The Nuclear Nonproliferation Regime at a Crossroads (February 11-12, 2013)

INSS Conference Summary/ Emmanuelle Blanc

Introduction

The conference focused on the non-proliferation regime at a time when proliferation challenges have reached a new level of intensity. This is not the first time that the non- proliferation regime has been at a crossroads, but it seems that we are today at a critical point. Tensions have been increasing because of severe cases of non-compliance and many difficulties have been encountered to efficiently address this issue. In addition, the continuous striving for access to nuclear technology by many states has reopened the bargain between peaceful use and the risks associated with the spread of this technology. Finally, the fierce debate over nuclear disarmament has contributed to the growing tensions within the NPT. Therefore, two years before the next Review Conference is a good time to ponder the different scenarios facing the regime. At one extreme, one can foresee a very dark future for the non-proliferation regime. The regime could become irrelevant, particularly if additional states were to follow the path of the DPRK and withdraw from the NPT. A more optimistic outcome would be to restore a form of consensus in order to build a regime more relevant to the twenty-first century. As always, the most likely scenario is a sort of muddling through: crises will recur, the regime will persist but concerns will remain, and most likely increase for all the stakeholders.

This is all the more true if we consider the inherent tensions underlying the challenges facing the NPT regime. As Emily Landau noted in her opening remarks, from its inception, the NPT has suffered from a debilitating tension between two contradictory messages. On the one hand, it conveys a very explicit message that nuclear weapons are bad and dangerous and therefore their spread must be stopped. On the other hand, states that had become nuclear prior to 1967 are deeply reluctant to renounce their nuclear status since this has considerable strategic value. With the end of the Cold War, this tension has become more apparent, as states clandestinely develop nuclear capabilities in direct violation of their commitments under the NPT not to do so. In this context, with the perceived strategic advantage of acquiring nuclear weapons so apparent to states, efforts to stop nuclear proliferation are very difficult to carry out. By the same token, one

should insist on the fact that states are not identical entities, nor should they be treated as such when dealing with nuclear proliferation challenges. Therefore, the assessment of nuclear threats must take into account the nature of the state striving for nuclear weapons, as well as its behavior and expressed intentions.

Historical backdrop: from the Cold War to the Post-Cold War

Before exploring possible options to strengthen the nonproliferation regime, it is necessary to return to its short but exceptional history.

US-European Perspectives on Non-proliferation from the Cold War to the Present

According to **Camille Grand**, four phases can be highlighted in the history of the non-proliferation regime.

• Non-proliferation before the advent of the NPT: From 1945 to the 1960s, non-proliferation concerns were very much a US obsession, since proliferation *per se* was not regarded as a threat to international security by most of the international community. As a result, this period witnessed in-depth nuclear cooperation between the USSR and China, between France and Israel and there was also cooperation among non-nuclear states such as Canada and India, which eventually led to the spread of nuclear technology. Until the early 1960s, the international community did not share the notion that the spread of nuclear technology was a danger to be prevented.

• The 1960s: the formative years of the non-proliferation regime. Out of fear that others would follow the French path in the quest for the nuclear bomb, the Kennedy and Johnson administrations advocated a fiercer regime of non-proliferation. The increased American emphasis on the control of nuclear technology met the initiative taken by Ireland in 1959 to promote a non-proliferation treaty. The endorsement of the so-called ''Irish resolution'' by many members of the international community, including the NAM states, combined with the growing Soviet interest in promoting an arms control regime, created a momentum for the establishment of a non-proliferation treaty based on three pillars: non-proliferation, nuclear cooperation and arms control/disarmament. It reflected a realistic approach to the international system that recognized the existence of at least five nuclear states and established a verification regime to ensure that the commitment of the others would be maintained.

• From the entry into force of the treaty in 1970 to the 1995 Review Conference: this third period witnessed the reinforcement of the non-proliferation norm and a constant move towards universalization. The emphasis on universalization meant that there was more limited interest in the compliance issue, as most of the countries of concern were outside the treaty. The SALT agreements as well as the establishment of the Nuclear Suppliers Group have had a positive impact on the regime. This period culminated in the success of the 1995 Review Conference, following an unprecedented diplomatic campaign led by the US to persuade states to sign up for the extension of the NPT. This was also a great success for the European Community, which adopted a common position on this issue in spite of differences among its member states. The Review Conference proposed a package on disarmament, non-proliferation and even a resolution on a WMD free zone in the Middle East.

• From 1995 to today: this period was characterized by the emergence of the compliance challenge. Five NPT countries have bluntly violated their commitments not to acquire nuclear weapons (Iran, DPRK, Libya, Iraq, and Syria). These severe non-compliance cases led the US and the European Union to work for the management of nuclear crises, exemplified by the EU3 framework on Iran or the dialogue with North Korea. It also led to efforts within the IAEA to try to tackle the non-compliance issue by developing comprehensive safeguards allowing the agency to have a better insight on nuclear activities of the signatories.

Changes in the international system: effects on nuclear proliferation

Adopting a more theoretical approach, **Yair Evron** discussed the changes that occurred in the international system and their impact on the scope and nature of nuclear proliferation. He argued that beyond the structural changes of the international system, regional dynamics of conflict and cooperation are crucial to understanding the evolution of the non-proliferation regime. In turn, nuclear proliferation does not have the same impact on regional stability. While nuclear proliferation did not enhance either stability or instability in the Middle East, it did sharpen the rivalry between India and Pakistan in South Asia.

