remains on this issue. The EU has developed a common position although its proposals for withdrawal have been subject to differing interpretations. Other working papers and statements also referred to the serious nature of withdrawal, so the question of how to respond to notification in such instances and what might be done to deter it remains a vital issue for international peace and security.

2. Understanding North Korea's strategic culture and security concerns

As noted above, the part of the Draft Report dealing with withdrawal requested that consideration be given to the security concerns of the withdrawing party as part of diplomatic efforts to persuade that state to revoke its decision. What has also been suggested in the context of North Korea is for efforts to determine 'whether and under what conditions North Korea is willing to relinquish its nuclear capabilities'.[15]

Gaining an understanding of North Korea's strategic culture may be a guide to its negotiating behaviour and nuclear intentions but due to the nature of the country this is not an easy task. Perceived threats to North Korea's existence are regarded as a key element of its strategic consciousness and as a rationale for the nuclear programme. Studies suggest that these threats may emanate from military, cultural or economic sources. North Korea's sense of international isolation and uncertain security relationship with Russia and China, compared to the Cold War period are linked to this. Leadership continuity and regime survival have equally been viewed as a principal motive force guiding strategic policy in North Korea. Finally, at the heart of North Korea's outlook is the juche philosophy, which seeks self-reliance from all outside influence.

The juche philosophy also has implications for the nuclear programme. The issue of 'self-reliance versus dependence on the outside world' was at the heart of a debate between "conservatives" and "realists" in North Korea during the 1993-1994 crisis for example.[16]

[15] George Perkovich, Jessica T. Mathews, Joseph Cirincione, Rose Gottemoeller and Jon B. Wolfstal, *Universal Compliance. A Strategy for Nuclear Security*, Carnegie Endowment for International Peace, 2005), p. 187.

[16] Joel S. Wit, Daniel B. Poneman, and Robert L. Gallucci, *Going Critical. The First North Korean Nuclear Crisis*, (Washington D.C: The Brookings Institution, 2004), pp. 75-6

Consequently, one view is that the principal driving force stemming from this is the determination of the North Korean leadership to obtain a security assurance from the United States that it 'will not launch a preemptive or preventive military attack' against North Korea.[17]

Another factor could be the relationship between North Korea's conventional forces and the nuclear programme. North Korea is considered to have more than a million personnel under arms and additional numbers in reserve forces. This is thought to have a considerable impact on the state's economy with estimates of the cost ranging from 20-30 per cent of the Gross National Product. Reports have suggested that the conventional forces may be subject to cuts. Thus, one factor to consider is that the nuclear weapons programme is to compensate for reductions in conventional forces.[18]

In what ways does this strategic culture influence North Korea's negotiating behaviour? Some analysts consider that North Korea has a 'distorted worldview and warped expectations about how other countries will respond to its actions'.[19] During the negotiations of the 1994 Agreed Framework the U.S. delegation developed the following template for understanding North Korea's negotiating behaviour:

First, "impossible demands" frequently became possible to meet after the North Koreans suddenly took, in their words, a "bold step" to resolve problems they themselves may have created. Sometimes they simply stopped raising an issue; silence often meant consent. Second, positive suggestions early on or accepting language from Pyongyang's proposals kept the North Koreans focused on solutions, short-circuiting their inclination to engage in endless arguments. They rarely raised the ante when the Americans pursued this approach. Third, as in most negotiations, the real work was done in small informal meetings where possible solutions could be explored without the awkwardness of onlookers. Finally, Kang had a variety of ways to signal he was in negotiating mode, by emphasizing common points, presenting differences in a neutral fashion and speaking "frankly", and often ending meetings on an upbeat note.[20]

Subsequent observations of North Korea's negotiating behaviour indicate a possible tactic of using false alarms to garner concessions. In 1998 there was concern that North Korea had embarked on a clandestine nuclear programme at Kumch'angri in violation of the Agreed Framework. The United States was granted access to the site in May 1999 and May 2000 in return for food aid and an easing of economic sanctions.[21] It has been suggested that because 'no evidence was found of the suspected constructions…North Korea may have played up the Kumch'angri scare to exact concessions from the United States'.[22]

[17] Michael Horowitz, 'Who's Behind That Curtain? Unveiling Potential Leverage over Pyongyang', *The Washington Quarterly*, vol. 28, No. 1, p. 25.

[18] David Sanger, 'North Korea Says It Seeks to Develop Nuclear Arms', *New York Times*, June 10, 2003, p. A9,quoted in Michael O'Hanlon and Mike Mochizuki, 'Toward a Grand Bargain with North Korea', *The Washington Quarterly*, vol. 26, no. 4, 2003, p. 14 and endnote 18

[19] Daniel A. Pinkston and Phillip C. Saunders, 'Seeing North Korea Clearly', *Survival*, vol. 45, no. 3, Autumn 2003, p. 80.

[20] Wit, Poneman and Gallucci, *op.cit.*, p. 61

[21] Jung-Hoon Lee and Chun-In Moon, "The North Korean Nuclear Crisis Revisited: The Case for a Negotiated Settlement", *Security Dialogue*, vol.34, no 2, p. 142.

[22] *Ibid.*, p. 143.

The 1993-4 crisis was resolved by diplomacy but a military solution was considered seriously by the United States. The plan was to destroy the Yongbyon facility and end the plutonium programme; but the dilemma confronting military leaders was that if the fissile material had been moved to unknown locations, possibly underground, the problem would not be resolved – although the option would buy time.[23]

3. The significance of the Six Party talks

The fourth round of the six party talks began in Beijing on 26 July 2005 and went into recess on 7 August. Four aspects seem pertinent to this initial phase of the fourth round of talks. First, the agenda was significant. Reports indicated the talks were designed to develop a statement of principles for de-nuclearizing the Korean peninsula put forward by China but stalled because of differences over North Korea's insistence that it should be allowed to develop nuclear power for peaceful purposes.[24] Second, long-standing issues were at stake. It was reported that North Korea had called for the replacement of the armistice ceasefire agreement ending the 1950-53 Korean War with a peace treaty involving the United States and South Korea as a way to resolve the nuclear issue.[25] Third, offers of alternative energy supplies and a comprehensive economic aid package were presented as incentives. For example, South Korea offered to provide 2,000 megawatts of electricity and Japan pledged $1 billion in assistance.[26] Finally, there was a sense of cautious optimism that agreement could be in the offing. Negotiators involved in the talks stated during the initial phase that progress had been made in condensing China's draft accord and it was anticipated the talks would resume in the near future.[27]

When the talks resumed again on 13th September North Korea maintained its stance on the right to develop a peaceful nuclear programme particularly a light-water reactor. While this was viewed as a potential stumbling block to agreement, subsequent reports indicated that all parties showed flexibility in their negotiating positions, which eventually culminated in the Joint Statement.

Although the six party talks may represent a prelude to a longer term arrangement for peace and stability in the region, it has also been observed that the parties have not always

[23] Wit, Poneman and Gallucci, *op.cit*., pp. 102-107.

[24] Joel Brinkley, "North Korea Says U.S. Alone is Holding Up 6-Nation Talks", *The New York Times* International, August 10, 2005, http://nytimes.com/2005/08/10/international/asia/10korea.html,; "North Korea nuclear talks in recess," The Associated Press, August 8, 2005, http://www.newsday.com/news/local/longisland/politics/ny-wokore08082005.html.

[25] Park Song-wu, "NK Wants Peace Pact With US, S.Korea," *The Korea Times*, 9 August 2005, http://times.hankooki.com/1page/200508/kt2005080918595110160.html..

[26] Andre de Nesnera, "Six-Party Talks on North Korea to Resume in Beijing," 12 September 2005, http://www.voanews.com/english/2005-09-12-voa35.cfm.

[27] Kyodo News on the web, "Drafting of joint statement eyed as 6-way talks enter 3rd day," http://home.kyodo.co.jp/modules/fstStory/index.php?storyid=19477.html.; "North Korea's choice,", *The Japan Times*, August 10, 2005, http://www.japantimes.com/cgi-bin/geted.pl5?ed20050810a1.html.

shared the same objectives or the means to attain them.[28] Similarly, others consider that previous rounds of talks had yielded little real benefit and may have encouraged North Korea toward greater use of brinkmanship and intransigence on its nuclear programme. What the talks do appear to have accomplished is an understanding of the points of agreement and disagreement between the parties, which are reflected in the Joint Statement. The key aspect is whether there is sufficient agreement to implement the measures contained in the Statement to achieve the verified dismantlement of the North Korean nuclear programme.

Coordination between the United States, Japan and South Korea has been viewed as a central element of a trilateral approach to the talks. Significant incentives were proposed by these parties in return for North Korea's agreement to eliminate its' nuclear programme. Where the three parties had expressed differences previously concerned the issue of whether North Korea's nuclear programme should be taken before the United Nations Security Council. South Korea was said to have opposed such a move while Japan and the United States were in favour.[29]

In a previous round of the talks the United States had offered provisional multilateral security assurances, non-nuclear energy programmes, heavy fuel oil, progressive removal of economic sanctions, economic, humanitarian and technical assistance, and ultimately, the normalization of relations.[30] These were conditional on a clear commitment by North Korea to the verified dismantlement of the nuclear programme. Former negotiator at the talks Mitchell Reiss characterized the United States' position in the following manner:

North Korea has been chasing two irreconcilable goals. One appears to be some modest economic revitalization and acceptance by the international community. The other is nuclear weapons and missile delivery systems. It must recognize…that it cannot have both.[31]

South Korea's approach to the six party talks has been based on a strategy emphasizing reciprocal moves by the parties beginning with a six month freeze on North Korea's nuclear programme.[32] During the initial six-month period the country would 'declare all of its nuclear programs, cease operation of these programs, seal nuclear materials and facilities and put them under international verification'. The dismantlement would begin 'within the six months of the freeze'. 'At the beginning of the freeze, the other parties would give North Korea security assurances, affirming that they "have no intention to attack, invade or seek regime change," and that they would provide "more enduring" assurances once the dismantlement is complete.

[28] John S. Park, 'Inside Multilateralism: The Six-Party Talks', *The Washington Quarterly*, vol. 28, no. 4, Autumn 2005, pp. 75-91.

[29] *The Japan Times*, 8 May 2005. See also, Working Paper of Japan, *NPT/Conf.2005/WP.22*, para. 69, 4 May 2005

[30] 'U.S. Will Accept "Nothing Less" than Total Nuclear Dismantlement in North Korea, Kelly Says', US Department of State, *Washington File*, July 15, 2004.

[31] Mitchell Reiss, 'North Korea's Legacy of Missed Opportunities' Remarks to The Heritage Foundation, Washington D.C. March 12, 2004.

[32] The following outline is derived from that provided in *Ending the North Korean Nuclear Crisis. A Proposal by the Task Force on U.S. Korea Policy*, Cosponsored by The Center for International Policy and The Center for East Asian Studies, University of Chicago.

China is both the host of the six-party talks and has been viewed as an influential player in determining the outcome of the North Korean nuclear situation.[33] One analysis of China's more recent position is that it has departed from traditional policy by stressing to North Korea that the nuclear weapons programme must be terminated. The key to this change is considered to be concerns about regional instability and by the country's 'desire to cement economic and strategic linkages with its regional neighbours'.[34]

4. North Korean, regional security and global non-proliferation and disarmament efforts

The Joint Statement negotiated under the auspices of the six party talks has offered the potential for attaining the complete and verified dismantlement of North Korea's nuclear programme. Additionally, it may also serve as a longer-term measure for stability in northeast Asia because, unlike many other regions, this region does not have the institutional arrangements that allow the states comprising it to forge policies that affect their peace and security relations. This situation could change if the common understanding embodied in the Joint Text of 19th September 2005 is implemented in its entirety.

