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Sixth Meeting of PPNN Core Group, 16-19th
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Summary:

Summarizes the events and issues of the sixth PPNN Core group meeting.

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SIXTH MEETING OF PPNN CORE GROUP
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1. General

The Core Group of the Programme for Promoting Nuclear Non-Proliferation held its sixth meeting at the Parkhotel, Baden bei Wien, Austria from 16-19 November 1989. All members attended this meeting except Warren Donnelly and Lewis Dunn. Mrs Hilary Palmer from the Rockefeller Brothers Fund was also present as an observer, while the substantive parts of the meeting were attended by those members of diplomatic missions to the IAEA and IAEA officials listed in Appendix 1. Dr Arpad Prandler, Provisional Secretary-General of the Fourth NPT Review Conference, attended the substantive part of the meeting as an observer from the United Nations in New York. That part of the meeting was also attended by five invited paper presenters: Carlos Buechler (IAEA retd.-Argentina), Dr Trevor Findlay (Australian National University), Professor George H. Quenter (University of Maryland), Professor Lawrence Scheinman (Cornell University) and William Walker (Sussex University).

The following summary report is intended as an 'aide memoire' for participants and to give funding organisations a general idea of what transpired. The report has not been formally adopted or agreed to by the participants. It notes points raised and proposals made, but does not pretend to attribute any particular opinions to individual participants.

2. Programme of Work

The Core Group adopted the agenda (PPNN/CG6/1.) and the Programme of Work (PPNN/CG6/2.). Its substantive discussions followed the pattern agreed at the Second Core Group meeting at Charlottesville of:

- * Systematically examining the Articles of the NPT and identifying problems likely to be encountered over them in the 1990 Review Conference;
- * Examining functional issues affecting the nuclear non-proliferation regime;
- * Examining "problem" countries or situations;
- * Receiving reports on recent NPT developments from Core Group members.

In the course of these discussions it considered the following papers, the majority of which had been circulated in advance:

- CGP30 Jayantha Dhanapala: Article VI and the PTBT Amendment Conference;
- CGP31 Jozef Goldblat: Article VII: the NPT and Nuclear Weapon Free Zones;
- CGP32 David Fischer: Article X and the nature of the 1995 Extension Conference;
- CGP33 Trevor Findlay: Article V: Peaceful Nuclear Explosions and the NPT: Letting a Dead Letter Lie;
- CGP34 William Walker and Frans Berkhout: Safeguards and the Expansion of Civil Reprocessing and Plutonium Use;
- CGP35 Warren Donnelly and Lawrence Scheinman: Possible Functions for the IAEA under a Fissile Material Cut-Off and in Connections with the Destruction of Nuclear Warheads and

Decommissioned Facilities;

CGP36 George Quester: Israel and South Africa;
CGP37 Ian Smart: Compliance with the NPT;
CGP38 Carlos Buechler: Consequences of new Developments in Latin America.

3. Directors Report (PPNN/CG6/3)**i. Resignation**

The Chairman of the Core Group reported with regret that Prof. Joseph Nye (United States) had resigned from the Core Group due to pressure of work. The Chairman reported that he had conveyed his thanks to Professor Nye for his contribution to the work of the PPNN.

ii. Directors Activities

The directors reported on the seven meetings and conferences which one or other of them had attended and/or presented a paper since the May 1989 Core Group Meeting in Guernsey, and on the meeting in which they had both participated.

iii. Publications

The directors reported that two further editions of the Newsbrief (Nos.6 & 7) had been published, as had Occasional Paper 3, China: Two Views by Charles Van Doren and Rodney Jones. Occasional Paper 4, New Technologies, IAEA Safeguards and Nuclear Non-Proliferation by Dennis Fakley and Adolf von Baeckmann had been printed and was in the process of being distributed. The directors also reported that they intended to pursue a more active policy of seeking news from other NPT orientated groups by sending out regular requests for information to them.

While it was agreed that the Newsbrief was an outstanding success, the directors were asked to consider several suggestions in relation to future editions.

The idea of publishing the papers presented at PPNN Core Group meetings in an edited volume was also discussed. It was felt that this was a good idea if it focused on selected areas, but that it should only be pursued after the Review Conference. Prior to that point, the first requirement was to produce the PPNN Brochure/Occasional Paper on issues before the conference.

iv. Outreach Activities

The directors reported on the PPNN outreach programme carried out by APCO, particularly the press conference to launch Occasional Paper 3. It was suggested in the discussion that followed that APCO be asked to provide an annual report on their activities for inclusion in the 1989 PPNN Annual Report and that they also provide a report on what had been published as a consequence of the press conferences they had organised.

v. Finance

The directors reported on expenditure to the end of September, as reported in PPNN/CG6/Annex2. It was clear that the annual financial statement would be a rather complex document, due to changes in exchange rates in the course of the year. It was anticipated, however, that although some budget heads, such as the directors travel costs, had been exceeded, the overall 1989 programme budget would not be exceeded.