• From 1945 to the 1990s - ''cooperative bipolarity'': In spite of the conflict between the US and the USSR, they had a shared interest in maintaining the overall stability of the international system. Nuclear proliferation was considered a destabilizing factor that had to be tackled, and this understanding paved the way for the creation of the NPT. While many have drawn attention to the success of the bipolar system in stemming non-proliferation, it is also important to note the efforts of more than

twenty states in taking diverse steps toward proliferation. Ultimately, seventeen states renounced their initial willingness and early planning to build nuclear weapons, indicating the success of the non-proliferation efforts conducted by the two superpowers. Three mechanisms contributed to this major success: defense alliances, the NPT regime, and the realization of potential proliferators that moving towards a nuclear capability would be detrimental to their national security.

• From the 1990s- Unipolarity: During ''the unipolar moment'', there were several successful disarmament cases: a few states voluntarily disarmed, such as South Africa and Ukraine, while others were forced to do so as external intervention unfolded (as in the cases of Iraq, Libya and Syria). Overall, the NPT should be considered a success: in addition to the five nuclear powers, only four states have acquired nuclear status.

• The current situation can be best defined as a continuation of unipolarity combined with elements of multipolarity. It has been widely argued that the ending of cooperative bipolarity would increase the probability of further proliferation. Thus, we are left to ponder the following question: assuming that we are moving towards a multipolar international system, to what degree will we be successful in halting proliferation?

Israel and the NPT: 1968-1980

In the section dealing with the historical background, **Israel Michaeli** examined Israel's position towards the NPT between 1968 and 1980.

From the very beginning, Israel's position was one of caution – calling for more details before taking a clear stance on the possibility to join the NPT. One of Israel's earliest announcements on the NPT was reported in the *Davar* Newspaper during the first round of extensive negotiations in Geneva, on February 19 1967: "we will deal with it when we know what's there".

As to Egypt, it expressed its readiness to sign the NPT in March 1967. Unlike other non-aligned states, the Egyptians almost immediately saw the NPT as an opportunity and supported it as much as they could.

A first report appeared in the *Davar* newspaper in 1967 claiming that Israel would join the NPT. A second report then appeared in the *Maariv* newspaper three days later claiming that Israel had doubts about the NPT, but would vote in favor of the Treaty as a gesture of friendship to the United States. The two articles reflect the

debate of the time in Israel's establishment. In the Foreign Ministry, in particular, it was argued that there was no option of not signing the NTP. In contrast, the Israel Atomic Energy Commission (IAEC), a new actor, claimed that joining the NPT was not an option because of the security risks. The debate continued without any decision being made.

The 1967 war profoundly changed the Israeli security perception, one year before the treaty was opened to signature. The Arab countries made it clear from the start that even if Israel supported the NPT, there would be no relations between them. Israel maintained that it would have been easier to join the treaty if all the signatories would have agreed with the principles of the preamble, dealing with peace and respecting national sovereignty.

Israel's official position up to 1980 was that it was "examining the issue". On June 17, 1974, Prime Minister Yitzhak Rabin stated that Israel had voted in favor of the treaty but did not sign it. Israel was still in the process of clarifications regarding certain details, before a decision could be taken. Israel's Foreign Minister Yigal Alon, stated in the Knesset on Dec 19, 1974 that Israel was seeking engagement and peace, which would be the best guarantee for non-proliferation.

A turning point could be identified with the peace agreement between Israel and Egypt: Israel supported the idea of a nuclear weapons free zone and was ready to embark on that together with Egypt. At the UN General Assembly on October 1, 1981: Israel's Foreign Minister, Yitzhak Shamir, made the following statement:

"…The only genuine way to remove the nuclear threat to the ME can be found in the establishment of a nuclear-weapon-free zone, freely and directly negotiated among the countries of the region and based on mutual assurances, on the pattern of the Tlatelolco Treaty of Latin America".

Yet faced with the Egyptian refusal, Israel changed its position. It appears that for Israel, a nuclear weapon free zone was clearly an alternative to the NPT.

The Nuclear Non-Proliferation Regime in Crisis: Challenges

The panel discussed the current state of the non-proliferation regime and identified the most pressing challenges facing the international community in this realm.

Recalibrating President Obama's nuclear zero vision

Michael Nacht opened the session by providing some insights into the American nuclear strategy under the Obama administration. In the Prague speech, Obama delivered his vision of a nuclear-free world that could be achieved only as a long-term goal. The US President insisted that as long as there were other states with nuclear weapons, Washington would require an effective nuclear deterrent. Thus there was no room for a U.S commitment to a unilateral cut to zero or low numbers.

The Obama administration presented four pillars viewed as central to achieving progress down this road. The first one was the completion of the new START Treaty with Russia: cooperation with Russia was considered essential to halting proliferation, particularly in the case of the Iranian program. The second piece of the strategy was to articulate a revised US nuclear strategy in the framework of the 2010 Nuclear Posture Review, in which a clear linkage was made between nuclear terrorism and proliferation. The third pillar was embodied in the nuclear security summits and dealt with the attempt to ensure secure control of nuclear materials at the disposal of states, out of concern for nuclear terrorism. Finally, the fourth element was the 2010 NPT Review Conference and the strengthening of the NPT with the Additional Protocol, as well as the exploration of possible avenues to prevent exits from the NPT, exemplified by the case of North Korea.

Overall, many of these aspirations have not been achieved and a sense of disappointment has prevailed: Russia and China have not modified their nuclear development programs, nor have they been constructive on proliferation.
The problems with Pakistan have worsened terribly in the last few years. In addition, there is limited leverage with North Korea – it has essentially deterred the US from taking action against its regime. Ironically, the Libyan case proved that point to others: the Gaddafi regime agreed to get rid of its weapons, and then the US helped to remove him from power. The Libyan example for the Iranians is that we have to get this stuff so that the Americans don't mess with us. For all these reasons, there is a real need to recalibrate the US nuclear policy.

US Non-proliferation Policy: Can it Weather the Storm ?