Much still needs to be accomplished however and further rounds of negotiation will only tell whether this is a likely prospect. Key aspects such as the issue of North Korea's insistence on the provision of a light water reactor, the details of future economic cooperation and energy assistance to North Korea, and the nature of a permanent peace regime on the Korean Peninsula have yet to be resolved. Additionally, since 1993 the IAEA has 'been unable to implement fully its comprehensive NPT safeguards agreement' with North Korea and 'since December 2002, the Agency has not been able to perform any verification activities' in that country and consequently 'cannot provide any level of assurance' about its 'nuclear activities'.[35]

Another broader issue stemming from what has occurred in the context of North Korea relates to the circumstances surrounding withdrawal from the NPT. At the 2005 NPT Review Conference the EU and other states tabled working papers and statements addressing withdrawal under Article X. The issue was not resolved in New York but the initiatives contained in these documents deserve further attention. The working paper by Australia and New Zealand stated that the intention was to 'support better use of existing provisions and structures' related to the process of withdrawal. The EU proposed a broad-based approach to deal with both the procedures for withdrawal and the consequences for the state in question if withdrawal went ahead.

Among the suggestions for clarifying withdrawal at the 2005 Review Conference was that the role of the UN Security Council should be enhanced in dealing with such cases and in

[33] Anne Wu, 'What China Whispers to North Korea', *The Washington Quarterly*, vol. 28, No. 2. One analysis has suggested there is a perception gap concerning the extent of leverage China has over North Korea for fear that too much pressure would weaken the regime and prompt massive refugee flows into China. John S. Park, *op.cit*., p. 88.

[34] Wu, *op.cit*., p. 36.

[35] 'Statement of the Director General', 19 September 2005, Vienna, Austria, IAEA Board of Governors, http://www.iaea.org/NewsCenter/Statements/2005/ebsp2005n009...

non-proliferation generally. Additionally, while IAEA safeguards have performed well in the case of North Korea by alerting the international community to violations of obligations the potential for further strengthening remains.

Another challenge is the possibility of 'second-tier nuclear proliferation' as a result of trading in nuclear and other strategic items among developing states and transnational networks.[36] This will require efforts to strengthen existing export control arrangements and for responses to new and emerging suppliers.[37]

Thus the issues raised by North Korea's nuclear activities require that a multi-pronged approach to addressing nuclear proliferation be developed. As noted at the 2005 NPT Review Conference in the papers related to withdrawal there is a continuing need to address the factors that lead states to acquire nuclear weapons and improve regional security. Much has been accomplished but the task for the future is to implement measures designed to respond to the new dynamics of nuclear proliferation, which might involve both treaty-based and non-treaty-based approaches including both supply-side and demand-side responses.

[36] Braun and Chyba, op.cit, pp. 5-6.
[37] Ibid., pp. 32-3.

7. A Strategy for Defeat? The Iranian Nuclear Program and the EU-3/EU Deal

Maurizio Martellini and Riccardo Redaelli

1. Introduction

The unexpected victory of the Mayor of Tehran, the hard-liner Mahmoud Ahmadinejad, in last June's presidential elections in Iran brought to an apparently unsolvable standstill the nuclear deal proposed by the EU-3/EU (France, Germany and Great Britain, plus the office of High Representative for Foreign Policy Javier Solana), which had started in October 2003 and had been relaunched in November 2004. As is well known, the crux of the matter is related to the country's right to enrich uranium and the request to suspend all enrichment-related activities by the Iranian regime.

Although – as will be seen later – the EU-3/EU recognised Tehran's legitimate right to enrichment, at the beginning of 2005 they asked Iran to dismantle all of its enrichment facilities and to agree to a definitive and irreversible suspension. This position was adopted by the EU in an attempt to gain US support for the deal, but was unacceptable for the Iranian mediators, especially in the run-up to the Iranian presidential elections.

The strongest candidate in the elections was the powerful and pragmatic former president Akbar Hashemi Rafsanjani, the leader of the techno-conservative group which was managing the nuclear deal. It was clear that the EU-3/EU had decided to wait for Rafsanjani's victory to close the deal, or at least to obtain from him a prolonged suspension of all enriching activities. Ahmadinejad's victory took them by surprise "[…] mostly because they had previously argued that, with Rafsanjani as the new president, the Iranian government would be ready for a comprehensive dialogue with the West [...]".[1]

The new President Ahmadinejad represents a different kind of interlocutor: a new (ultra) conservative who won the election with a populist platform that mixes anti-corruption slogans, promises of a more equitable redistribution of national health services with isolationist tendencies of a strong nationalist flavour, presenting himself as an outsider to the corrupt elite in power, while he is, in fact, an "invisible" member of the most dangerous part of the establishment, namely the security and para-military agency.[2]

During his campaign, Ahmadinejad strongly criticised the EU-3/Iran nuclear deal, reaffirming Iran's right "to use nuclear technology for peaceful purposes". The appointment

[1] Ali-Asghar Kazemi, "New conservative power grip", 25 March 2005 <www.bitterlemons-international.org>.

[2] Ali Akbar Mahdi, "Iran's Reformers: a Future that Works", *OpenDemocracy*, 3 August 2005 <www.opendemocracy.org>.

of Ali Larijani – who had vociferously spoken out against the negotiations – as Secretary of Iran's Supreme National Security Council (SNSC) and hence as chief nuclear negotiator (toppling the pragmatic cleric Hasan Rowhani) was a direct blow to the deal itself.

One of the first acts of the new government was to announce that Iran wanted to resume its enrichment-related activities, re-opening the Esfahan plant for the conversion of UF-4 gas. The EU-3/EU answered by calling off the scheduled talks, as they considered this move a violation of the Paris Agreement of November 2004.[3] But, as frequently stressed, the EU-3/EU accord was essentially a political deal for a forthcoming long-term agreement. It was to be only the first step in a long-term, more comprehensive process, involving other regional and international actors as well as other issues.[4]

As became already clear soon after the November deal, "[…] the EU-3/EU had postponed a success or a failure of their engagement with Tehran to a less critical time, that is during the 3 months that will follow critical events: the IAEA Board, the International Conference on Iraq, the general elections in Iraq of January 2005 and any other possible related event […]."[5] In 2005, the EU-3's inability to convince the US to accept the Iranian proposal to dismantle its industrial scale enrichment programme, keeping only a limited number of centrifuges under strict IAEA inspections, forced them to ask Tehran to accept irreversible dismantling. They offered rewards and made threats of improbable economic embargos and political moves such as referring Iran to the UN Security Council (which the EU does not have the power to do), hoping that "[…] Iran would fail to call the EU's bluff, while searching for an exit strategy that would enable the EU to pass the blame on to Iran […].[6]

Unfortunately, Tehran did call their bluff, also because Iranians feel themselves to be in a stronger position. The EU's main threat was to support US demands to take Iran before the UN Security Council. However, after the IAEA concluded – during the summer of 2005 – that the highly enriched uranium (HEU) particles found at several Iranian sites were plausibly not a consequence of covert activity by Iran but from imported equipment (namely, though unofficially, from Pakistan), the US lost the presumed "smoking gun" to be used against Tehran.

In the current economic and political situation, reaching an agreement at the Security Council for a harsher policy and sanctions on Iran would appear very problematical.[7]

[3] […] So, by common accord between the three Europeans, it is clear that there will be no negotiations meeting… as long as the Iranians remain outside the Paris Agreement […]". Reuters, 23 August 2005.

[4] Cf. Maurizio Martellini – Riccardo Redaelli, "Addressing the Iranian Nuclear Option", *The International Spectator*, no. 4, 2004, pp. 53-63.

[5] Maurizio Martellini – Riccardo Redaelli, "LNCV Comments on the 3 EU-Iran Nuclear Deal", *LNCV Policy Papers*, November 2004 <www.centrovolta.it/landau>.

[6] Trita Parsi, "Europe's mendacity doomed Iran talks to failure", *Financial Times*, 30 August 2005.

[7] As has been noted: "[…] despite wanting the Iran nuclear case sent to the Security Council, German leaders said […] that European States won't seek sanctions against Tehran […]", *Stratford Morning Intelligence Brief*, 8 September 2005.

2. EU-3/EU agreements: too narrow a path?

"In any negotiation the devil is in the details", the saying goes. But the weak points of the EU-3/Iran agreements of October 2003 and November 2004 were not only in the details, but in the framework of the deal itself, as well as in the EU's credibility as a mediator.

The first October 2003 agreement was an attempt to avoid an international crisis at a tense moment for the region, while at the same time avoiding a new division between Europe and the US over Iran, following the one over Iraq. In fact, since mid-2002 there had been growing concern over the Iranian nuclear program, after an opposition group had revealed the existence of two previously unknown nuclear facilities (Arak and Natanz). The IAEA opened a "special file" on Iran, concluding – after several inspections – that the country "[…] has failed to meet its obligations under its Safeguards Agreement […]", and accusing Tehran of not being transparent.[8] The end of October 2003 was the date indicated by the IAEA Board of Governors for providing a complete declaration of Iranian nuclear material and activities. Moreover, the Agency asked Iran to sign the Additional Protocol (a voluntary agreement which enables the IAEA to conduct more intrusive and effective inspections).

Thanks to the October deal with France, Germany and Great Britain, Iran was able to face the crisis and, in the following months, signed the Additional Protocol and shut down all its enrichment-related plants.

However, during 2004, new problems arose: the EU was unable to set up a credible package of "rewards" for Tehran; new evidence of clandestine operations and omitted reports worsened the Iranian position, although – as recognized by the IAEA Board of directors itself – the inspectors did not find any "smoking gun", that is a serious material breach of NPT safeguard guarantees, that would have resulted in Tehran going before the UN Security Council.

The US and Israel asked for immediate sanctions against the country, but it was clear that there was no political agreement on this position: the EU, Russia and China opposed an overly aggressive policy against Iran, while IAEA Director General Mohamed el-Baradei feared that exaggerated pressure might have negative effects, such as Iran's withdrawal from the NPT. Also, it was evident that many states inside the IAEA – especially members of the Non-Aligned Movement (NAM) – were upset by what they called a "double standard" policy against a country which was an NPT member and which had signed the Additional Protocol.

However, many analysts agreed that – even though there was no proof of a military nuclear program – during the last 20 years Iran had developed and tested all the elements necessary for an effective nuclear program. In other words, it had left the "door open" for crossing the nuclear threshold.