4. Future Activities

i. Core Group Meetings

The seventh meeting of the Core group will be held from Saturday 23rd June to Tuesday 26th June in Geneva. It was suggested that the meeting might start at about 5pm on Saturday, rather than lunchtime as originally proposed, and be structured around the elements of the pamphlet/Occasional paper to be produced by the directors on the issues confronting the Review Conference.

Discussions took place on the detailed schedule for the seminar on the NPT Review Conference for senior diplomats on Monday 25th June, resulting in the following draft schedule:

0930-1045 - Session 1: Articles 1,2 and 7: introduced by short presentations from Jozef Goldblat, Jorge Morelli-Pando and Mohamed Shaker;

1115-1300 - Session 2: Article 6: introduced by short presentations from Jayantha Dhanapala, Harald Mueller, Ian Smart and an East European;

1430-1600 - Session 3: Articles 3 & 4: introduced by short presentations from Walter Rehak and Ben Agu;

1630-1715 - Session 4: Articles 8 and 10: introduced by short presentation from David Fischer;

1715-1815 - Session 5: Overview, introduced by short presentations from Lewis Dunn and Oleg Grinevsky.

The Core Group would assemble for a short evaluation session on the Seminar from 9-1030am on Tuesday, followed by a press briefing from 11-12pm, with lunch to follow. More detailed briefings would be offered to those journalists requesting them from 2 pm onwards.

The eighth meeting of the Core Group would be held at the University of Virginia in Charlottesville, USA. The provisional date was 15-18th November 1990, though this was inconvenient for at least one member of the Core Group and an attempt would be made to change the dates to 8-11th November. It was suggested that representatives of current funding bodies should be actively encouraged to attend this meeting.

ii. PPNN Conference

The Directors reported that the second PPNN conference on the NPT for working level diplomats would be held from Friday 11 to Monday 14th May 1990 in Guernsey. A list of the 63 missions in Geneva who would be invited to send a nominee to the conference (see Appendix 2), together with the IAEA and the NPT Review Conference secretariat was discussed. PPNN would pay selected PEX air fares from Geneva and all hotel costs.

The Conference would be serviced by a limited number of Group members only, in line with recommendations from participants at the 1989 conference. A number of members had also indicated that they would be unable to attend that weekend. The tentative programme would be:

i. Practical experiences and mechanics of previous review conferences (including friends of the president, how the committees work etc.): Ben Sanders and Mohamed Shaker [Friday];

ii. Keynote Address by Ambassadors Rivero or Dhanapala [Friday];

iii. Three short introductory presentations on Peaceful Uses and Safeguards; on Threshold Countries and Regional Issues and on Disarmament by David Fischer, Jayantha Dhanapala and Mohamed Shaker [Saturday, but depending on arrival times in Guernsey could take place on Friday];

iv. Three circulating briefing teams on Peaceful Uses and Safeguards [David Fischer (Chair), Walter Rehak, Ben Agu]; Threshold Countries and Regional Issues [Jayantha Dhanapala (Chair), John Redick and Jozef Goldblat] and Disarmament [Mohamed Shaker (Chair), Lewis Dunn and Oleg Grinevsky] [Saturday and Sunday];

v. Briefing on 1995 [Ben Sanders/John Simpson] [Monday];

vi. Concluding session with points arising from small group discussions [Monday]

iii. Occasional Papers

After considerable discussion on the advisability of PPNN publishing an Occasional Paper on PNEs, a consensus emerged that the plan to publish the Findlay paper should not be proceeded with.

Three other Occasional Papers were in preparation for publication in the first six months of 1990: a paper on "the IAEA, a fissile material cut-off for military purposes and the transfer of fissile materials from dismantled nuclear warheads to other applications" by Warren Donnelly and Lawrence Scheinman; a revised and updated version of Occasional Paper No 1 on "Latin America" by John Redick and a paper on "France and the NPT" by Harald Mueller.

A proposal was also made that the directors might commission a paper on the impact of the "open skies" arms control regime that had been proposed for the US, USSR and Europe upon the Non-Proliferation regime. This would include the degree to which it might reinforce the IAEA safeguards system by providing data on the presence or absence of clandestine facilities. It was suggested that such a paper should concentrate on the answers to three core questions: Is it possible to use aircraft for non-proliferation surveillance purposes; what kind of technology and techniques would be needed to see what was taking place on the ground and what administrative and political arrangements would need to be made to integrate these new possibilities into the non-proliferation system?

iv. NPT Review Conference

The directors announced that PPNN would attend the Review Conference as an NGO; a letter to that effect would be sent to the Secretariat. They had made arrangements to be present in Geneva for the duration of the meeting. Harald Mueller and David Fischer reported that they would also be there as observers from the PRIF/European Non-Proliferation Programme. Jozef Goldblat and Jayantha Dhanapala are resident in Geneva, and would probably be present at the meetings. In addition, Walter Rehak would be a member of the GDR delegation to the conference, and would probably operate in Committee 2.