Emily Landau offered a critical view on the very conception of Obama's nuclear agenda that might partially explain the limits of the US achievements in this realm so far. Within the broader arms control and disarmament agenda presented by the administration, the need to address the pressing proliferation challenges posed by Iran and North Korea normally appeared as a low priority issue on the

administration's 'to do' list. However, this impression is misleading, considering the numerous efforts that the administration invested in actually dealing with Iran (i.e. the fuel deal proposal, new rounds of sanctions and P5+1 diplomacy).

The lower priority attached to these issues in the overall non-proliferation/disarmament agenda of this period can perhaps be explained by the fact that Obama was strongly influenced by the 'double standard' argument. According to this logic, by demonstrating good faith in upholding its own disarmament obligations, the United States would be better positioned to confront dangerous proliferators. The US had to come with "clean hands" when dealing with others in the nuclear realm, so no-one could accuse Washington of shirking its own commitments in regard to CTBT, START, NPT, etc. This was meant to strengthen his hand in dealing with Iran and North Korea. However, this argument is dubious because the difficulties of dealing with Iran are not due to a lack of credibility of the P5+1diplomacy, but are linked rather to the very serious difficulties of negotiating with states that are determined to acquire nuclear weapons.

The lack of conceptual clarity regarding the relative importance of the pressing non-proliferation challenges that are posed by Iran and North Korea vis-à-vis the broader disarmament agenda has had some negative implications. Beyond the issue of resource allocation, it also conveyed a confusing message as to the US determination to *stop* Iran from attaining nuclear weapons, and failed to deter other proliferators such as Syria by not making them feel targets of such non-proliferation efforts.

Today, as Obama embarks on his second term, he will have to deal with what is left of the agenda: resetting the bilateral relationship on START and pondering over the possibility to get another consensus document for the 2015 RevCon. The former consensus on the 2010 RevCon was achieved at the price of the Middle East WMDFZ idea. Since the very start, the US had been ambivalent on this issue: even though the idea was in line with US goals, the fact that the US was repeatedly pushed in this direction by Egypt, and that it generated tensions with Israel, led to a tempering of its enthusiasm. The political turmoil in the Middle East added to the deep divide among the parties in the region and rendered US efforts to get all the relevant states on board hopeless. As a result, the postponement of the conference was not a major surprise.

As to the nuclear disarmament agenda, it seems that if the costs and constraints of arms control loom larger than the expected benefits, Obama is probably not going to continue to strongly advocate this disarmament plan. He might feel that he has already done enough to consolidate his disarmament credentials, or he might have

come to the conclusion that the double standards argument is just another form of manipulation on the part of states that want their own nuclear weapons. In any case, stopping Iran and North Korea is likely to top his list of disarmament priorities in his second term. If Iran is stopped, this would be the strongest contribution that this administration could make to uphold the NPT.

Pakistan's security perceptions and their adverse impact on the global nuclear order

Nir Reichental discussed the most pressing nuclear challenge posed by Pakistan, namely official nuclear assistance. The Pakistani defense establishment exerts complete control over the nuclear and national security policies. This fact is quite unusual since in most nuclear states, there is normally a balancing mechanism between civilian and military agencies.

Since Pakistan's independence, the factor which shapes its national security agenda is India, perceived as the main threat to the country. As a result of this, a central objective has been to obtain a strategic balance with India. Given India's military and economic superiority, the Pakistani military establishment has attempted to narrow the gap by using diverse means: reliance on the United States during the Cold War, the development of a nuclear capability as a deterrent, the use of terrorist proxies in Kashmir and the operation of a nuclear export network directed against India. The A.Q. Khan network was in operation for some fifteen years from the late 1980s with the approval of the Pakistani authorities, and it has provided countries such as Iran, Libya, and North Korea with massive nuclear assistance.

Pakistan operated its nuclear export network for several reasons: first, it provided resources that Pakistan needed, partly due to the US-backed sanctions imposed in the 1980s. The wish to acquire advanced technologies from third states and secure wide Islamic support in the Kashmir dispute were also factors motivating deals. Last but not least, Pakistan used the nuclear dimension as leverage over the US: it exploited American concerns about stability in the country to obtain additional economic and military assistance.

The future of proliferation: how much should we worry?

Bruno Tertrais attempted to temper the wide-spread alarmism linked to proliferation challenges. He maintained that the chances of Iran actually crossing the nuclear military threshold are getting slimmer every day. Considering the very high probability of one of four scenarios unfolding (a negotiated arrangement, a

deliberate Iranian decision to stay under the nuclear threshold, a significant political evolution in the country, and a military intervention), he argued that it was unlikely that Iran would go nuclear in the coming years. Tertrais added that if Iran did not go nuclear, this would significantly lower the possibility of other nuclear-weapon states emerging on the international scene.

The justification for this argument is based on a combination of three elements:

- The demand for nuclear weapons would remain limited, particularly in the context of the Arab Spring, and as a result of a reasonably successful attempt by the United States to reinforce its security commitments around the world.
- The supply for nuclear weapons would remain limited too. In view of the recent Fukushima nuclear accident and the impressive global investment in intelligence and surveillance of nuclear activities, there will be few suppliers ready to invest and sell significant nuclear installations in turbulent regions. North Korea remains the main supply challenge, since it desperately needs cash, and will not hesitate to export nuclear technology to reach its goal.
- The non-proliferation regime has become stronger: the almost quasi-universalization of the NPT (with the exception of India, Pakistan and Israel), coupled with the fact that the 2010 Review Conference has managed to avoid a complete de-legitimization of the regime alongside additional instruments such as UN resolution 1540 all run counter to the argument that the NPT is being progressively weakened. This might indicate that non-proliferation has become an international norm. Emily Landau criticized this point by claiming that the cases of non-compliance constitute a stronger argument against the NPT than the universalism of the treaty.