This door was a political one – not a technical one. Therefore, it should have been met with a comprehensive political move, not concentrating solely on the nuclear issue. The nuclear policy of the post-revolutionary regime in Tehran was – and still is – more about

[8] Report by the Director-General, "Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran", International Atomic Energy Agency, GOV/2003/40, 19 June 2003 <http://www.iaea.org/worldatom/Documents/Board/2003/gov2003-40.pdf>.

nationalism and national-pride, strategic isolation and the "pariah-state syndrome" than about energy or military weapons. The results of international pressure against enrichment, and threats of a pre-emptive military strike have only resulted in transforming the nuclear question into a nationalist issue at the domestic Iranian political level. Intimidations and purely negative answers do not work with Iran. In the autumn of 2004, in an attempt to solve the nuclear standstill, the EU-3/EU launched new negotiations with Iran which finally led to the Paris Agreement of November 2004. In that agreement, the EU-3/EU recognised Iran's legitimate right to enrichment activities, a right that is, moreover, set down in Art. IV of the Nuclear Non-Proliferation Treaty (NPT): a country may enrich, and have a complete fuel-cycle, and remain in full compliance with its NPT provisions. Iran – in exchange for political, economic and technical rewards – agreed to voluntarily and temporarily suspend all enrichment activities. Tehran's decision was deemed a "voluntary, non-legally binding confidence-building measure".

The first goal – gaining time – had been achieved, but nothing more. For months, there were meetings between Iranian and European negotiators in Europe. However, to receive some grudging support from Washington, Iran was asked to agree to the irreversible suspension of enrichment related activities and the dismantling of all connected facilities. This was a condition that no Iranian political leader could accept.

In April 2005, Iranian negotiators proposed a sort of "exit strategy": Tehran might agree to dismantle its industrial scale enrichment programme, on condition that it would be entitled to continue – under strict IAEA inspections – research and experiments on a limited number of centrifuges. The EU-3/EU refused, after the Bush administration had made it clear in several public declarations that it was unacceptable for Iran to master the technicalities of a complete nuclear fuel cycle: "They should not be allowed to enrich uranium," President Bush declared.[9]

After that, the proposed deal was doomed: Ahmadinejad's victory offered an easy excuse.

3. Enlarging the framework of the negotiations

In dealing with this issue, the importance of a different and wider approach must be stressed. Insisting only on "technical" issues or, worse, using only negative policies and/or political/military threats in trying to move Iran's nuclear policy in a positive direction can only be counterproductive. On the contrary, the international community should address Iran's political, economic and security concerns and, at the same time, refrain from challenging the very existence of the Islamic Revolution's institutional framework.[10] The nuclear issues should be considered within the context of the security challenges and risks

[9] Associated Press, 28 April 2005.

[10] M. Sariolghalam, "Understanding Iran: Getting Past Stereotypes and Mythology", *The Washington Quarterly,* vol. 26, no. 4, 2003; A. Ehteshami, "Iran's International Posture After the Fall of Baghdad", *Middle East Journal*, vol. 58, no. 2, 2004, pp. 186 ff.

perceived by the Iranian leadership. Only then can countermeasures or solutions be formulated to convince Iran not to cross the nuclear threshold and to remain in full compliance with its NPT obligations.[11]

Indeed, the Iranian nuclear problem cannot be solved in a stable manner without a comprehensive approach to the country's security perceptions of threat and strategic isolation. The EU-3/EU's formula was too restrictive to provide the degree of freedom needed to shape a long-term positive engagement involving Iran and the international community.

Italy repeatedly insisted that the EU-3/EU's deal represented a positive step, but suggested that it should be expanded. For Italian diplomacy, the best solution for the nuclear deal was to extend the negotiating table to include countries that were historic friends of Iran, such as Italy, Russia and Japan, the latter being one of Iran's partners in the hydrocarbons sector. There was no need to create an *ad hoc* larger negotiating table, as this already exists in the guise of the G8. Even though the unofficial participation of Russia in the EU-3/EU negotiations was to some degree guaranteed (it exports civilian nuclear technology to Iran), its formal and explicit participation in G8-style nuclear negotiations would certainly have helped the search for a peaceful solution insofar as it would have eliminated doubts Iran has occasionally had regarding hidden moves between Russia and the United States.

Within such a framework, it could be possible to induce Tehran to give up (for a lengthy period) developing, autonomously and in its own way, a civilian nuclear fuel, accepting instead that the fuel be supplied from abroad via an international consortium or state (such as Russia), with the appropriate security guarantees from the IAEA and/or an *ad hoc* multilateral, regional organisation.

Nor did this idea run contrary to the EU deal: it would have represented the ideal follow-up for reaching true regional stabilization. However, it was rejected due both to US doubts and to strong EU-3 opposition (petty national rivalries amongst EU states once again weakening the EU's role and policy).Be that as it may, from an effectual point of view there are no absolute technological "guarantees" that a closed nuclear fuel cycle will not be used for proliferation or that clandestine parallel related programs will not be developed. Any state with the capability of mastering the front and back ends of the nuclear fuel cycle has a "virtual deterrence potential". The Non-Proliferation Treaty itself is the result of a nuclear bargain between the five permanent members of the UN Security Council and the others: the majority of states acceding to the NPT as Non-Nuclear Weapons States would be able to benefit from nuclear technologies and cooperation (Art. IV of the NPT). As a consequence of this, the NPT is intrinsically exposed to "loopholes". Therefore, guarantees against the misuse of a civilian nuclear capability based on a closed nuclear fuel cycle cannot be based only on technological factors, but must also include political aspects. Among the latter, confidence building measures, mutual trust, non-ideological postures, international arrangements and so on, are essential.

[11] Cf. the interesting analysis by Michael R. Kraig, "Realistic Solutions for Resolving the Iranian Nuclear Crisis", *Policy Analysis Brief*, The Stanley Foundation, January 2005.

4. A political way out

In order to strengthen guarantees for Iran, IAEA Director General el-Baradei appointed a group of experts to study means of establishing Multilateral Nuclear Approaches (MNAs) to the civilian nuclear fuel cycle. Their report concluded that:

[…] two primary deciding factors dominate all assessments of multilateral nuclear approaches, namely 'assurance of non-proliferation' and 'assurance of supply and services'. Both are recognised overall objectives for governments and for the NPT community. In practice, each of these two objectives can seldom be achieved fully on its own. History has shown that it is even more difficult to find an optimum arrangement that will satisfy both objectives at the same time […]».[12]

The main obstacle to voluntary MNAs is that a multilateral arrangement today is not a universal, binding principle, and Iran is very reluctant to accept *ad hoc* – double standard-style – limitations to its nuclear program (again, the Iranians' nationalistic attitude should not be forgotten). Nevertheless, it may be possible to imagine the institution of a regional verification organisation (like the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials-ABACC) and the adoption of MNAs in the Middle East if: i) economic benefits were to be gained by all countries in the region participating in the multilateral arrangements; ii) a Middle East MNA (MEMNA) proposal were linked to a new universal and regional political bargain in the nuclear field. The latter would call for the signature of a universal Fissile Material Cut-off Treaty (FMCT) for all nuclear weapons and non-NPT States (the universal part of the bargain), as well as the creation of a Nuclear Weapons Free Zone (NWFZ) in the Middle East (the regional part of the bargain – it would have to be one of the pillars of a diplomatic process aimed at establishing a new security and stability order in the region in the post-Saddam Hussein era).[13]

More generally, it is important to engage Iran at the regional level as well, and to avoid exacerbating its sense of "strategic isolation". This could be done, for instance, by favouring Iran's inclusion (with observer status) in regional cooperative structures, such as the GCC, and its economic integration with neighbouring states. In this way, the West could try to replicate what is happening in central-southern Asia, with the rise of economic cooperation between China, Pakistan, India and the former Soviet central Asian republics and the invitation by the Shanghai Cooperative Organisation for Tehran, New Delhi and Islamabad to act as observers in strengthening regional cooperation against terrorism and drug smuggling.

At the technical level, the US refusal to accept Iran's management of a complete nuclear fuel-cycle (even not at the industrial level, but simply at research level as proposed by Tehran), makes it essential to come up with new innovative solutions. One could be to build a

[12] IAEA Information Circular (INFCIRC), "Multilateral Approaches to the Nuclear Fuel Cycle: Expert Group Report submitted to the Director General of the International Atomic Energy Agency, Report 640, 22 February 2005 <http://www.iaea.org/Publications/ Documents/Infcircs/2005/infcirc640.pdf>.

[13] See the interesting analysis on NWFZ in the Gulf and Middle East by Peter Jones, *A WMD Free Zone within a Broader Gulf and Middle East Security Architecture* (Dubai, United Arab Emirates: Gulf Research Center, March 2005).

security-reliable international consortium (for both the international community and Iran) providing nuclear fuel and taking back the spent fuel, modelled on the Urenco and Eurodif examples which, under strict IAEA control, could conduct limited research-oriented enrichment activities in Natanz[14] (it should be noted that Iran already has an indirect share – although currently frozen – in Eurodif). This consortium could include Western countries and/or dedicated companies, as well as countries that Tehran considers "reliable" partners. Some members of the Non-Aligned Movement might also play a role. South Africa, in particular, represents an ideal candidate: it is an important NAM state; it has specific knowledge in the nuclear field; and it is a very successful example of non-proliferation, since Pretoria developed nuclear weapons and ballistic missiles but relinquished these armaments in the early 1990s.

5. September '05 – February '06: towards the UNSC

As already noted, Ahmadinejad's unexpected victory was a surprise for the European negotiators who had procrastinated over the presentation of their proposals until the beginning of August. However, by July it was already obvious that negotiations between the EU-3 and Iran which had begun in October 2003, had come to a stalemate. The arrival of Larijani – a figure who had always been publicly hostile to the talks – as the new nuclear negotiator with the Europeans, was a clear signal of the new administration's intransigence.

Tehran's reaction to the new package of offers[15] was a sharp refusal which annoyed the European negotiators. The failure of these negotiations exacerbated the crisis and intensified international concerns regarding the aims of Iran's nuclear programme.

On the one hand, the government in Tehran announced that it wished to resume enrichment activities in its Isfahan laboratory, a move intended to emphasise Iran's desire to possess the technology required to manage the entire nuclear fuel cycle. On the other, the EU-3 denounced such a move as a clear violation of the Tehran and Paris agreements of 2003 and 2004 and refused to conduct any further negotiations. Furthermore, Europe adopted the US line, asking the IAEA Board of Governors to refer the Iran file to the UN Security Council for violations of the NPT and as a consequent threat to international security.

From that moment, a pressing diplomatic contest was under way. Whilst the United States, Israel and Europe brought strong pressure to bear on the IAEA to pronounce against Iran, Tehran sought diplomatic support from the non-aligned countries, especially Russia, China and India, its important trade and political partners on the regional level.

[14] It may be possibile to imagine Iran conducting research activities keeping the Natanz pilot plan 'as it is', with 164 centrifuges. This will simply be a symbolic installation. Cf. Bruno Tertrais, *The Iranian Nuclear Crisis*, in Ivo Daalder, Nicle Gnesotto, Philip Gordon (eds.), *Crescent of Crises. U.S. – European Strategy for the Greater Middle East*, Paris – Washington, 2005, pp. 35 on.

[15] Cfr. AIEA, *Communication dated 8 August 2005 received from the Resident Representatives of France, Germany and the United Kingdom to the Agency*, INFCIR/653, 8 August 2005 <http://www.iaea.org/Publications/Documents/Infcircs/2005/infcirc 651.pdf>.

The result was a bodged compromise. At the meeting of 24 September 2005, the Board of Governors of the IAEA stressed the worries, doubts and lack of trust regarding Iran's nuclear programme. These doubts, consequently, "have given rise to questions that are within the competence of the Security Council as the organ bearing the main responsibility for the maintenance of international peace and security".[16] The Agency assigned itself two months to arrive at a decision, giving the Director General, El-Baradei, the mandate for presenting conclusions in a meeting scheduled for the end of November.