5. The Extension of PPNN Beyond the End of 1990

The directors introduced this discussion with a working paper, PPNN/CG6/5 setting out the assumptions underpinning the proposal to

extend PPNN's activities through to the NPT Extension Conference in 1995, a draft project description based upon them and a draft budget for the period 1990-95. They emphasised that three questions needed to be addressed: What activities would PPNN undertake in the 1990-95 period, what would they cost and who would provide the money for them.

In the discussion which followed the following points were made:

- * The core group might be extended to 15/16 members in order to give a broader geographic representation. It should have 2 US and 2 USSR members;
- * More positive attempts should be made to associate nationals of non-member states of the NPT with PPNN activities. The main vehicle for this would be to invite such individuals to participate in some substantive parts of PPNN Core Group meetings. Consideration might be given to inviting experts from such states to Core Group discussions on issues of specific interest to them;
- * To keep costs low, the idea of a conference in 1992 might be dropped, and only one Core group meeting held in that year;
- * The proposal document eventually presented to funders would have to be punchy and positive;
- * Some Japanese funding appeared essential, and suggestions were made of approaching the Japanese Atomic Industrial Forum;
- * It was recognised that assistance from the German Volkswagen Foundation would probably be limited and that any contribution would be in support of activities organised together with PRIF;
- * It was considered useful to present the proposal/budget in two halves, with the first covering 1991-3 and the second 1994-5;
- * Grants in kind might be obtained by approaching selected governments to host Core Group meetings and provide assistance with air travel on their own national air lines.

6. Reports by Core Group members

All Core Group members made statements covering inter alia current developments in their own countries and information they had acquired in the course of their work. Some of these gave rise to considerable discussion

7. Briefings by Core group Members and Invited Speakers

i. EXAMINATION OF THE ARTICLES OF THE NPT

a. Article VI and the PTBT Amendment Conference

The Core Group continued its systematic analysis of the issues likely to be raised in the 1990 Review Conference on the basis of a presentation by Jayantha Dhanapala. In this presentation and the subsequent discussion, the following points were made:

- * A resolution had been placed before the first committee of the UNGA asking the Secretary General to provide facilities in New York for a preparatory committee meeting of the PTBT Amendment Conference in January 1990 and for the Amendment Conference itself to be held over a three week period in May/June 1990. This resolution had

subsequently been amended to request facilities for a 4 day preparatory committee meeting from 29 May to 1 June 1990, a 5 day initial session of the Amendment Conference from June 4-8 1990 and a two week second session from 7-18 January 1991, all in New York. The United Kingdom on behalf of the three depositaries, who alone can legally convene the conference, had sent invitations to all the parties to attend an Amendment Conference in Geneva from 8-18 January 1991;

- * The desire to move the Amendment Conference forward was of positive assistance to the NPT, in that consensus on the UN resolution position could be taken as evidence that an ongoing process of negotiation on a test ban had been started and thus the key obstacle to arguing that Article VI was being fulfilled would be removed;
- * The timing and inter-relationship of a PTBT Amendment Conference in May/June and the summit conference on arms control between the two superpowers scheduled for the same period would have a significant effect on the outcome of the 1990 NPT Review Conference. This latter should provide a good atmosphere for the NPT Review conference, especially if it produced additional evidence of movement on Article VI.

b. Article VII: the NPT and Nuclear Weapon Free Zones

In the presentation by Jozef Goldblat and the discussion which followed, several significant issues were raised:

- * Article VII encourages the creation of additional regional nuclear weapon free zones, though it does not mention them specifically;
- * The Latin American zone created by the Treaty of Tlatelolco is based on an ambiguity, as it appears to permit "peaceful" nuclear explosions while banning nuclear weapons;
- * The South Pacific zone created by the Treaty of Rarotonga is a step forward as it unambiguously bans such explosions. It also makes IAEA full scope safeguards a condition for nuclear trading, as the IAEA Safeguards system was fully operative when this treaty was drafted;
- * Neither treaty bans facilities supportive of the use of nuclear weapons, nor transiting or port visiting of vessels carrying nuclear weapons. Some might suggest that one possible way of dealing with this in future treaties, given verification problems, would be to ban the transiting of all nuclear weapons in surface vessels but not in submarines or aircraft, though others would regard the key impact of such treaties being as in the general area of confidence building;
- * The content of the Rarotonga Treaty reflects three further issues which concerned the states in the area: French nuclear testing, the export of Australian Uranium and Japanese/United States dumping of nuclear waste in the Pacific;
- * Nuclear weapon free zones are most needed in the Middle East and South Asia. In Europe, it seems possible that a de facto nuclear weapon free zone will emerge without the aid of a formal treaty;
- * In the Middle East and South Asia, the creation of such zones may need positive action from the superpowers and a different structure from the existing zones, rather than be something left to the states of the region to negotiate. In particular, it could require the superpowers playing a more direct role by providing joint security

guarantees rather than just signing protocols, so long as the states of the region involved were prepared to accept such external intervention;