"Don't beat a dead horse": why the NPT failed, is failing, and will fail

In contrast, **Carlo Masala** raised doubts about the effectiveness of the Non-Proliferation regime and seriously questioned the belief that the NPT has played a direct and meaningful role in decisions of states to forgo the acquisition of nuclear weapons.

Masala argued that there is no empirical evidence to demonstrate that the regime has contributed to non-proliferation. States have not abstained in the past from going nuclear because of the treaty membership or its legal commitments.[1] In the few cases where states renounced the nuclear option (Brazil and Argentina, for

[1] Bruno Tertrais raised an objection and argued that there was empirical evidence from interviews conducted with political leaders as to the impact of the NPT on the decisions of states to go nuclear or not. The internationalization of the norm of proliferation was definitely part of their calculus in taking this decision. Of course, it is not completely conclusive but it has to be taken into account.

example), they were essentially bought off by the west – this had nothing to do with the NPT.

Historically speaking, the policies to prevent states from going nuclear were based mostly on great power decisions and not on the mechanisms provided by the NPT. The NPT worked perfectly during the Cold War because the great nuclear powers considered themselves managers of the international system, and had a genuine shared interest in preventing nuclear non-proliferation. However, since the collapse of the Soviet Union, the nuclear order has not been managed in an efficient manner. The lack of a shared vision of the nuclear order for the 21st century and the mismanagement of the nuclear proliferation system is the most serious problem we are facing today. The problems encountered with Iran and North Korea are related to the fact that China and Russia do not share the same vision as the United States.

A second myth that Carlo Masala sought to debunk concerned the strength emanating from the universality of the treaty. Masala discussed the calculations of states which join the NPT. Most of them had no nuclear ambitions at all, either because of a lack of financial or technical capability or because of effective mechanisms such as alliances, security guarantees and extended deterrence. Masala claimed that eighty percent of member-states have no interest in acquiring a nuclear weapon because of costs. In other words, states subscribed to the NPT because it was in their interest to do so. In regard to those states that were determined to acquire nuclear weapons, they did so in spite of their membership in the NPT. Last but not least, certain states may have concluded that it was possible to accomplish a great deal in the pursuit of nuclear weapons *under the NPT* as it facilitates access to nuclear technology.

Different perspectives on the NPT: Looking Back and Projecting Forward

The NPT: Attitudes of Non-Aligned Movement and Non-Nuclear Weapons States

Rebecca Johnson presented the attitudes of the Non-Aligned Movement (NAM) and the Non-Nuclear Weapon States (NNWS) towards the NPT.
In terms of achievements, the 2010 Review Conference produced a final document with 64 action points that had been negotiated and agreed upon. The most talked about outcome of the Conference was the agreement to convene a conference of all states in the Middle East to advance the objective of a WMDFZ, as contained in the 1995 Resolution on the Middle East.

Given the importance of this agreement, what are the implications of the postponement of the WMDFZ Conference for the credibility of the non-proliferation regime? The NAM and NNWS responded with dismay, anger and a large dose of cynicism to the failure to convene the conference in 2012. Frustration has been growing regarding the perception that the NPT regime no longer meets the interests of the NNWS. As a result, they are putting a greater emphasis on accelerating nuclear disarmament because it is perceived as being fundamental to the sustainability of non-proliferation. In fact, the NPT was always meant to be a stepping-stone towards the total abolition of nuclear weapons.

The demand for nuclear disarmament has been framed in a different context with references to the humanitarian consequences of the use of nuclear weapons, international law, and international humanitarian law. These humanitarian approaches to nuclear disarmament have actually gained momentum from the 2010 Review Conference onwards, as expressed in a number of international forums (2011 Red Cross resolution, the 2012 PrepCom and UN First Committee).

Is the NPT part of the problem? Does it increase incentives for proliferation? Can we achieve such a thing as nuclear security? What would the disarmament process look like if nuclear weapons and the concept of deterrence were actually devalued? A growing number of NNWS are seeking to change the rules and the terms of the non-proliferation regime as a means to delegitimizing nuclear weapons for everyone.

The American Perspective – Forging ahead: Challenges and Opportunities for the NPT

Acting Under Secretary of State **Rose Gottemoeller** stated in her keynote address that the Department of State under the direction of John Kerry would continue its efforts to support the NPT. Looking at the past to better shape future policies, she recalled a few historical lessons from the Cuban Missile Crisis: in the immediate aftermath of the crisis, the Limited Test Ban Treaty was instrumental in creating the political conditions that eventually led to the emergence of the NPT. By defining precise goals and proceeding gradually, one can fix seemingly unsolvable problems.

Among the successes of the NPT, Gottemoeller underlined its contribution to stemming proliferation, the facilitation of cooperation among state parties and the institutionalization of the norms of nonproliferation and disarmament. However, very pressing challenges remain: the transgressions by North Korea, Iran and Syria threaten international security and undermine confidence in the non-proliferation regime. The United States has already taken important steps to address these compliance challenges, among them the imposition of UN sanctions. In addition, the

US will continue its efforts to make the Additional Protocol the standard for verification of the NPT and to discourage states from abusing the NPT's withdrawal provision.

The US is making progress on nuclear-weapon free zones (NWFZ) in South East Asia and is still supporting the longer term goal of a Middle East free of all weapons of mass destruction. The threat of nuclear terrorism has been discussed during two Nuclear Security Summits and the disarmament agenda has also registered several successes on both the bilateral and multilateral fronts (entry into force of the new START treaty, constant efforts towards the ratification and entry into force of the CTBT, and a strengthened commitment to launch negotiations on a Fissile Material Cutoff Treaty).

Finally, in order to respond to the challenges ahead, the US is also exerting efforts to explore creative ways to utilize new technologies in order to tackle long-standing verification and monitoring problems.