Initially seen as a victory for the West and as an extremely strong instrument for bringing pressure to bear upon Iran, this decision risked having a boomerang effect: given the total lack of international agreement on economic and political sanctions against Tehran, concerns about a further increase in the price of crude oil should an embargo be enforced, and fears of reprisals by Iran in Iraq and in Afghanistan, referral to the UN appeared a blunted weapon. The file on Iran could have been held up for months, given Russia and China's power of veto, whilst Iran could have reacted by closing its borders to IAEA inspectors.

All of this led to further diplomatic contacts. US pressure on Russia and China, however, did not bear fruit, whilst New Delhi – which, in September had changed its position and voted in favour of referring Tehran to the Security Council – indicated that it wished to play a more prudent political role so as not to jeopardise the numerous economic and energy projects already under way with Iran. Although negotiations between Iran and the EU-3 were deadlocked, in October a new proposal was informally put forward: Iran would be permitted to continue research into uranium conversion into UF-4 at its Isfahan facility but, in exchange, would move all other activity regarding enrichment to Russia, conducting research under Russian and international supervision without, however, arriving at full command of the entire enrichment process. Tehran initially rejected this proposal, although it let it be understood that it could form the basis for new negotiations only, however, if the Atomic Agency did not refer Iran to the UN Security Council.[17]

On 16 November 2005, Iran announced that it had once again begun production of UF-4. Moscow immediately offered to host a new meeting between the Iranian and European negotiators, but the offer which was rejected by the Europeans.

On 11 January 2006, in the presence of the IAEA inspectors, Iran removed the seals at the Natanz Pilot Enrichment Plant. This triggered a harsh reaction from the UNSC as well as the EU countries and led to the so-called P5+1 agreement in London on 30 January and to the IAEA declaration of 4 February,[18] in which the Agency "deeply regrets" the Iranian decision, and which paved the way for referring the Iranian file to the UNSC.

While this represents a "victory" for the Bush administration, "it is by no means clear how much support further moves by the UN Security Council will receive from Russia and

[16] AIEA, *Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran*, resolution adopted on 24 September 2005, p. 2 <http://www.iaea.org/Publications/Documents/ Board/2005/gov2005-77.pdf>.

[17] Emile B. Landau (2005), "Confronting Iran's Nuclear Ambitions: The Politics of coalition Building", *Tel Aviv Notes*, no. 153, 5 December 2005.

[18] AIEA, Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran, resolution adopted on 4 February 2006 <http://www.iaea.org/Publications/Documents/ Board/2006/gov2006-.pdf>.

China".[19] Therefore, referral to the UNSC must not be seen as a tool for bringing punitive and strong measures to bear against that country; instead it must be incipient to the launching of a special procedure by the UN Secretary General (UNSG) employing his special diplomatic channel of "Good Offices (GOs)" to handle the strategic security dimensions and to call upon Iran to show nuclear restraint and to re-establish its voluntary cooperation with the IAEA, in particular concerning the implementation of the transparency measures as requested by the IAEA Director General. To this purpose the UNSG' GOs would create a special *"contact group"* (like the one established for dealing with the Afghanistan crisis), absorbing and enlarging the former EU3/EU deal, or a special "mechanism" (like the Quartet set up for resolving the Israeli-Palestinian conflict). The fact remains that the only way to solve the Iranian nuclear puzzle is through continuous positive engagement and by searching for both innovative and realistic solutions.

[19] Jon B. Wolfsthal, *Will Diplomacy Stop Iran?* (Washingthon DC: CSIS, 2 February 2006) <www.csis.org>.

Annexes

Report of the international conference on
"Transatlantic security and nuclear proliferation"

Rome, 10th-11th June 2005

rapporteur: Riccardo Alcaro

Introduction

In the aftermath of the unsuccessful outcome of the 2005 Review Conference of the Nuclear Non-Proliferation Treaty (NPT RevConf), the Istituto Affari Internazionali (IAI) of Rome held an international conference to debate nuclear proliferation trends and options for transatlantic cooperation to address them. The meeting was organised in cooperation with the EU Institute for Security Studies of Paris, with the support of the German Marshall Fund of the United States, the Compagnia di San Paolo of Turin, the Rome Office of the Friedrich Ebert Stiftung, and the Embassy of the United States in Rome. It took place in Rome, on 10th-11th June, 2005.
The conference brought together experts, practitioners, and academicians from the United States and Europe to discuss a range of issues related to nuclear proliferation: current shortfalls and foreseeable trends in arms control regimes, especially the NPT; the Iranian and North Korean nuclear intentions as major test cases of the effectiveness and consistency of non-proliferation policies; US and EU approaches and the prospects of a common transatlantic strategy.

First session – Non-proliferation Initiatives and NPT Review

The NPT is faltering because of lack of confidence. All participants acknowledged that the failure of the May 2005 NPT Review Conference in New York mirrors a deeper crisis of international nuclear arms control regimes based on multilateral agreements. The RevConf highlighted the increasing difficulties that the NPT member states have in finding common positions. The NPT is facing what has been described as a "crisis of confidence", because several member states tend increasingly to see the treaty's provisions as hindering their interests. Many parties focus on that aspect of the non-proliferation regime which best serves their interests, paying little attention to the interrelationship between the various principles of the treaty. In addition, key parties to the treaty seem less committed than in the past to these principles. As a result, not only the treaty's effectiveness, but also its credibility are now put into question.

The NPT no longer protects from proliferation. These considerations led some participants to ask whether the crisis affecting the NPT hinges more on structural factors than on political will. It was suggested that the NPT structure, designed during the Cold War and affected by the logic of the two-blocs system, is unable to counter effectively the most recent trends in proliferation – such as the nuclear ambitions of emerging powers, the considerably easier access to nuclear technologies and materials, and the risks posed by the combination of nuclear devices and "rogue states" or terrorist networks.

Many participants underlined that the NPT is no longer able to protect its parties from proliferation threats. The treaty's Article IV makes it possible to develop civilian nuclear activities, including enrichment of uranium, which can be quickly converted to military use. Furthermore, the treaty does not provide for adequate instruments with which to verify compliance with its provisions or credible means with which to sanction non-compliance or withdrawal. The persistent imbalance between nuclear weapons states and non-nuclear weapons states also fuels mutual mistrust and flaws the treaty's solidity. The 'official' nuclear weapons states have so far shown a weak commitment to Article VI obligations to disarmament, which is widely seen as linked to non-proliferation.

Has the 'proliferation taboo' been broken? Some participants expressed concern that in today's international context the NPT's main objective – non-proliferation – may no longer be seen as useful, because it does not help stabilise relations between rival powers, as was the case when the treaty was conceived. On the contrary, the treaty is increasingly seen as a political instrument for constraint. As a result, it was argued that the 'proliferation taboo' – the assumption that proliferation is bad in itself – has been broken. Some countries, NPT members included, now tend to look at nuclear weapons as a means to strengthen their political status and give them a say in international affairs. From this point of view, nuclear weapons increase a country's prestige, as the cases of India and Pakistan apparently suggest. In addition, it was remarked that many NPT members considers the attempts to block nuclear civilian programmes as illegitimate. They argue that nuclear weapons states constrain the legal aspirations of non-nuclear weapons states in order to keep their privileged status. Thus, the deal struck between nuclear and non-nuclear weapons states – that is, the trade-off between a commitment to non-proliferation and the promise to disarm – is under deep strain. It was warned that if the NPT falls apart, a very dangerous devaluation of international norms could follow.

Bad preparation and weak commitment doomed the NPT RevConf. Participants who took part in the NPT RevConf in New York reported that the meeting was ill-prepared, and that member states did not show enough commitment. Parties were unable to agree on rapid procedures and several delegations were inexperienced, composed mostly of persons attending an NPT Review Conference for the first time. The presidency showed a lack of flexibility – making bad use for instance of the consultative process – which played a role in preventing the parties from assuming more compromising stances. No final document or statement was released by the presidency at the end of conference.

Divisions among and within groups. Experts who attended the RevConf said that even though the negative outcome was predictable, the extent of divisions among and within groups was striking. Stark divisions had also characterised previous conferences. For instance, the 2000 NPT RevConf took place in a critical moment, and many thought it was doomed. However, the main collective actors in the NPT negotiations – the five recognised nuclear weapons countries (P-5), the Non-Aligned Movement (NAM), and the New Agenda Coalition (NAC) – showed a considerable degree of unity and were eventually able to find a consensus. In 2005, internal divisions affected groups' ability to find common ground for credible proposals. In contrast to what had happened in 2000, the P-5 did not issue any joint statement. The NAM has always experienced considerable internal frictions, which is no wonder considering its large size (it comprises more than a hundred NPT members). This time, however, there was no hint of a shared

vision, with some countries – above all Egypt – rigidly maintaining their positions. Bitter differences between NAM members and non-NAM members also emerged within the NAC, leading the group to a substantial paralysis. Thus, the NAC could not play the strategic role of 'bridge' between the nuclear and the non-nuclear weapons states that it had successfully played during the 2000 RevConf. Its internal divisions were described by one participant as a "growing gulf". In the eyes of many, the failure of the 2005 RevConf put an end to this group, at least in its present configuration.

Winners and losers. Participants expressed common opinions over the list of winners and losers of the RevConf.

They maintained that for the *United States* the results of the RevConf are mixed. Experts who attended the conference in New York described the American delegation as of low level, uncommitted, often not audible. It focused on risks posed by 'proliferators' like Iran and potential connections between "rogue states" and terrorism, but failed to make any significant concessions that could have facilitated an agreement. At the same time, the US, along with France, did not pick up from the difficult compromise achieved in the 2000 RevConf final document, which urged the nuclear weapons states to adhere to their commitment to further disarmament. This uncompromising approach led some commentators to express doubts over the US' willingness to continue to play a leading role in multilateral non-proliferation negotiations.

Some analysts concluded that the US missed a crucial opportunity to promote its own interests in order to retain total flexibility. Yet others noted that the current US administration is not wholly uncomfortable with the outcome of the RevConf as it has repeatedly expressed its scepticism about the effectiveness of multilateral regimes and shown a clear preference for more informal initiatives. It emerged that the US tendency to de-link non-proliferation policies from disarmament while emphasising the need to confront proliferators is not accepted by the majority of NPT members. Its half-hearted support for the strengthening of the NPT was criticised by several conference participants because it makes it easier for countries to question NPT efficiency and credibility.

On the contrary, experts praised the *European Union* for assuming coherent and pro-active positions on key issues like agenda, programme, and final report. The EU, represented by the Luxembourg presidency, emphasised the urgency to revise the allegedly lax procedures regulating withdrawal from the NPT. One participant who took part in the negotiations in New York reported that the EU was instrumental in preventing the RevConf from collapsing in the second week. However, the failure of single EU members to reiterate common European positions in their individual national interventions diminished EU leverage. In this regard, it was recalled French defiance over the 2000 RevConf results, though one expert contended that the negative outcome of the negotiations do not coincide with French interests.