- * In the Middle East, a nuclear weapon free zone could be part of a general settlement, which included inter alia limitations on conventional weapons. Acute disagreement exists on whether it could be negotiated before a general settlement. The Treaty setting up such a zone would have to include provisions for inspections of suspect facilities anywhere at any time. This is something that NGO's might be encouraged to explore;
- * In other areas, such as South Asia, it might be possible to insulate nuclear rivalries from other issues and promote nuclear weapon free zones separately from a general settlement;
- * Antarctica also constitutes a nuclear free zone, but in the context of a ban on all weapons. One issue which may emerge in future, however, concerns the storage of radioactive waste in the area;
- * Some would argue that the Nordic area constitutes another potential nuclear free zone, though principally for purposes of confidence building. One important requirement would be for the USSR to declare parts of its territory adjacent to the zone nuclear weapon free. Others see this as a low priority idea with no future;
- * In the next five years it seems probable that there will be serious negotiations on naval arms control as policies of neither confirming nor denying the presence of nuclear weapons become politically untenable. Some think this will have no effect on existing treaties and practices: others that it would affect the operation of current and future nuclear weapon free zones;

c. Article X and the Nature of the 1995 Extension Conference

In the presentation of the paper by David Fischer and the subsequent debate, the following issues arose:

- * The NPT does not expire in 1995: the task of the conference in that year is to decide whether it shall be extended indefinitely or for a further fixed period or periods;
- * If the extension conference cannot agree on the period or periods of extension of the treaty, it will remain in force until some agreement on extension is made and implemented;
- * The wording of the article is such that if a decision was taken to have a single fixed period of extension, instead of a series of periods, the treaty would terminate at the end of that period and it would not be open to the parties to extend it further. In the case of a series of periods a number of modalities for authorising sequential extension can be envisaged;
- * The NPT is legally unique in that it explicitly delegates to those attending the 1995 extension conference the power to decide on the nature of the extension to the treaty. This decision is final, binding on all parties and self-executing;
- * Of the 141 parties to the Treaty, 109 are from developing countries, thus their perception of the length and type of extension and the issues relevant to such a decision will be crucial;

- * Any decision must be taken by a majority of the parties to the Treaty. Given the percentage of parties attending past NPT review conferences, if the issue went to a vote some 70-75% of those attending the extension conference would constitute this majority;
- * At least four types of procedure can be envisaged for dealing with events in 1995:
 - a. The 1990 review conference could request/recommend that a fifth review conference should be held in 1995 prior to the extension conference, with the aim of producing a final document. This, however, would make the outcome of the extension conference hostage upon the course and outcome of the review conference;
 - b. The 1990 review conference could recommend that there should be a combined review and extension conference in 1995, aimed at producing a final document covering both activities. This, however, might divert attention from the sole object of deciding on the length of extension of the treaty;
 - c. The 1990 review conference could recommend that the 1995 conference should be for the purpose of agreeing an extension only, and that it should explicitly permit a general debate to review the workings of the treaty without any expectation that this would result in a final document;
 - d. The 1990 conference should merely recommend that a preparatory committee should meet in 1993/4 to make decisions on the nature of the 1995 conference;
- * However, it seems essential to have some type of review of the working of the NPT as part of the extension conference, as it is difficult to see how a discussion on extension can be held without taking account of past performance;
- * The core political issues which will determine the course and outcome of the extension conference are likely to concern progress towards disarmament, and in particular a CTBT;
- * If 33% of the parties were to request the convening of an amendment conference it would have to be held. However, the provisions in the treaty covering agreement and ratification of amendments make it almost impossible to amend;
- * It would be useful to have an article published in an academic journal setting out the legal position over the extension conference and why the Treaty will not expire in 1995.

d. Article V: Peaceful Nuclear Explosions and the NPT - Letting a Dead Letter Lie.

This session was based on a paper by Trevor Findlay. In his introduction to the session and the subsequent discussions, the following points were raised:

- * Article V was negotiated at a time when it was still believed that PNEs could have practical and economic utility. This belief had subsequently dissipated. Only Brazil, Argentina and India continued to argue for the right to test them, and the issue of PNE's and the NPT was now largely a symbolic one;
- * The current situation was untidy. Although national PNEs were banned

for non-nuclear weapon states parties to the NPT, some of the non-parties could argue that their nuclear weapon programmes were legitimate and peaceful in character via this route. Unilateral declarations by the superpowers committing themselves to forgo this option might be useful in strengthening the existing consensus/norm against such explosions;

- * The NPT review conference should leave the PNE issue alone, as there are much more significant questions to be dealt with in Geneva.

ii. FUNCTIONAL ISSUES

The Core group continued its investigation into functional issues related to the NPT by considering the following questions:

a. IAEA Safeguards and the Expansion of Civil Reprocessing and Plutonium Use

This discussion was introduced by a paper presented by William Walker and written with his collaborator, Frans Berkhout. It had been prompted by the imminent start-up of large scale reprocessing plants for LWR fuel in the UK, France and Japan. In the course of the presentation and discussion, the following points were highlighted:

- * The outlook for large scale reprocessing was now much less promising than 2-3 years ago, and the fears of a large scale trade in plutonium had been correspondingly reduced;
- * The decision to cancel the Wackersdorf plant in the FRG meant that existing reprocessing contracts between FRG utilities and the UK and France would be extended, although the FRG might abandon reprocessing altogether by the end of the 1990s;
- * In Japan, it now seemed possible that the project to build an 800 ton reprocessing plant at Rokkashomura could be cancelled. Letting more contracts for reprocessing to France and the UK posed the problem of how to bring the plutonium and its related wastes back to Japan. Japanese utilities were thus being forced back onto long term storage as a solution. An Advisory Committee on Nuclear Fuel Recycling had been formed by the Atomic Energy Commission to prepare a new nuclear vision for Japan by 1992, when the first shipments of plutonium from Britain and France are due to occur. The report of this committee seemed likely to downplay the role of plutonium;
- * In the UK, the nuclear reactor programme had effectively been terminated, while in both France and the UK there was an increasingly acrimonious debate between the utilities and the reprocessors over pricing of services, resulting in more attention being paid to long-term storage;
- * With Uranium at \$10lb not \$80-90, fast reactors had lost their economic justification. The use of plutonium in MOX fuel was equally unattractive. In Europe, the availability of other cheap fuels was raising doubts about the long-term future of nuclear power itself. Utilities were facing a Swedish type fade out of nuclear power unless they could both decrease its costs and increase its public acceptance. Both of these requirements dictated a retreat from plutonium reprocessing;
- * The UK and French plants will probably operate at full capacity from 1995 through to 2005, and then reduce their throughput considerably. During that time, some 100 tons of domestic plutonium and 100 tons of

foreign material will be separated, to add to the existing stockpile of 40 tons of UK Magnox plutonium. If the industry continues to stagnate, however, a total of 100 tons of separated plutonium is more likely. In addition, there is the possibility that a significant proportion of the 150-200 tons of plutonium in US-USSR nuclear weapons may be transferred to non-military stockpiles;

- * Strategies will need to be developed to deal with these large quantities of separated plutonium. In particular, since the UK and France are nuclear weapon states, the arrangements for safeguarding their large reprocessing plants are likely to give rise to criticism unless they can be effectively safeguarded by the IAEA;
- * The safeguarding problem may be rather more manageable than was envisaged several years ago, when a significant proportion of separated plutonium seemed likely to go straight into MOX fuel elements. In the changed situation, the main task will be the simpler one of safeguarding the plutonium stores. Indeed, safeguarding the stores was likely to be much easier than ensuring both their physical protection and that of any material in transit;
- * At the moment the IAEA is applying safeguards to La Hague's spent fuel ponds in France, as UP3 is not yet fully in operation. At Sellafield in the UK, only the plutonium stores are to be safeguarded. In both cases, it did not appear that the reprocessing lines were to be inspected by the IAEA, although much of their throughput is fuel belonging to NPT non-nuclear weapon states;
- * The Japanese feel strongly that the plants in Japan, the UK and France should all be safeguarded in the same manner on the 'equality of misery' principle. However, that is the only justification for applying safeguards to the UK and French plants, as the concept of diversion is meaningless in that context;
- * One future problem may be the rights of a country to ask for the return of its plutonium if it has no immediate need for it. In particular, it is possible that Japan could have a domestic stockpile of 20 tons by the end of the century with much more held in Europe. One method of dealing with this would be to re-examine the option of International Plutonium Storage;

b. Possible Functions for the IAEA under a Fissile Material Cut-Off and in Connection with the destruction of Nuclear Warheads and Decommissioned Facilities

The basis for this session was a paper written by Warren Donnelly and Lawrence Scheinman and introduced by the latter. In the course of the session, the following points were raised:

- * Further superpower agreements to dismantle nuclear warheads seem likely to bring with them demands to retire their fissile materials from military use. While any verification of the process of dismantling warheads will take place on a bilateral basis, safeguarding of the stockpiles of fissile materials which result from the process and organising their use for civil purposes or their permanent disposal is a task which could be given to the IAEA or some other multinational organisation;
- * Any transfer of materials from military use would make little sense unless it was accompanied by an agreement to stop the production of new fissile materials for military purposes. This is already on the

superpower agenda, because of the problems with the US production complex, pressures from Congress and USSR unilateral actions and proposals for moving in this direction;