Russian Non-Proliferation Policy

Anton Khlopkov gave the Russian perspective on the most significant challenges to the NPT regime. The Pakistani case ranks at the top of the list: in spite of the good relations that Russia maintains with Pakistan, it is deeply concerned about the risks associated with the activities of illegal networks dealing with nuclear weapons, nuclear security and the lack of internal stability.

North Korea constitutes another serious challenge: its third nuclear test and the continuing development of missiles testify to the North Korean determination to reach its goal in spite of a dire economic situation. The lack of a strong international reaction following its withdrawal from the NPT has negative implications for the credibility of the regime. The key lies in Beijing. China will need to apply more pressure on the North Korean regime.

Khlopkov argued that Iran has not violated the NPT, but only its safeguard agreement with the IAEA. Iran has not made a political decision to produce a nuclear weapon. In fact, Iran’s strategy has been the same since the late 1970s under the Shah – to develop nuclear technologies and keep all options open. He maintained that too much attention was paid to the technical aspects of the Iranian nuclear program rather than to the security concerns of Iran.

Khlopkov also stated that the CTBT should be prioritized in the coming years. He argued that if the Obama Administration were unable to make progress on the CTBT, the Treaty would fail. Conversely, if the Americans were to ratify it, China, India, Pakistan and other countries would follow.

The International Atomic Energy Agency (IAEA)

David Friedman stated that verification is one of the most fundamental elements in the area of non-proliferation, and is the main tool for checking and securing the compliance of member states with various regimes. An effective monitoring and verification system should include the following:

- monitoring and verification of the dismantling and destruction of existing stockpiles of WMD and missiles;
- dismantling of relevant production facilities;
- safeguarding biological, chemical and nuclear activities in order to detect at a very early stage any deviation to initiate or resume development, production and stockpiling of proscribed activities or items;
- undertaking relevant research and development work to improve WMD verification technologies;
- establishment of export-import controls relevant for dual-use technologies;
- establishment of relevant information and databases related to non-proliferation, arms control, disarmament and illegal trafficking of WMD materials.

Verifications: lessons learnt in Iraq, Iran, North Korea and Libya

Olli Heinonen outlined a few lessons learnt in regard to verification by the IAEA over the last twenty years. He expressed his doubts concerning the international community's understanding of the IAEA's role in the verification realm, and the extent of its ability to conduct verification activities.

He pointed to an important problem related to agreements on safeguards. The agency seeks to prevent the diversion of nuclear energy to nuclear weapons or *purposes unknown.* Thus, the agency has to provide proof that the diversion is indeed directed at military-related activities. We have the example of IAEA requests to visit Parchin in Iran. There is one group of people that tells the inspectors that they have no authority to do that, irrespective of what is done there. Heinonen does not accept this view. There is also a view that one has to demonstrate that nuclear weapons-related work is being carried out before an inspection is requested. However, in the event that the state under discussion denies the agency its right to

inspect, no fingerprints can be taken to deliver proof. As a result, we find ourselves in a “chicken-egg” situation.

In addition, the IAEA has developed a broad range of powerful tools to detect uranium particles, for example. An analysis of environmental samples was crucial to draw important conclusions in the Syrian case.

The information received from intelligence sources is now assigned different degrees of certainties (highly likely, less likely, etc.) The dilemma here is that you combine very accurate information with qualitative information for your overall conclusions. The difficulty is that the Secretariat has a hard time conveying how certain the agency is regarding a particular state of affairs. The IAEA does not take the information it receives at face value even if there is a track record with the country or person who provides the information. We have to check the veracity of the information, and we try to authenticate it. How reliable is the information? Can we use it in our conclusions?

Lessons on Verification from various treaties and their application to the IAEA

Jean-Pascal Zanders discussed the lessons on verification from the Chemical Weapons Convention (CWC) and their application to the IAEA. The focus of the presentation was the CWC since it has the most complete integrated compliance verification system of any arms control/ disarmament treaty.

Several procedural features of the CWC make it particularly valuable and effective. First of all, there is a mechanism for generating transparency: parties must report to the organization according to specific criteria. To address anomalies, there is a wide-range of possible activities. Yet preference is usually given to the lowest level of confrontation, i.e. to consultations rather than clarification requests or challenge inspections. These consultations are actually part of a cooperative process rather than a confrontational one. The great advantage of this bilateral diplomatic engagement is that we avoid the megaphone diplomacy, which tends to prevail in the nuclear realm. There are no accusations, which make it easier for the state in question to take remedial action, as there is no loss of face and public humiliation. During the clarification process, the requesting state party retains the right to call for a challenge inspection at any time. This can be carried out at short notice. However, this right has never been invoked since the Treaty came into force.

An additional feature of importance is the aspect of confidentiality. There is a very strict element of confidentiality during all stages of the verification process. It thus shields the inspection process from political influence during its execution.

However, challenges do remain. Once the destruction of chemical weapons has been completed, changes will be needed in the nature of the verification requirements, mainly in the routine verification of industry and trade. In verification, the ultimate decision always remains very political even if the inspection process is to a large extent shielded from political interference.

Finally, non-compliance can be reported to the UN General Assembly and UN Security Council. Sanctions can be taken, if necessary, to rectify the situation, but military force is off limits.

According to Jean-Pascal Zanders (during the Q & A session), if a CWC structure would have existed in the case of Iran, we would probably not be in the same problematic situation: the CWC's large-scale system of safeguards and options for autonomous action (without political interference) creates a situation where states have no excuses not to take action.

Revitalizing the Non-Proliferation Treaty: Possible Responses

Having explored the challenges facing the NPT regime, the Conference discussed possible avenues for the resolution of certain issues.

NPT: A rethink?