The *Democratic People Republic of Korea* was singled out as the great winner by almost all participants. It was regretted that the RevConf did not discuss the case of North Korea's withdrawal from the treaty in 2003. Indeed, Article X, which regulates withdrawal procedures, is widely recognised as one of the main flaws of the NPT. Equally disheartening was that NPT parties did not address treaty loopholes that can be exploited by non-state actors. As a consequence, *non-state actors* – such as terrorist networks – were also placed in the winners' list. *Iran* also came out a winner: It managed to divert attention from its controversial nuclear programme to nuclear weapons states' failure to fulfil their disarmament obligations. Some participants remarked that the political leverage that the EU-3 (Britain, France and Germany) can

now exert on Tehran was weakened: the RevConf showed the difficulty Europeans would have in building consensus within the Executive Board of the International Atomic Energy Agency (IAEA) for a resolution referring the Iran case to the UN Security Council.
Some participants added *Egypt* to the winners. The hard-blocking role it played in negotiations contributed to the negative outcome of the RevConf. It was suggested that this uncompromising stance stems from a sense of frustration: Egypt feels it has conceded a lot in the past, but has not seen any positive returns. It was also remarked that Egypt's concern for losing its traditional leadership in the Middle East could lead it to look at Iran as an example. *China* was mentioned as a long-term winner of the non-proliferation crisis. Beijing largely benefits from US-Iranian estrangement because it considers Tehran a strategic partner in the Gulf region. Egypt can also be seen as one of its potential partners. Some participants warned that when Beijing is eventually able to offer it substantial incentives, Egypt could abandon the US camp.
The losers' list comprises all groups that have traditionally characterised the 'geography' of the NPT negotiations – that is the P-5, the NAM and the NAC. It became evident that the *P-5*, as a whole, do not share common priorities. They are split and unable to form a homogenous bloc on non-proliferation issues. Divisions among *NAM members* added confusion and melted the group's solidity. Apparently, non-alignment alone no longer provides common ground. The *NAC*, as already said, is considered close to its end. Several participants added that the *Russian Federation* has to be viewed as another big loser. It was unwisely marginalized at the RevConf.

Not all went wrong. Participants noticed that, despite bitter divisions on priorities and end-goals, NPT parties were able to launch at least one significant initiative, the *Highly Enriched Uranium reduction and elimination initiative*, which is aimed at reducing the use of highly-enriched uranium (HEU) in the civilian nuclear sector. This measure was proposed by Kyrgyzstan and Norway and gained support from many other key actors, such as Canada, Germany, Japan, Sweden and the United States. Participants suggested that the initiative, which is of great value in the fight against nuclear terrorism and the smuggling of nuclear technologies, could contribute positively to counter-proliferation trends.

Review is not revision. One participant stressed that the dismal outcome of the RevConf should not be seen as the end of the NPT. The inability to produce a final report or statement should not be exaggerated. Previous review conferences ended without a final document or declaration and were nonetheless able to obtain significant successes (the most blatant example being the 1995 Review and Extension Conference that indefinitely extended the treaty's life). Disillusion over the RevConf may also be attributed to over-expectations. A 'review' conference is not a 'revision' conference – that means the RevConf in New York was not entitled to change the treaty. A treaty revision is difficult to achieve because it requires unanimity. It was argued, therefore, that the loopholes in Article IV (civilian use of nuclear power), Article VI (disarmament commitment) and Article X (withdrawal from the treaty) can realistically be addressed only through agreements that fall outside the NPT framework. Given the unrealistic prospect of an NPT revision, some discussants asserted that counter-proliferation should rely on such measures as UN Security Council Resolution 1540 (adopted in April 2004 under Chapter VII of the UN Charter), the relevant conventions on terrorism or other, more informal initiatives. A participant suggested that the UN Summit and the following General Assembly session scheduled for next September could provide a valuable opportunity to re-launch at least part of the non-proliferation policies. Learning from the failure of the RevConf, the UN members could give a boost to non-proliferation policies,

for instance by reasserting the central role of nuclear weapons states' commitments to disarmament or by urging the Conference on Disarmament in Geneva to intensify its efforts to give new momentum to negotiations over the Fissile Material Cut-off Treaty (FMCT).
Recalling the difficulty linked with NPT revision, one scholar advanced the provocative thesis that the indefinite extension of the treaty's life, achieved at the 1995 Review and Revision Conference and almost universally hailed as a great achievement, has actually been counterproductive: since the NPT can only be changed by unanimity, its indefinitely prolonged existence has made any NPT reform *de facto* impossible.

Extra-treaty initiatives. Participants generally acknowledged the utility of such informal measures as the *Proliferation Security Initiative* (PSI), through which a multilateral regime to intercept suspect transfers of nuclear technology or materials has been established on a voluntary basis; the *Nuclear Supplier Group* (NSG) guidelines for monitoring sensitive national exports; and the *Cooperative Threat Reduction* (CTR) programme, which aims at securing nuclear arms and materials in the former Soviet Union. However, there were differing views on the compatibility of such measures with the NPT. Some analyst argued that such initiatives as the PSI or the CTR are fully complementary with the NPT because they address problems that the treaty does not cover or is unable to tackle. Other experts warned that there can be a trade-off between the treaty and these measures, which risks further undermining the NPT's significance. A participant deplored that NSG members have so far been unable to connect their actions with their NPT obligations and expressed concern that they could follow the same wrong path within the PSI framework. It was therefore argued that more pro-active consultation among countries is needed to ensure that these measures are compatible with the NPT and can contribute to upholding it.

NGOs and the media played a positive role. Participants who took part to the RevConf reported that a positive signal came from the large community of NGOs operating in non-proliferation and arms control issues, as well as from the media. NGOs attending the RevConf as observers were often better prepared and informed than national delegations and gave some significant, though unheeded, recommendations. Media coverage was reasonably high, reflecting the public opinion's growing concerns over proliferation trends.

SECOND SESSION – EU AND US NON-PROLIFERATION STRATEGIES

The US has apparently shifted its attention from proliferation to proliferators. American experts underlined that the Bush administration has introduced significant changes in the US non-proliferation strategy. Both the US National Security Strategy (September 2002) and the National Strategy to combat weapons of mass destruction (December 2002) have emphasised, as the main priority, the need to counter threats emanating from outlaw or hostile regimes that pursue nuclear programmes and their potential connections with terrorist networks. It was remarked that both documents, though correctly focusing on the necessity to enforce controls of nuclear arms and materials production and transfers better, signal the administration's shift from the possession of nuclear weapons, i.e. proliferation in itself, to 'proliferators', that is the would-be possessors of nuclear weapons. It was stressed that this approach is risky, because it relies on unilateral perceptions of threats.

The US strategy is not working. An expert referred to the Iraq war as the first implementation of this strategy. Indeed, the 2003 invasion of Iraq by the US-led coalition was justified with the supposed attempt of Saddam Hussein's regime to develop unconventional weapons and its readiness to use them, and secondly with its connection with al-Qaeda. Recalling that intelligence data on Iraqi nuclear, chemical and biological programmes, as well as on Saddam's links with Islamic terrorism, was all proven wrong, a participant stated that the current US strategy is not working and even proving counterproductive. US military intervention in Iraq, he explained, has exacerbated Iranian security concerns and probably fuelled the conviction of hardliners in Tehran that they need the atom bomb.

Libya, not Iraq, is the right model. It was underlined that the Bush administration's focus on enforcement – even through informal measures like the PSI – suffers from considerable drawbacks. A participant argued that what is needed is an holistic approach comprising all forms of non-proliferation, counter-proliferation, and disarmament measures. The United States and its allies have already experienced the potential of a concerted, cooperative, multifaceted approach, in dealing with Libya. Libya gave up its non-conventional weapons programme after international pressure on it mounted following the interception, in the context of the PSI, of an illegal shipment of gas centrifuges (used to enrich uranium) headed for a Libyan port. Nevertheless, participants agreed that that would not have been sufficient had the United States and Britain not engaged Col. Gaddafi in a pragmatic deal.
A participant remarked that today the nuclear proliferation regime is at a turning point: It presents challenges that a country alone, however rich and powerful, is not able to counter effectively. The United States, it was added, should promote a comprehensive approach based on cooperation. Washington should keep urging other countries to adopt and implement such pragmatic measures as the PSI, but at the same time promote international rules in the nuclear sector in a more consistent and pro-active way. An American expert noticed that the European Union has developed high-level non-proliferation standards that the US should assume as a model to follow and enhance.

The EU has become more pro-active. Experts agreed that with the December 2003 adoption of the EU Strategy against the proliferation of weapons of mass destruction (WMD), the European Union opened a new phase in its security policy. Since then, the EU has developed a more structured approach to nuclear proliferation and devoted growing financial resources to anti-proliferation initiatives. Nevertheless, the level of funding remains fairly modest. It was remarked that the European Union places great emphasis on the implementation of existing non-proliferation agreements, to which it does not apparently see any valuable alternative. The Europeans have mostly concentrated on Iran, which represents a testing ground for the EU's aspirations to play an effective anti-proliferation role. Participants agreed that the EU has been able to take on a profile distinct from that of the United States, even though its capacity to achieve substantial results without the American support was disputed.

Pros and cons of the European approach. Analysts warned that a realistic assessment of EU non-proliferation policies needs to take into account a range of hurdles that structurally affect all or most EU initiatives, given that they are usually based on an intergovernmental consensus and are carried out in a complex multilateral context. Several handicaps were cited: cumbersome budgetary practices, competition among member states, diversity of nuclear cultures, and different

degrees of sensitiveness to the issue. Small and big countries often do not have a shared vision of their security role in international affairs, the latter pushing for deeper European involvement in international disputes and crises. Furthermore, divisions also exist among big countries. In particular, Britain and France, given their nuclear status, tend to retain a high degree of autonomy on nuclear issues. But it was argued that the EU can benefit from valuable assets, the most important being the availability of significant financial resources and, above all, its appeal as a trade and investment partner. Nevertheless, both European and American experts acknowledged that some deficiencies deeply undermine the consistency of the EU approach. First of all, neither the European Union nor its member states are able to provide countries like Iran with credible security assurances, which are widely deemed to be what Tehran seeks the most. Secondly, the EU lacks the intelligence and military capabilities to neutralise nuclear facilities through a military strike. Therefore, the EU can neither offer the biggest 'carrot' – a security guarantee – nor threaten with the most robust 'stick' – a military strike. As a result, its ability to dissuade potential proliferators to give up their nuclear ambitions is limited.

More realism is needed. A participant expressed the opinion that the European Union should become more realistic over what it can effectively achieve. While the EU does not have the political and military means to replace American leadership in international anti-proliferation policies, it has not yet fully exploited its potential. Some participants observed that, in the final analysis, the EU's real comparative advantage with respect to the US is that it is not the US. Accordingly, it should become more pro-active, for instance by implementing the "thirteen steps" it endorsed at the NPT 2000 RevConf, or by imposing stricter conditionality on proliferation issues in its relations with countries 'at risk', since the "non-proliferation clause" that the EU currently includes in its trade and cooperation agreements does not make access to the European single market conditional on ratification of the relevant international conventions.
Others suggested that it should be more resolute on issues where it has a different position from the United States, for instance on the Fissile Material Cut-off Treaty (FMCT): If the EU is really convinced that it is possible to verify the elimination of fissile materials on a global scale, it should demonstrate it. While someone argued that the Europeans should not abstain from raising other scathing questions, like the continued presence of US nuclear arms on European soil, someone else doubted the opportuneness of putting the presence of US nuclear warheads on European soil into question. It was remarked that Washington, as well as others, still regards NATO's nuclear weapons – believed to be some 400-450, all carried by cruise missiles – a key component of European security. A discussant warned that if German political parties raise the question during the election campaign next Fall, this could trigger an 'avalanche' effect that would undermine NATO unity.