- * Some governments are reluctant to have the IAEA become associated with verifying superpower arms control agreements. In addition, problems are likely to arise over the costs to the IAEA of the additional inspections, the balance between safeguards resources and technical assistance activities and whether the criteria used for safeguarding fissile material stockpiles in nuclear weapon states should be identical to those used for plutonium in non-nuclear weapon states;
- * Bilateral verification of a fissile material cut off and the safeguarding of stockpiles of former military materials would not be sufficient as this would lack global credibility: only the involvement of the IAEA could offer this;
- * If the IAEA were to safeguard fissile materials from warheads and verify a fissionable material cut-off, that might be considered by some as a departure from the principal purpose and functions of the Agency; it would also have an impact on its financing. The new tasks would have little direct relevance to non-proliferation as the states involved have already proliferated, and thus it could be seen as a waste of scarce resources. The change might be made more palatable, however, if the superpowers were to put all their civil facilities under safeguards;
- * The use of the IAEA to verify a cut off could save both superpowers large amounts of money in setting up their own inspection system. There was an urgent need to study the savings involved, the costs to the IAEA of providing the services and how those costs might be distributed;
- * The two major contributions the IAEA could make to verification in these areas would be its experience in verifying stockpiles and its experience of organising and operating an international inspectorate;
- * One option other than using the IAEA would be to ask the UN to establish a verification agency;
- * If it was decided that the IAEA should take on the tasks, it would not have to take them on immediately, as warheads would be retired over a period of several years, and production plants would be closed down and defuelled over the same period. This would allow time to recruit new staff, negotiate facility attachments and organise the necessary additional resources.

iii. "PROBLEM" COUNTRIES OR SITUATIONS

a. Israel and South Africa.

In the presentation of his paper by George Quester and the discussion which followed, the following points were made:

- * The two countries held similar positions in several respects:
 - i. Many members of the international community consider both as "pariah" states; both also have hostile neighbours;
 - ii. They both wished to sustain the status quo;
 - iii. Nuclear weapons were unlikely to be of much use to their neighbours in achieving their objectives. If they were ever to

- be used, many of the people whom their neighbours were seeking to assist would be killed;
- iv. Sustaining a position of ambiguity via rumours over their nuclear weapon position appeared to offer greater advantages than openly developing and stockpiling weapons;
- * There were a number of marked differences between them, however:
- i. Israel is anti-racialist and South Africa is not;
 - ii. The predominant security threat to South Africa was internal, and nuclear weapons were irrelevant to combatting this, in contrast to the Israeli position;
 - iii. South African weapon potential is a spin off from an enrichment programme which could make commercial sense. The Israeli programme can only be understood in the context of a dedicated weapon programme;
- * There have been persistent rumours of Israeli/South African co-operation in the areas of conventional weapons, ballistic missiles and nuclear explosives. This was a major problem in the 1985 Review Conference and it was likely to be so again in 1990;
- * Ambiguity was better than explicit proliferation as it could be reversed. But in the Israeli case the longer it persisted, the more planners had to work on the assumption that Israel had nuclear weapons;
- * One solution in both states was for them to accept Full Scope Safeguards (FSS) or become a party to the NPT. They would then have to make a declaration of their initial inventory of nuclear material to initiate the IAEA safeguards process. The problem at this point would be to convince their neighbours that they had declared their entire stockpile of materials, and were not hiding any 'bombs in the basement'. Under these circumstances, there would be some danger that if one or both states were to join the NPT, IAEA safeguards might be undermined because of rumours of 'bombs in the basement' and of other breaches of the safeguards system which could not be positively disproven;
- * There is no direct evidence of S.African/Israeli co-operation over nuclear weapon design, but S.Africa did notify the IAEA of a shipment of 20 tons of Uranium to Israel in the 1960s and there have been persistent reports of South Africans at Dimona;
- * The possible existence of South African nuclear weapons continues to be a very disruptive influence at the UN, and was partly responsible for the lack of a final document at UNSSOD3. The UN Secretary General has been asked to conduct an investigation into both South Africa's nuclear capability and methods of achieving de-nuclearisation in Africa, using three consultant experts;
- * The perception of an external threat to South Africa has declined sharply since 1977. In comparison to Israel, little convincing evidence has emerged about a bomb programme and there is now a real chance that the country will sign the NPT, and its non-nuclear status become accepted;
- * In the case of Israel, however, it is difficult to see how the world can continue to pretend that Israel does not have nuclear weapons. Moreover, there is much less potential for a benign fading away towards non-nuclear weapon status. This is because of the rumours of nuclear co-operation between itself and both France and the US, because of the range of other links with the United States, and

because of its participation in the US SDI programme;

- * If Israel were to accede to the NPT, there might also be an issue over whether it was a nuclear weapon state as defined in the preamble to the treaty, and therefore might not subject to mandatory safeguards. This might arise if it were to claim that one of the French nuclear tests prior to 1967 had been of an Israeli device, or was a joint test;
- * Lack of movement in these cases seriously detracts from the credibility of the non-proliferation system and may in the long term endanger it altogether. The idea of nuclear free zones are also being undermined because without Israeli or South African agreement, it is impossible to implement them in these two areas. Moreover, many states have an excuse not to join a chemical-weapon ban as long as neither Israel nor South Africa accepts international safeguards on all its nuclear activities;

b. Consequences of new developments in Latin America

This discussion was initiated by Carlos Buechler's presentation of his paper on Latin America. In this, and the discussion which followed, the points highlighted were:

- * Argentina and Brazil have both refrained from adhering to the NPT or to Tlatelolco. Both have an advanced nuclear industry, with reactors, enrichment plants and fuel reprocessing facilities;
- * The reasons for not adhering to these treaties are that:
 - i. groups within each state wish to hold open the weapons option,
 - ii. neither sees any real nuclear threat from the other,
 - iii. the two states have seen the NPT as a treaty imposed from the outside,
 - iv. the nuclear weapon states and other advanced western countries are seen to have ignored their obligations under NPT Article IV.ii by insisting on prior consent rights over the reprocessing of the fuel they have supplied, by the intrusiveness of safeguards and by the attempt to prevent the development of uranium enrichment facilities outside of these states;
 - v. both Tlatelolco and the NPT require FSS, and the secrets of their reprocessing and enrichment plants would have to be revealed if IAEA safeguards inspections were to take place;
 - vi. Tlatelolco has a facility for special inspections which has never been used, but which both states object to as unduly intrusive;
- * Both states have sustained the trend to return to normal democratic government, and this has both decreased the power of the military groups and weakened the position of those seeking to retain the military nuclear option;
- * There has been increasingly close co-operation between the two states in the nuclear field, with some discussion of a mutual inspection system. In addition, the diffusion plant in Brazil and the centrifuge enrichment plant in Argentina may be run in conjunction with each other;
- * The dire economic situation of the two states, with their high levels of both inflation and external and internal debt make them vulnerable to external pressures. There is no money for new ventures, and the

Argentinean programme for building additional nuclear facilities and its naval reactor programme are at a standstill due to a lack of funds. This makes it almost impossible to set up any new programme to build nuclear weapons;

- * Both countries have attempted to sell their nuclear services abroad to obtain foreign exchange earnings. Both appear to believe that their non-NPT position gives them greater freedom of commercial manoeuvre. This reinforces a belief that as they have not suffered any adverse consequences by refusing to sign the NPT or accept FSS, there is no point in doing so in the absence of additional incentives or pressures. Indeed they see positive costs in acceding to these treaties in the shape of additional demands on operators and the possibility of industrial espionage;
- * The small reprocessing plant in Brazil was built on the basis of blueprints supplied by the FRG. Under the umbrella agreement between the two states, this technology should have been safeguarded if it was outside the public domain. The FRG did not pursue the matter bi-laterally, or complain to the IAEA, as there appears to have been a belief that the information supplied was in the public domain and therefore not covered by the agreement;
- * Some see the nuclear submarine programmes of both states as preventing full accession to Tlatelolco. However, the feasibility of constructing a workable submarine appears remote, the best estimate being that Brazil would take 20 years to have one in commission.
- * With the change of government in Chile, there is now some possibility that that state will become a full party to Tlatelolco, as it has no capability of producing nuclear weapons in the immediate future;

c. Compliance with the NPT

Ian Smart emphasised, in presenting his paper, that his intention was to identify the general problems of compliance with the NPT, rather than examining specific cases of non-compliance. In his presentation and the interchanges which followed, the following points were highlighted:

- * The NPT was negotiated originally not as a global instrument of arms control but as the cutting edge of East/West detente. It was drafted with European, not Third World problems in mind. This accounted for many of its weaknesses and the consequent problems of compliance. However, the current role of the NPT should not be underestimated in the East-West movement towards more arms control;
- * The weaknesses of the NPT have been seen to stem mainly from the unwillingness of the hold-out states to conform to its norms. However, as they slowly accept these norms, if not move to accede to the treaty, more attention is likely to be focused upon whether those within the treaty are fulfilling their obligations under it;
- * There are three main areas of potential weakness concerning the obligations of states parties within the treaty context:
 - i. States may evade their obligations without being detected (i.e. the monitoring system is weak);
 - ii. Lack of effective sanctions may prevent states from being deterred from breaching their obligations, even if there is a high probability of detection;

iii. The bad drafting of the treaty has created several ambiguities over the original intentions of the negotiators;