Taking stock of the lack of progress in improving the NPT, **Ephraim Asculai** presented the following question: Is continuation with the NPT tenable? If not, what can and should be done to maintain a non-proliferation regime that can endure and stop the further proliferation of WMD, in general and nuclear proliferation in particular?

Before tackling this thorny question, he shared ten statements reflecting his thinking on the situation:

- In the foreseeable future, there will be no universal nuclear disarmament, irrespective of international demands and the requirements of the NPT since nuclear states will not renounce their weapons. Regional arrangements may be possible if regional states could trust each other and regional peaceful conditions are achieved.

- Many states see NPT membership as an end in itself and not as a means to an end.
- Any state that is determined to acquire nuclear weapons can and will accomplish this, irrespective of its international obligations.
- The international verification mechanisms are not strong enough to detect all cases of non-compliance with international treaty obligations. Only intelligence organizations can do this but their success is not always assured, and the international community will not always act on this information.
- Commercial interests have a good chance of overcoming legal commitments- proliferators will have the means to obtain the necessary equipment, materials and know-how for their programs. Governments are sometimes reluctant to take action against these interests.
- There is no enforcement mechanism that can on its own stop proliferators, and the international community is not strong enough to do this.
- Although technically possible, the NPT will never be amended.
- A Fissile-Material Cutoff Treaty (FMCT) although sensible, is not on the cards, and is not verifiable.
- Dealing with proliferators is not a high priority for the leading world powers and the level of hesitancy on this issue is almost unbelievable.
- It is a grave mistake to attempt to compel non-NPT states to join the Treaty, instead of trying to reach an understanding with them. Past experience has shown that the following methods were successful in stopping proliferation: political convictions and persuasions, military actions, and the Proliferation Security Initiative (PSI).

What can be done in order to ameliorate the situation and achieve the goals of the non-proliferation regime (non-proliferation, disarmament, and the use of energy for peaceful purposes without risk of proliferation)?

- Draft and ratify a general memorandum of understanding of no first use, including the NWS and the four non-NPT states.
- Accept the four non-NPT states into the energy agreements as long as they accept their terms.
- Launch an economically viable and internationalized fuel-cycle at both the front and back end.
- Institute a more robust system of political and economic sanctions system against proliferators.
- Institute the Additional Protocol as a mandatory obligation of the parties to the NPT and start discussions on an augmented verification system based on the lessons learned from the application of the Additional Protocol.
- Abolish the Small Quantities Protocol.

Asculai has doubts over the feasibility of these suggestions, but warns that continuing with the present regime might lead to a further deterioration of the situation. The outcome of the case of Iran will have implications for the fate of the NPT, in particular, and the non-proliferation regime, in general. If Iran agrees to give up its military nuclear ambitions, the regime could get a life extension. However, if Iran succeeds in its nuclear ambitions, this regime is doomed. If Iran leaves the NPT, others may follow. Moreover, if future Review Conferences are unable to record meaningful achievements, they will eventually fizzle out. In contrast, if future Review Conferences start dealing with issues in a serious manner, and steer clear of the need for consensus (which needs the acquiescence of transgressors), they could start becoming useful. Unfortunately, it is unlikely that this will happen.

Reinforcing the regime: the need for Realism

Bruno Tertrais stated that in order to reinforce the non-proliferation regime, realism was needed. Disarmament efforts of the NWS would not have a meaningful impact on the overall enforcement of the regime. This does not mean, however, that the reduction of arsenals should not be pursued. Indeed, nuclear cuts have value in themselves since they demonstrate the logic of minimal deterrence for these countries and the abnormality of the possession of such weapons.

In an ideal world, the desirable measures to strengthen the non-proliferation regime would include the following:

- The ratification of the Additional Protocol and CTBT, the renunciation of enrichment and reprocessing capacity and the acquiescence with the FMCT.
- To make the withdrawal from the NPT politically more difficult by ensuring that countries remain answerable for what they have done before withdrawing.
- To break the link between UNSC permanent membership and nuclear status, although this is unrealistic. A reform of the UNSC that gives a fundamental equal role to permanent NNWS would be an important non-proliferation measure.

Tertrais then suggested seven feasible goals for the international community:
1) The ratification of the Additional Protocol should not be overstated, since it gives leverage to those states that have not yet ratified it.
2) The NAM is chaired by Iran. So having the non-proliferation scene dominated by NAM - P5 dialogue is surely not the best way to make progress.
3) It is important to create a consensus on the state level safeguards method.

4) It is necessary to delegitimize the Iranian narrative, which claims that the West refuses to give the South the benefits of nuclear peaceful technology.
5) Engaging nuclear scientists is a very effective non-proliferation tool. The more a community of nuclear scientists is integrated into the global community of scientists, the less likely it is that they will promote their own domestic nationalist nuclear agenda.
6) We should discourage the cost-effectiveness of going nuclear.
7) NWS should embrace the abnormality of nuclear weapons. The more we promote the idea that nuclear deterrence is a legitimate security instrument, the less we will be successful in stemming proliferation. One can accept the value of nuclear deterrence while still viewing the possession of nuclear weapons as an abnormal state of affairs.

"Bank-run" on the NPT: Preventing a Crisis of Confidence

Cameron Brown used the analogy of a bank run to describe the crisis of confidence that the NPT might face in the foreseeable future. In light of the growing interest of certain Middle Eastern states in the development of civilian nuclear programs[2], a key challenge for the NPT will be to prevent a "bank run" on the institution. In other words, many states may lose their confidence in the NPT's ability to prevent cheating, and consequently will also pursue some form of nuclear program.