Is the EU really so soft on nuclear proliferation? One participant contended that the EU is not really that soft on non-proliferation, contesting that the "non-proliferation clause" is weak. On the contrary, it is as tough as it can reasonably be: It obliges partners to abide by international agreements they have already ratified, prompts them to move to other relevant multilateral agreements, and foresees the suspension of the agreement in case of non-compliance. The proposal to link the "non-proliferation clause" to ratification by third countries of other international agreements was rejected as unrealistic. The clause is included in most arrangements the EU has with third countries. For example, all action plans adopted in the framework of the European Neighbourhood Policy (ENP), which covers countries like Israel or Egypt, include it. In addition,

the European Union pushes for very strict controls of exports of sensitive technology and materials. It was also recalled that the EU is very active on other fronts, for instance by cooperating with the Organisation for the Prohibition of Chemical Weapons (OPCW) or by urging all signatory countries – the United States included – to ratify the Comprehensive Test Ban Treaty (CTBT) as soon as possible.

Is there room for US-EU convergence? There was a general consensus that it would be opportune, if not essential for the Europeans and the Americans to forge common positions on non-proliferation issues or, at least, develop their approaches and capabilities in a more complementary fashion. The combination of soft and hard elements that only the EU and the US together can offer was widely believed to be the best option to face the Iranian case. One participant warned, though, that the United States and the European Union encounter many difficulties in working out functional complementarities; even agreeing on the common language for a joint statement on WMD to be issued at the end of the June 2005 EU-US summit was proving hard. Some participants remarked that the EU feels a bit uncomfortable with the US' tendency to stress the compliance obligations of only certain countries. The Europeans fear that this could lead to a further weakening of the collective structure of nuclear security.
Nevertheless, several participants maintained that the United States and European countries have concrete chances for cooperation. The Proliferation Security Initiative was singled out as a good example of coordinated counter-proliferation efforts. A participant suggested that it should be expanded to international waters and founded on international law. Yet another expert replied that there is no need for this, because the PSI is an informal initiative already in conformity with international law, even though some countries – including China – contest its implementation procedures.
Other measures were also suggested: the integration of the Cooperative Threat Reduction programme with other arms control regimes; making the nuclear cleanout – that is, the elimination of unsecured fissile material – a global priority; establishing a technical assistance unit at the UN; building consensus to sanction withdrawals from the NPT; linking disarmament to a credible verification system; fostering intelligence sharing at transatlantic level. Several experts underscored this last point, because the role of intelligence is critical to threat assessment. The Iraq war, it was reiterated, is a sad testimony of poor intelligence: The transatlantic partners cannot afford similar failures in the future. In particular, a much more detailed assessment on the threat posed by the Iranian nuclear programme is badly needed.
Some participants doubted that nuclear disarmament can be carried out in a truly verifiable manner, because any verification system presents several flaws and gives rise to often endless controversies. The possibility of subjecting withdrawal from NPT to sanctions was also contested. The NPT is *de facto* impossible to modify, since this requires unanimity. Furthermore, many countries that accepted to enter the NPT as non-nuclear weapons states could not agree with extra-treaty measures which further restrain their potential use of nuclear technology.

Addressing the "three states problem". All participants expressed concern over the possibility that India and Pakistan's unchallenged development of military nuclear programmes might induce other countries to follow suit. A participant recalled that Japan was beginning to query its long-established commitment to non-proliferation. Egypt and Saudi Arabia were also pointed out as potential proliferators. Both countries may be encouraged by the inability of the international community to counter Iran's ambitions and to resolve the persistent question of Israel's officially

non-existing nuclear arsenal. A participant underlined that India, Israel and Pakistan, as nuclear weapons states that have remained outside any international anti-proliferation agreement, represent a constant menace to the effectiveness of international anti-proliferation regimes and disarmament arrangements. This "three states problem" has to be addressed.
One participant criticised the EU for not assuming a more confrontational approach toward India and Pakistan and allowing them to freely pursue their military nuclear programmes. Europe, as well as the United States and others, should have sanctioned the two countries. It was stressed, however, that the EU wants them to give the IAEA assurances on their non-proliferation commitments.
Discussants agreed that India and Pakistan will never give up their nuclear arsenals and join the NPT as non-nuclear weapons states. This option is completely implausible and the UN Security Council Resolution 1172, which contains such demands, should be considered obsolete. A participant suggested that all three states – thus including Israel – should be convinced by the US and the EU to abide by international non-proliferation commitments that currently burden the 'official' nuclear weapons states.

THIRD SESSION – TEST CASES: IRAN AND NORTH KOREA

Iran

EU and US aim at irreversibility of uranium enrichment freeze. It was underlined that both the Europeans and the Americans share the assumption that Iran has to be prevented from further developing its uranium enrichment programme. So, though they have very different approaches – the Europeans rely on engagement, the Americans on confrontation –, they are equally seeking a complete and permanent end to Iran's uranium enrichment activities, following the suspension to which Iran committed itself on the basis of the November 2004 Paris agreement with the EU-3 (Britain, France and Germany, in cooperation with CFSP High Representative Solana).

No legal case for sanctions. Doubts were raised on the plausibility of sanctioning Iran. It was remarked that the United Nations Security Council (even assuming that its members hold the same opinion on the subject, while the opposite is actually true) would probably fail to find enough evidence to justify sanctions. Iran is widely suspected of having developed a clandestine nuclear military programme for the last twenty years, but the only violation of its international obligations that has emerged thus far is that it informed the IAEA of having resumed nuclear activities much later than requested by the safeguard rules. Some participants added that there is no evidence of the supposedly military destination of the Iranian nuclear programme. The few traces of highly enriched uranium found by IAEA inspectors in Iranian nuclear facilities are not sufficient. Another participant, who had recently visited Iran, said that Iranian nuclear facilities are workshop-type and that, in his opinion, Iran still has a long way to go before it will be able to build the bomb.
According to other participants, however, there are enough elements – such as the presence of P-2 centrifuges in Iranian plants – to reasonably suppose that the nuclear programme has been partly hidden, and that this hidden part has a military application.
One analyst said that international law is not the only point of view from which to assess the Iranian case. The strategic and political implications of Iran's nuclear plans also have to be taken into account.

The effectiveness of a military strike is dubious. There was much scepticism about the positive outcome of a surgical, targeted bombing of Iranian nuclear sites. The 1981 Israeli strike against the Iraqi nuclear facility of Osirak, which blocked the development of Iraq's nuclear capabilities, was successful thanks to a series of circumstances that are absent in the case of Iran. Apart from the political implications of a new military strike against an Islamic country – which all participants acknowledged would further enflame the Middle East and the Islamic world –, there is great uncertainty about what such an attack would achieve. If the programme is hidden, it will resist better than the Osirak facility. The only result of the strike would be a slight delay. Furthermore, intelligence information on Iran's unauthorised nuclear activities is reported to be poor. A participant stressed that the United States cannot afford another huge intelligence failure after no weapons of mass destruction were found in Iraq.
Yet another expert observed that, if the objective is to put an end to the nuclear programme of Iran before it has developed to the point that it cannot be stopped, the right time to attack Iran would be now. So he warned that the military option, though not probable, is and will for the foreseeable future be on the table of the US president.

Is Iran really a rogue-state? Many participants expressed the conviction that the Iranian proliferation crisis goes beyond the sector of international nuclear arms control and has its roots in the twenty-five-year long diplomatic confrontation between the regime in Tehran and the United States. In the 2002 National Security Strategy the United States emphasised the risk of the connection between unconventional weapons and "rogue states" – that is, hostile governments – or terrorist networks as the most dangerous threat to its security. Iran is allegedly sponsoring terrorism in Palestine and Lebanon and in his 2002 state of the Union address, president Bush included it in the "axis of evil".
One scholar contented that such a perception of Iran as a standing threat to global security is largely misleading. He emphasised that Iran is at the centre of an unstable and potentially threatening regional environment, has no reliable partners and suffers from diplomatic isolation mainly because of its antagonism with the US. Furthermore, hundreds of thousands of American troops operate in neighbouring countries (Iraq and Afghanistan) and in the Persian Gulf. Iran has, therefore, understandable security concerns. Other participants remarked that Tehran does not act as a rogue state: Its foreign policy behaviour – including its constant efforts to avoid exacerbating ethnic and religious tensions in Afghanistan and Iraq – proves its willingness to play a constructive role in the region and to be recognised as a credible actor in and beyond the Gulf area. The nuclear issue has become a matter of national pride, which the increasing unpopular clerical regime has been able to exploit so far to keep control over the country.
In this context, an attack against Iran because of its nuclear programme would be perceived by the majority of the population as an attack against the whole nation. In addition, it should be taken into account that the nuclear issue is not in the hands of the government, but in those of the supreme leader Ayatollah Ali Khamenei and the heads of the security forces. Finally Iran, which lacks the financial resources to develop conventional military programmes, considers the nuclear programme the best rational choice to prevent a forceful regime change led by foreign powers.
Some participants suggested, therefore, that the US should adopt a more articulated approach towards the Iranian regime, assessing the potential of a cooperative Iran in an unstable and strategically crucial area. Even Israel does not tend to take on a confrontational stance against Tehran.

Though badly needed, a Gulf region security arrangement is improbable. Most participants agreed then that what Iran is currently looking for is an understanding with the US on security issues. Tehran seeks guarantees that the US will not use the 'regime change' card against it. Secondly, Iran wants to play a decisive role in whatever regional order will emerge after the tectonic change in Afghanistan and Iraq. Some discussants argued that this would require an effort on the part of the US to bring the Gulf Cooperation Council (GCC) members (Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and United Arab Emirates) into security talks with the Iranians. But one participant said the chances of such a possibility were low. Apart from US rigidity towards Iran, the other countries in the Gulf region do not trust each other. A scholar reminded those present that the establishment of the Gulf Cooperation Council itself could be seen as an attempt by the Gulf countries to prevent Iranian interference in internal politics. Another participant underlined that, as far as cooperation is concerned, the GCC states and Iran still think in terms of a zero-sum game. This mindset needs to be reversed, and a participant noted that the Europeans could have a role in doing this.

G-8 rather than EU-3? An expert proposed that the EU-3 negotiating group, which has so far obtained only limited results, should evolve into a larger one including all G-8 members. This new framework would be the right follow-up of the EU-3 formula, because it would offer several advantages while retaining the good results the Europeans have so far reached. The G-8 negotiating formula would directly involve Japan, Italy and Russia – all countries that have strong economic and energy relations with Iran – in the talks. The G-8 could also be a face-saving formula to allow the United States to participate in the negotiations. Such a framework would probably meet Iranian aspirations to become a significant regional actor and a respected member of the international community.

Uranium enrichment: Politically acceptable? One participant remarked that Tehran would never agree to the European (and American) condition of making the suspension of uranium enrichment activities irreversible. He therefore concluded that this request – which is central to the European negotiators' agenda – should be abandoned. Uranium enrichment should be recognised as a legitimate activity, but should at the same time be made less attractive through offers of the security assurances and economic incentives Iran longs for. Tehran claims that it needs to have enrichment capabilities, at least for research. If the West were to consent to Iran's wish to distinguish between 'research enrichment' – which it would continue to develop – and 'real enrichment' – that is, production of highly enriched uranium in a larger scale, which it would drop – there would be room for negotiation. According to this policy recommendation, Europe and America should provide Iran with fuel cycle services, for instance by bringing the nuclear energy cooperation between Russia and Iran on the Bushehr nuclear power plant into the multilateral context, or by initiating an EU-Iran joint venture to run the Natanz enrichment plant using EURODIF facilities.