- * Under INFCIRC 153, the IAEA can only inspect facilities which have been declared to contain fissile materials. However, the demonstration role of the current safeguards system, especially in ensuring that suppliers are conforming to their obligations, should not be underestimated;
- * Strengthening the monitoring system may mean instituting a system of challenge inspections of other facilities on the basis of information obtained either from other states or an IAEA/UN satellite monitoring or open skies regime;
- * Lack of sanctions in the event of non-compliance is a general international problem, and there appears no realistic prospect of any agreement to overcome this;
- * Loose drafting has been a particular problem over Articles III.ii and VI. There was also a loophole in Article II, as it contains no specific prohibition preventing a non-nuclear weapon state assisting another non-nuclear weapon state to make nuclear weapons;
- * It is a tenable interpretation of Article III.ii that safeguards are item related only, although it appears that those who negotiated the treaty intended that Full Scope Safeguards (FSS) should be a condition of supply. This is backed up by the record of discussions in the 1970 Safeguards Committee, where the intention was to replace INFCIRC 66 IAEA Safeguards with a new model based on FSS. Moreover, it seems absurd to interpret Article III in such a way that non-parties are better-off than parties;
- * Compliance issues have been eased over the last 20 years by less concern over both the security risks attendant upon accepting inspectors from certain states and the threat of commercial espionage, as well as the lack of requests for PNE services;
- * The IAEA already has some capability to implement challenge inspections of undeclared facilities. The standard NPT safeguards agreement, INFCIRC 153, contains in Para.73 a statement that if the IAEA considers information provided under the agreement is inadequate, it can request an additional inspection, though under para.77 the state can refuse that inspection. If it does so, the Director General of the IAEA can go to the Board of Governors under Article 13 and ask for inspectors to be sent in. If the state involves still refuses to accept them, the issue can be referred to the UN Security Council. However, for this process to be started, there would have to be a complaint from a state member of the IAEA to the Board, which could then mandate the Agency to act. The Agency itself cannot initiate any action;
- * The way forward in dealing with the weakness in the NPT and the associated problems of compliance appears to be to build additional functional and regional restraints upon the foundations of the NPT, rather than amend the treaty itself.

d. General Discussion

- * It was pointed out that with the change in the political situation in Europe, the North-South dimension of nuclear non-proliferation had been reinforced. The nuclear weapon states were now starting to

visibly fulfil their pledges under Article VI, and the North had become more NPT conscious, but the hold-out states in the South were if anything hardening their position. This made it all the more urgent to conduct a dialogue with hold out states such as India. Two suggestions were made in this connection: that India should be encouraged to seek observer status at the 1990 NPT Review Conference and that PPNN make a positive attempt to invite people from non-NPT states to some of its events;

- * A second issue which needed addressing was the requirement for Full Scope Safeguards (FSS) as a condition of supply. In the 1985 NPT Review Conference this had remained a contentious issue and it would be so again in 1990. Britain and France remained prepared to trade without FSS. It was again suggested that PPNN might contribute to this debate in a positive manner if it were to commission an Occasional Paper on export policies, authored by someone such as Lewis Dunn with experience of both the politics and the application of export controls.

Appendix 1

PPNN BADEN CORE GROUP MEETING 18-19 NOVEMBER 1989

Participants who are not members of the PPNN Core Group

Mr. Mohamed Ezz Eldine Abdel-Moneim
Egypt

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Mr John A. Buche
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Dipl.Ing. Carlos Buechler
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His Excellency Mr. Alejandro San Martin Caro
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His Excellency Mr. G.E. Clark
United Kingdom

Dr. Trevor Findlay
Australian National University

His Excellency Mr. H. Gleissner
Austria

Mr. Jasif Iljas
Indonesia

Mr. J. Jelen
Hungary

Dr. J. Jennekens
International Atomic Energy Agency

His Excellency Mr. R. Klein
Czechoslovakia

Mr. Piet de Klerk
Netherlands

His Excellency Mr. C. Lidgard
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Mr. Frederick McGoldrick
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United States of America

Mrs. Hilary Palmer
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Dr. A. Prandler
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His Excellency Mr. James Preuschen
Austria

Professor George H. Quester
University of Maryland

Professor L. Scheinman
Cornell University

Dr. F.W. Schmidt
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Mr. R. Skjoeldebrand
International Atomic Energy Agency

His Excellency Mr. T. Strulak
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Her Excellency Mrs. Mervat Mehana Tallaway
Egypt

Mr. John A. Tilemann
Australia

His Excellency Mr. R.M. Timerbaev
Union of Soviet Socialist Republics

Mr. Abdullahi Tukur
Nigeria

Mr. William Walker
University of Sussex

His Excellency Mr. M.J. Wilson
Australia

Mr Andrei I.Zobov
Union of Soviet Socialist Republics

Appendix 2

States to be invited to send representatives to the May 1990 Conference:

Africa:

Cameroon
Egypt
Kenya
Libya
Malawi
Morocco
Nigeria
Senegal
Somalia
Sudan
Tunisia
Uganda
Zaire

Europe:

Austria
Bulgaria
Czechoslovakia
Denmark
Finland
FRG
GDR
Greece
Hungary
Norway
Poland
Portugal
Switzerland
UK
USSR
Yugoslavia

Americas:

Bolivia
Canada
Ecuador
Jamaica
Mexico
Paraguay
Peru
United States
Venezuela
Nicaragua

Middle East:

Bahrain
Cyprus
Iraq
Qatar
Saudi Arabia
Syria
Kuwait
Iran

Asia and Pacific:

Bhutan
Fiji
Japan
Malaysia
Nepal
Philippines
Singapore
Sri Lanka
Thailand
Vietnam