So how can we prevent a "bank run"? First of all, it is necessary to provide disincentives for cheating by harshly punishing nuclear proliferators. The high cost imposed on Iran and North Korea, even if these countries cannot be stopped, may also send a signal to all future potential proliferators. Secondly, security guarantees should be provided as a means to incentivize cooperation: an unmistakable commitment by the US to provide defense pacts for those countries that have adhered to the NPT. Thirdly, by improving verification, we can prevent cheating.

States do have an incentive to bluff in the realm of non-proliferation. The possibility of greater US involvement in the region encourages states to feign interest in a nuclear program, particularly as the costs related to such statements are very low. In order to prove that they are not bluffing, states like Saudi Arabia have invested large sums and developed infrastructure. Whether a state will actually proliferate depends on its motivation and its vulnerability to action by the international community. In the event that certain countries in the region perceive that the United States is

[2] Within eleven months in 2006/07, fourteen Middle East countries suddenly announced an interest in a civilian nuclear program.

determined to impose costs on proliferators and guarantee security for those who do not proliferate, then a fully-fledged "bank run" is highly unlikely.

A Regional Security Regime for the Middle East: A WMDFZ in the Middle East

By way of introduction, **Emily Landau** recalled how the idea of a WMDFZ in the Middle East first appeared on the agenda in the mid 1990s. It was the result of great pressure applied by Egypt (and some additional Middle Eastern states) on the United States to place the spotlight specifically on Israel's nuclear program. It is noteworthy that the Egyptians were promoting this idea while arms control and regional security were actually *being discussed* - within the framework of the working group on Arms Control and Regional Security (ACRS). As such, there was no vacuum in this regard that would justify the tremendous Egyptian pressure to place the WMDFZ idea on the NPT agenda. Finally, it is important to bear in mind that the 1995 Resolution states clearly that the proposal to discuss a WMDFZ was connected to the very specific context of the peace process that was ongoing in the early 1990s, but is absent today.

Security Asymmetries in the Middle East

Shimon Stein argued that security asymmetries have to be taken into consideration when discussing the idea of a WMDFZ in the Middle East. A 2012 conference would not have been the best way to deal with these asymmetries.

The regional dimension is crucial in order to understand Israel's attitude towards the NPT. Even though Israel has always supported the goals of the Treaty and its efforts to stem nuclear proliferation, it has never viewed the NPT as an appropriate platform for the negotiation of arms control and regional security issues because of the prevailing circumstances in the Middle East. Israel believes that its security would not be enhanced by joining the NPT. Furthermore, Israel has insisted that only a significant change in regional conditions would lead to a review of its position on the Treaty.

A number of reasons were given to explain Israel's decision to stay away from the WMDFZ initiative.
From a procedural perspective, Israel found it difficult to rally to the WMDFZ idea given the fact that as a non-NPT member, it was not party to a considerable number of resolutions adopted under the NPT umbrella. Israel cannot agree to pre-determined conditions that ignore its security concerns. In any aspect of arms

control and disarmament discussions, all agreements must be reached on the basis of consensus.

From an ideological perspective, there is a problem with the diametrically opposed approaches to regional security and arms control that have accompanied the regional discourse since the Madrid Process. On the one hand, Israel is the proponent of an incremental approach that sees arms control as a long process of transformation and confidence building, leading eventually to successful negotiations and the establishment of a nuclear-free zone. On the other hand, the Arab position, represented by Egypt, views Israel joining the NPT as the first confidence building measure to be taken.

Cultural differences also cast a shadow over the likely success of a conference: the culture of cheating and deceit is prominent in the Middle East, as reflected by the regional record of non-compliance (Saddam's Iraq, Qaddafi's Libya and Iran).

Finally, from a political perspective, the Arab awakening and the transformation in the region has brought opportunities that Israel would be well advised to explore. The paradigm shift that we are currently witnessing in the region changes the working assumptions that determine inter-state relations. Therefore, a new approach is needed in regard to arms control in the Middle East. Stein suggested that the Southern Asian model might be relevant in this respect: a suitable regional forum should be inclusive in terms of membership and comprehensive in terms of agenda, in order to deal properly with asymmetries.

Principles for a Regional Security Regime

Shlomo Brom addressed the political turmoil in the Middle East and argued that in this context, it was essential to have an elementary regional security framework that would facilitate at least some communication among states on security matters. For example, Syria's neighbours (Turkey, Israel, Jordan, Lebanon and Iraq) are unable to sit together and discuss the situation there. The Gulf Cooperation Council is the closest example of such a security framework. This regional security framework should take the form of a cooperative security regime rather than one of collective security, since it would enable states to deal with their own conflicts without having a common enemy.

It is important to underline that arms control agreements, including the idea of a WMDFZ, are only one element of such a regime. Brom maintained that a nuclear-free zone is the most ambitious attempt in the arms control arena, but it is

unrealistic for the time being. It would be best to start small and avoid overly ambitious steps.

Based on the lessons learnt from the ACRS experience, Brom presented several principles for a cooperative security regime in the Middle East:

- One model that could work in the Middle East is that of Asia: it is flexible, composed of inter-state components, formal elements and informal elements.
- What is the Middle East? The definition of the region should be modified to include Turkey and not just the Arab League, Israel and Iran.
- Inclusiveness: All the relevant states should be invited, but a coalition of the willing with only several states participating should be sufficient to launch the process.
- The mechanism of decision should be based first on consensus, and at a later stage a "softer" decision mechanism might be considered, once trust has been built.
- *''Geometrie variable'':* The area definition should be appropriate to the specific goal one tries to reach. It should thus entail a combination of regional and sub-regional arrangements.
- In regard to the confidence and security building measures (CSBMs), they have a bad reputation in the Middle East. They are perceived by the Arab States as a means for Israel to force normalisation upon them. We need to overcome Arab suspicions on CSBMs – we need to look at them as practical measures and not symbolic ones.[3]
- Brom expressed his regret that the WMDFZ Conference did not take place in 2012. He believed that with some goodwill, it could have been an opportunity to start working on a process. As usual, an opportunity was missed, but this is quite common in the Middle East.