Some participants objected that bringing EURODIF into the Iranian nuclear programme is unlikely, if not impossible. In addition, experts maintained that talks should be conducted on a bilateral basis, which is much more flexible and makes it possible to address questions that are particularly problematic directly. Supporters of the multilateral framework objected that there is deep mistrust between the United States and Iran, which makes bilateral talks an implausible option.

A participant suggested that Iran should be allowed to develop a virtual capacity to build a nuclear arsenal and be satisfied with that, as is the case with Japan. This would respond to its security

worries because a virtual capacity is a sort of deterrence. Some participants, however, raised serious doubts that the "Japanese model" could actually be repeated elsewhere.

What about human rights? Almost all participants agreed that Europeans should bring the respect and defence of human rights in Iran onto the negotiating table. Yet a participant objected that adding a human rights dimension to the talks would reduce and not increase the chance of a possible understanding.

North Korea

Regional complexity worsens North Korean crisis. According to an expert on the Democratic People's Republic of Korea (DPRK), a very complex regional environment hampers efforts to solve the proliferation crisis stemming from North Korea's withdrawal from the NPT in early 2003 and its alleged development of a nuclear military programme. Northeast Asia does not have structured multilateral arrangements, even though regional actors – the United States included – are developing an ever-closer economic interdependence. Regional rivalry could trigger a 'proliferation chain' involving states like Japan and/or South Korea, both of which have the technological and financial resources to develop a military nuclear programme. Japan, in particular, has deliberately stopped short of passing the nuclear threshold and is believed to be able to build a nuclear arsenal in a short time. Furthermore, some participants expressed the fear that the 'proliferation chain' could involve non-state actors, especially if they were to find a way to exploit North Korea's structural weaknesses. This assumption was deemed pure speculation by other participants because North Korea is unlikely to transfer abroad the nuclear materials and technologies on which it is spending a disproportionate share of its scarce financial resources. Nevertheless, no participant contested that future proliferation trends imply risks of the increasing participation of non-state actors in illicit nuclear traffic.

North Korea's strategic culture is based on radical assumptions. A participant emphasised the need to gain a better understanding of the peculiar strategic paradigm of North Korea, in order to clarify what is at stake for Pyongyang and what can be done to dissuade it from its nuclear ambitions. As both Russia and China have considerably improved their relationship with the United States since the end of the Cold War, North Korea's international isolation has sharpened. Kim Jong-il's regime tends to see itself as under a standing threat of being ousted by an external power, notably the United States. Security threats, therefore, are perceived as threats against the nation's very existence or, at least, against the survival of the regime. As is the case in Iran, gaining nuclear weapons capabilities is largely seen as the best rational choice in terms of both military power and cost. Like Iran, the DPRK needs to rein in its expenditure for conventional military programmes. A participant noted that Pyongyang leadership has misrepresented expectations of foreign powers' intentions and plans. More generally, the fact that the DPRK is fighting for its very survival makes its behaviour unpredictable.

The six-party talks should be more coordinated. All participants were of the opinion that North Korea, again like Iran, longs for security assurances from the United States. A discussant suggested that Pyongyang aims at a peace treaty with Washington, given that the 1950-53 war ended without any formal arrangement. North Korean defiance toward the six-party talks, the negotiating

framework addressing DPRK's nuclear programme issue, stems from its perception that the US is using the negotiations to avert considering the offer of a peace or non-aggression deal. Actually no participant believed that the US is ready for such a step, but there was a relatively unanimous consent about Washington's willingness to use diplomacy to solve the crisis. A military strike against North Korean nuclear sites was largely considered improbable, though the US could leave the door open even for that option.
A participant who took part in the NPT RevConf in New York noticed that the six-party talks are in line with the much suggested diplomatic option for solving such issues. Regional initiatives can be a powerful instrument to attain a positive outcome from problematic situations. It was also reported, however, that this opinion, though widespread, was by no means unanimous.
Another participant underlined that the six-party talks had until then not fully exploited their potential and suggested that they be more coordinated. The United States, Japan and South Korea have agreed that a confrontational stance has to be integrated with humanitarian aid offers, but have failed to agree on whether the issue should be taken before the UN Security Council if North Korea keeps resisting nuclear dismantlement requests. South Korea opposes such a move, while the US and Japan are in favour. As for other parties, it was stressed that China has a critical role, given its long-established friendship with the DPRK, while Russia's part in the game is of a lower profile.
Drawing attention to what ultimate objective of North Korea's interlocutors might actually be, a participant suggested that rather than focusing only on the DPRK's nuclear disarmament, they should concentrate their efforts on establishing a nuclear weapons free zone on the Korean Peninsula as a necessary step toward the eventual reunification of the two Koreas.

DPRK-like cases of NPT non-compliance must be addressed. It was emphasised that withdrawing from NPT is a right that countries wish to retain, otherwise they would be much less ready to join international agreements. It was observed, in fact, that North Korea has followed the prescribed procedure for withdrawing, apart from failing to provide other NPT parties and the UN Security Council with a detailed explanation of the reasons for the move.
All participants agreed that North Korea's cynical exploitation of the loopholes of NPT Articles IV and X (regulating assistance in the civilian nuclear sector to parties lacking the needed capabilities and withdrawal procedures, respectively) made urgent the need to find adequate responses.

Amending NPT Art. X is necessary… On this basis, a participant concluded that the NPT should be at least partially amended. He referred to the paper on this issue presented by the European Union at the New York RevConf, which proposes that, under certain circumstances, safeguards should continue to be applied even after withdrawal. The paper contains a range of proposals, among them changing the wording of Art. X, so that it envisages direct consequences for withdrawal; reiterating the binding nature of Art. X, including the provision demanding detailed notification of the reasons for withdrawal; taking into account the state of compliance with NPT obligations of the notifying country; sanctioning possible effects of withdrawal on the basis of the principle that the responsibility for the international violations of the withdrawing state is inextinguishable; affirming that withdrawal from NPT is a threat to global security; and forcing the notifying party to give back technologies and materials obtained under NPT guarantees.

…but extremely difficult. Again, many participants noted that, however useful it could be, amending the Non-Proliferation Treaty is a very difficult task. No state, it was argued, would be willing to join an international treaty without being recognised the right to withdraw from it. A

possible re-interpretation of Art. IV, aimed at banning uranium enrichment activities (not mentioned as an explicit legitimate activity), was also deemed implausible. Many European NATO members would never have become part to the treaty, if it had not allowed non–nuclear weapons states to enrich uranium for peaceful purposes. Clearly, the scepticism about the possibilities of amending the NPT stems not only from the unanimity requirement, but also from the states' reluctance to accept amendments that would further constrain their sovereignty.

North Korean crisis must be kept distinct from the debate on NPT deficiencies. A participant underscored that the debate about the urgency and necessity to address NPT deficiencies, through amendments or in other ways, must be kept separate from the debate on how to deal with the DPRK nuclear crisis. The first problem regards the international legal means to prevent nuclear proliferation before it takes place. The second problem concerns a present nuclear proliferation menace that has to be addressed properly.

Similarities and differences of the Iran and North Korea cases. Some participants argued that a comparison of the similarities and differences in the Iranian and North Korean proliferation cases would help to find the right strategies to face them. As for *similarities*, discussants mentioned the international isolation of both regimes, their concerns over US regime change policy, their search for defence self-reliance as a security imperative, the diplomatic brinkmanship they have resorted to, and the prestige they both accord to the status of nuclear weapons state.
As for the *differences*, a participant stressed that Iran is still part of the NPT family and has thus far not given clear signs of wanting to leave it. He also reminded that any allegation of the military destination of the nuclear programme has to be proved and that Iran still maintains that it has no intention of building a nuclear arsenal. He interpreted this attitude as reflecting Iran's readiness to reach a deal on the nuclear issue. On the contrary, North Korea's withdrawal from the NPT and subsequent announcement of having pursued a military nuclear programme (and related delivery system) based on plutonium separation have dealt a serious blow to international nuclear arms control regimes. While all participants agreed that North Korea's behaviour deserves general condemnation, they did not feel the same way about Iran.
As already mentioned, some participants contested the perception of Iran as a rogue state, contending that this definition hinges more on its attitudes toward the United States and the West than on objective criteria. Pakistan and Israel were cited as examples of states that are treated as friendly governments by Europeans and Americans although their behaviour, in some respects, resembles that of a rogue state.

Is Pakistan the real rogue state? A discussant reminded everyone that neither the US nor the EU has ever sanctioned Israel for having developed a secret military nuclear programme in a highly unstable region. Other participants pointed to Pakistan as the rogue state *par excellence*, as it appears to fit all the criteria: it is run by a dictator, hosts innumerable extremist Islamic schools, its military and security services have close links with terrorist networks, it has been a nuclear proliferator and, worse, has been a nuclear smuggler too. Abdul Qadeer Khan, the Pakistani nuclear scientist known as the father of Pakistan's atom bomb, had based in Pakistan his criminal network for illegally selling nuclear materials, technologies and expertise to such authoritarian regimes as Libya, Iran and, probably, North Korea. Experts agreed that the twenty-year activity of Khan's criminal network has caused huge damages to non-proliferation regimes.
Several participants objected to this perception of Pakistan, pointing out that Musharraf's

government has supported Western actions against Islamic terrorism in Afghanistan and has taken severe measures to curb the spread of violent Islamic extremism.

FOURTH SESSION – PROSPECTS FOR A COMMON TRANSATLANTIC STRATEGY TO DEAL WITH THE NEW TRENDS IN NUCLEAR PROLIFERATION

International non-proliferation regimes need strong leadership. A participant tried to resume the basic assumptions that had emerged from the discussions in the first three sessions. He registered unanimous consensus on the crisis affecting multilateral institutions dealing with nuclear proliferation, the NPT's wavering being the most relevant evidence of it.

The *United States*, especially under the current administration and increasingly since the September 11th, 2001, terrorist attacks, has shown a marked preference for measures focused on US security priorities and carried out in cooperation with informal groupings of like-minded countries. The US can play an undisputed leading role in those groupings thanks to its superiority in military and intelligence resources. The most innovative of these initiatives, the Proliferation Security Initiative, as well as long-established programmes such as those undertaken under the Cooperative Threat Reduction, or the proposed strengthening of the NSG guidelines, have encountered almost general approval, especially because they aim to ensure the enforcement of the rules concerning arms and exports controls.

Nevertheless, several participants criticized the US for having neglected the established multilateral anti-proliferation arrangements. By doing so, it was argued, Washington has contributed to weakening the multilateral institutions and eroding the legitimacy of international norms. It is now a fact that the actual or aspirant proliferators are taking advantage of that. US involvement in initiatives aimed at strengthening multilateral frameworks was considered a necessary step to increase global security.

It was observed that the anti-proliferation policies of the *European Union* have made big strides forward. Some participants noticed that, paradoxically, the Bush administration's unilateralism and manifest scepticism about the role of multilateral institutions has prompted the Europeans to define more clearly the peculiar role that the EU can play in promoting unconventional arms control regimes. The EU member states have managed to work out a European Security Strategy that emphasises the risks associated with the spread of weapons of mass destruction. However, it was observed that the EU strategies present significant flaws, especially regarding enforcement. So no one was convinced that the EU can achieve a lot alone. In this regard, some participants raised the question whether a failure of the EU Constitutional Treaty could impact on the EU-3's negotiations with the Iranians. Different opinions were expressed on the matter, but a point of agreement was that the European integration *impasse* could be a major obstacle to further development of CFSP, in particular of such relatively new policies as anti-proliferation.