Nonproliferation and Regional Security: An Israeli Policy Perspective

In his keynote address Ambassador **Jeremy Issacharoff** described recent developments and the main features of the Israeli approach to regional security and arms control.

To begin with, he recalled two main tenets of Israel's policy on non-proliferation and regional security issues. On the one hand, it has not been possible for Israel to consider non-proliferation issues in isolation from the regional context. On the other

[3] For instance, CSBMs are useful in the field of information exchange, such as pre-notifications of military exercises and ballistic missile tests. They can prevent misunderstandings and dangerous escalation.

hand, Israel has consistently expressed a clear commitment to non-proliferation. A policy of restraint and responsibility has characterized Israel's national security and foreign policy over the years. This policy does not only underwrite Israel's national security but also its capacity to take risks for peace.

In its short history, Israel has been faced with an array of conventional threats, missile attacks, suicide-bombings and the relentless Iranian efforts to acquire a nuclear military capability. In these circumstances, Israel must continue to find the appropriate balance between deterrence against actual and potential threats and keeping the door open to a genuine dialogue that can begin to address regional security in all of its different aspects.

Amb. Issacharoff criticized the WMDFZ proposal for disregarding the regional realities of war, terror and hostility that prevail in the Middle East. He insisted that it is not tenable to expect a country (i.e. Israel) to discuss these disarmament measures without any reference to the attainment of peace and the necessary process to ensure an infrastructure of stability and coexistence.

In addition, over the past two years, Israel has made constant efforts to attend regional meetings and seminars with its Arab neighbors on these issues. Yet, no direct engagement has occurred and therefore a very minimalist consensus exists on a common approach to regional security and on modest confidence-building measures that could facilitate such a consensus.

This lack of consensus has been a real obstacle on the way to progress. Israel firmly believes that the regional parties themselves must discuss and determine agreed objectives, the terms of reference, a broad agenda and modalities for any such meeting. Israel cannot agree to predetermined conditions conceived without its agreement, and that do not take into account its national security concerns.

Recently, Israel has been very much involved in a comprehensive set of diplomatic meetings with the Undersecretary of State of Finland, Jaako Laajava, and its allies. If no substantiate progress has been made up till today, this has not been because of a lack of efforts on Israel's part.

However, as Israel continues to address these issues, it will have to find the balance between the global level and regional constraints. The lack of peace and non-recognition of Israel, as well as the absence of normalized relations between Israel and its neighbors, severely curtail the implementation of international treaties, particularly in the area of arms control and disarmament. It should be recorded, that when Syria joined the NPT, it specifically declared that its ratification shall no way

signify the recognition of Israel. This exemplifies the difficulty to implement an international treaty that does not relate to the specific regional constraints and political realities of the area. Another factor that is working against global treaties in this area is the regional record of non-compliance. These proliferators have also been sponsoring international terrorism and some of them have even made use of chemical weapons in the past. These facts underline the need for global treaties to provide solid security guarantees to Israel and produce security arrangements. This also makes clear why direct negotiations and recognition have to be inherent in any arms control and disarmament process.

Such a process should begin with gradual, step-by-step confidence-building measures to reduce tensions, the attainment of a comprehensive peace, and enable the parties to determine an appropriate security architecture for this region. This must not be imposed from outside and must evolve from within the region itself.

Clearly, the Middle East is going through a profound period of historical transition that impacts dramatically the respective strategic interests of states in region, creating an even more uncertain and unstable security environment. Amb. Issacharoff regrets that this change has not been harnessed to reshape attitudes in the Arab world and create a new paradigm of dialogue with Israel on strategic issues that can serve the wider interest.

Last but not least, even though Israel has developed an impressive array of defense systems and counter-responses to the multiple threats it faces, there is however one thing for which it has not been able to develop any adequate counter measure- the outstretched hand of peace. Ultimately this could be the most disarming.

A WMDFZ in the Middle East: a distant dream?

Finally, **Camille Grand** addressed the issue of a WMDFZ in the Middle East and discussed its feasibility in the near future. He presented the possible incentives that each category of stakeholders has for holding such a conference.

- The Arab position remains unclear. The inability of the Arab side to engage seriously with Israel on security issues is a serious obstacle to any progress.
- Iran has played a clever game on the 2012 conference, and has deliberately been a supporter of the process since the very beginning. This reflects a tactical move aimed at lifting the pressure on its own nuclear program.
- Israel appears to have chosen a reasonable approach by insisting on the security dimension and reassurances on procedural issues. Israel's position is sound: decisions should be taken by consensus. At the same time, Grand referred to the

serious doubts of the international community regarding the willingness of Israel's political leadership to engage in such a process. He expressed his misgivings over the failure to hold a conference, since it would have been a good opportunity to relay Israel's concerns.

- It is easy to create a WMDFZ in regions where weapons of mass destruction do not exist. It makes sense to work for a WMDFZ in the Middle East where WMDs do exist. Such a zone should be tied to the wider political situation.
- CSBMs are useful as a building block for something more ambitious. One example of such a step is a pre-notification of missile tests.

In his conclusion, Grand argued that it is important to hold a conference as a first critical step. The failure to convene a conference sends a bad signal. He argued in favor of an incremental process, which would look at separate weapon categories. This need not be a distant dream. Nevertheless, Grand conceded that a major game changer may be required to bring change, such as a confrontation with Iran or a breakthrough in peace talks. A change of mindset is needed in the region: peace in the region should be viewed as a distinct possibility. This can help to bring about a WMDFZ in the Middle East and conversely, a conference can also help to break the deadlock between the parties.