In this context, the question of leadership – which implies credibility and legitimacy beyond capabilities – remains crucial. Nobody contested that this leadership should be exerted by the United States, although the EU's contribution was judged fundamental as well.

Building blocks of a transatlantic non-proliferation agenda. A participant expressed the opinion that Americans and Europeans can forge a combined approach by merging their approaches in a common agenda.

It was suggested that transatlantic cooperation can be depicted as a multi-level structure that resembles a pyramid. According to this metaphor, the top of the pyramid coincides with the strategic assessment of security *priorities* in nuclear issues. At this level the United States and the European Union do not differ: Both the US National Security Strategy (September 2002) and the European Security Strategy (December 2003) single out the connection between the availability of WMD and unstable governments or terrorist networks as the biggest threat to global security.
The first differences are to be found further down the pyramid, when it comes to *policies*. The EU has shown that it has difficulty in developing pro-active policies to address the security threats, given its limited defence resources and the lack of a solid strategic culture. The European countries' geographic proximity to problematic regions like North Africa or very unstable areas such as the Middle East and the Persian Gulf also induce them to embrace a compromising attitude. Indeed, the EU has developed a softer approach, principally based on diplomacy and engagement. The United States, which spends much more in defence than all EU members combined, tends to rely on military means more than Europeans and to take a tougher diplomatic stance when a proliferation case emerges.
At the bottom of the pyramid, that is the *operational level*, Europeans and Americans have made significant progresses on specific issues, such as the adoption of UN Security Council Resolution 1540, the PSI and the G-8 measures in support of CTR programmes.
However, the recent transatlantic convergence on anti-proliferation policies must be seen only as a starting point. The newly emerging challenges, including the possible acquisition of nuclear capabilities by some proliferator, will require more structured common responses.

Is there common ground for a transatlantic strategy? Several participants contested that there is enough common ground to build a transatlantic strategy, arguing that Europeans and Americans do not share a strategic vision, though they have common interests on many issues.
A crucial point of divergence concerns the role of multilateralism. While the EU has consistently emphasised its central importance, the US has repeatedly denounced the ineffectiveness of multilateral organisations and arrangements. There is also a strong feeling in Washington that they are used by hostile or rival countries as political instruments to constrain American power. This explains the US delegation's weak commitment to NPT reinforcement at the May 2005 NPT Review Conference, the US refusal to ratify the Comprehensive Test Ban Treaty (CTBT), even though Washington signed it in 1996, and its reluctance to bolster negotiations for the long-invoked FMCT. The European Union, on the contrary, has made the strengthening of the NPT, ratification of the CTBT, and the conclusion of negotiations on the FMCT the top priorities of its anti-proliferation agenda. A participant suggested that the European Union should further consolidate its international position by taking the lead in the verification of the Chemical Weapons Convention (CWC) implementation and the follow-up process for the Biological and Toxin Weapons Convention (BTWC).
The European Union and the United States have common interests in such areas as the fight against nuclear smuggling and nuclear terrorism. Therefore, the prospect of consolidating pragmatic cooperation seems plausible, whereas it appears much more difficult to transform it into a systematic common strategy. It is fairly clear however that US-EU collaboration today suffers from too much improvisation. What is needed is a credible operational framework for cooperation. Any strategic notions that could curb efforts to achieve better coordination should be put aside.

Convergence is the key. Several participants held the view that pragmatic convergence of the European and American approaches is the most rational option: In the first instance, the EU and the US need to converge operationally rather than strategically.
Yet opinions on how convergence should be pursued differed largely. The 'bad cop/good cop' formula was indicated as a possible model by several participants. But while the United States appears to be ready to play the 'bad cop' and the EU the 'good cop' – as in the Iran case –, it was stressed that the formula should be flexible and the partners allowed to change roles. Someone suggested that this formula could evolve into a more sophisticated division of labour between the Europeans and the Americans. But others firmly contested the usefulness of such a division of labour, stating that the 'bad cop/good cop' formula has not prevented Iran from driving a wedge between the US and the EU.
From this point of view, what is needed is coordinated development of complementarities, so that the Americans and Europeans are able to forge a compact, flawless common front. One participant pointed out that the prospects for solving the dispute over the Iranian nuclear programme had improved slightly since the US administration chose to back European efforts to reach a deal, although much greater convergence is necessary. One participant complained that this insufficient convergence will probably cost the world a nuclear Iran.
A participant recalled that the Atlantic allies have already started to cooperate on non-proliferation issues within NATO. He cited the initiative against the spread of nuclear weapons launched by NATO in 1994. The NATO approach contemplates both diplomatic dissuasion and military response. He insisted that NATO should be given a larger role, considering its long experience as Europe's prime security agent .

How to improve convergence? Experts singled out a range of issues on which the EU and the US most need to converge. The first mentioned was the fight against nuclear terrorism and related smuggling activities. The adoption by the UN Security Council of Resolution 1540, which obliges all UN members to sanction proliferation to non-state actors and to establish appropriate export control systems, was judged an important achievement, made possible by a rare show of unanimity by the Security Council's permanent members.
It was stressed, however, that the Security Council risks trivialising the threat posed by 'unconventional terrorism' by bringing nuclear, radiological, biological and chemical elements together under the formula "weapons of mass destruction". Various types of weapons of mass destruction present threats that cannot be addressed with a single instrument or set of instruments. It is necessary, therefore, to develop more targeted threat assessments, counter-measures, and response capabilities.
The Proliferation Security Initiative was mentioned as a very useful instrument for curbing illicit exports. It was under a PSI operation involving American, British, German and Italian cooperation that the ship *BBC China*, secretly bringing gas centrifuges (needed to enrich uranium) to Libya, was blocked. Many asked whether the initiative can be improved, for instance by providing it with a coherent structure, a regular budget and a sort of institutional framework. Intelligence sharing was also singled out as a crucial element of counter-proliferation efforts.
However, it was also underlined that overcoming the traditionally extreme reluctance that security services show for sharing information will be a challenging task. A participant remarked that intelligence sharing should be 'market-driven', that is, security services should be able to provide each other with equally worthy information, if they want to develop a fruitful collaboration.

Other suggestions regarded the preservation and reinforcement of the NSG guidelines ensuring that the members of the Nuclear Suppliers Group exchange information on denials of sensitive materials export licenses. Reciprocation of information should be extended to approvals and the IAEA should also be notified of any sensitive transaction.
The need to address the matter of fissile material production was also emphasised. It was suggested that the EU and the US should favour the conversion of highly enriched uranium plants to low enriched uranium plants and promote a five-year moratorium on the construction of new nuclear fuel cycle facilities. Efforts to promote such a production-freeze should be accompanied by strengthened initiatives to either eliminate or secure the existing materials, most of which is scattered over the territories of the former Soviet Union, including countries neighbouring on the EU like Ukraine and Belarus.
One participant stressed that the West has to engage Russia in order to reach a nuclear security deal with such countries. Russia should be convinced that it faces the same threats as Europe and the US and that it is therefore in its interest to contribute to a combined effort to counter terrorism and proliferation. A participant objected that the commonality of interests between Russia and the West is purely instrumental, and that a Western-Russian security partnership would be short-term.

Nuclear proliferation is rooted in nationalistic instincts. At the end of the conference, a discussant recalled that nuclear proliferation is rooted in international competition, which is in turn fuelled by nationalistic zeal. To what extent nationalism can hamper genuine non-proliferation efforts can be seen in Europe, where the single member states, especially the two nuclear ones, France and Britain, sometimes pursue policies that contrast with the position that the EU, as a supra-national actor, has agreed upon. He remarked, therefore, that fostering a climate of reciprocal trust is a basic condition for consolidating the whole non-proliferation system.
Another discussant contended that a preventive approach should imply not only coercion, but also a range of offers able to divert countries' priorities from nuclear armament to security and economic cooperation. In the opinion of another participant, the only non-proliferation strategy that can be successful in the long term is the universal compliance of all countries with the set of obligations, commitments, principles that they have recognised as the conditions needed to avert international confrontations and foster better relations.

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Rome, 10-11 June 2005

Venue: Palazzo Rondinini, Via del Corso 518, Rome

Friday, 10 June 2005

Welcome Address

Giovanni Gasparini, Co-Director, Transatlantic Programme on ESDP, Istituto Affari Internazionali, Rome

First Session

Non Proliferation Initiatives and NPT Review

Chair: *Ettore Greco*, Deputy-Director, Istituto Affari Internazionali, Rome.

Introduction: *Serge Sur*, Professor at Panthéon-Assas University in Paris 2, Director of the Thucydide Centre and Director of the "Annuaire Français de Relations Internationales", Paris

William Potter, Director, Center for Non proliferation Studies at the Monterey Institute of International Studies, Monterey (California)

Discussants: *Natalino Ronzitti*, Scientific Counsellor, Istituto Affari Internazionali, Rome, Professor of International Law, LUISS University, Rome
Harald Müller, Executive Director, Peace Research Institute of Frankfurt, Frankfurt

Second Session
EU and US Non Proliferation Strategies

Chair: *Marcin Zaborowski*, Research-Fellow, European Union Institute for Security Studies, Paris

Introduction: **EU:** *Bruno Tertrais*, Senior Research Fellow, Fondation pour la Recherche Stratégique, Paris

USA: *Joseph Cirincione*, Senior Associate and Director for Non-Proliferation, Carnegie Endowment for International Peace, Washington DC

Discussant: *Sverre Lodgaard*, Director, Norwegian Institute of International Affairs, Oslo

Annalisa Giannella, High Representative Solana's Personal Representative for WMD, Council of the European Union, Brussels

Ralph Thiele, Colonel Commander, Bundeswehr Centre for Analysis and Studies, Waldbröl, Germany

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Saturday, 11 June 2005

Third Session
Test cases: Iran and North Korea

Chair: *Vincenzo Camporini*, President, Center for Advanced Studies on Defense, Rome

Introduction: **Iran:** *Riccardo Redaelli*, Director of the Middle East Program, Landau Network – Centro Volta of Como and Catholic University of the S. Heart, Milan

North Korea: *Darryl Howlett*, Senior Lecturer, Mountbatten Centre for International Studies, Division of Politics and International Relations, School of Social Sciences, University of Southampton, Southampton, UK

Discussants: *David S. Yost*, Senior Research-Fellow, NATO Defense College, Rome

Sharam Chubin, Professor, Geneva Center for Securıty Policy, Geneva

Paolo Cotta-Ramusino, Secretary General of Pugwash Conferences on Sciences and World Affairs, Rome, and Professor at the University of Milan

Fourth Session
Prospects for a common Transatlantic Strategy to deal with the new trends in Nuclear Proliferation

Chair: *Stefano Silvestri,* President, Istituto Affari Internazionali, Rome

Introduction: *Gerrard Quille*, Acting Executive Director, International Security Information Service Europe, Brussels

Discussants: *Gustav Lindstrom*, Senior Research Fellow, EU Institute for Security Studies, Paris

David Mosher, Senior Policy Analyst, RAND, Arlington, USA

Roberto Zadra, Deputy Head of the WMD Center, Political Affairs Division, NATO, Brussels

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