



Select Committee on International Relations

Corrected oral evidence: Nuclear non-proliferation treaty and nuclear disarmament

Wednesday 23 January 2019

10.40 am

Watch the meeting

Members present: Lord Howell of Guildford (The Chairman); Baroness Anelay of St Johns; Baroness Coussins; Lord Grocott; Lord Hannay of Chiswick; Baroness Helic; Baroness Hilton of Eggardon; Lord Jopling; Lord Purvis of Tweed; Lord Reid of Cardowan; Baroness Smith of Newnham; Lord Wood of Anfield.

Evidence Session No. 6

Heard in Public

Questions 57 - 64

Witnesses

I: Dr Rebecca Johnson, Executive Director, Acronym Institute for Disarmament Diplomacy; Dr Hassan Elbahtimy, Lecturer in Science and Security, King's College London.

USE OF THE TRANSCRIPT

1. This is a corrected transcript of evidence taken in public and webcast on www.parliamentlive.tv.

Examination of witnesses

Dr Rebecca Johnson and Dr Hassan Elbahtimy.

Q57 The Chairman: Good morning. Dr Elbahtimy and Dr Johnson, thank you both very much for sparing your valuable time to be with us this morning. This Committee is inquiring into the Non-Proliferation Treaty situation and nuclear disarmament. We are generally concerned about the background of a worsening security environment that seems to be developing in the world. We need to focus our views on this because in the end, these matters transcend even our day-to-day preoccupations—they are existential.

I am obliged to formally remind you that this is a recorded session. Everything you say will go in a transcript. There is freedom to see the transcript afterwards and alter it if it does not reflect the views you think you expressed. I also remind all my colleagues to declare any interests when they speak and ask questions in this session.

Could we begin with a sort of backwards-look? You are both experts and extremely familiar with the NPT review process: the actual conference of 2015, the pre-prep conference and the prospect of the RevCon¹ itself in 2020, at the end of the next five-year span. Let me start with you, Dr Elbahtimy. What is your general assessment of how the past conference went and how this affects the prospects for the 2020 RevCon? On the whole, there seems to be some disappointment and a fear that there were failures and divisions. Therefore, one starts from a rather pessimistic point, but tell us what you think about it all first.

Dr Hassan Elbahtimy: Thank you. It is a pleasure to be here and speak to you all. I think there is a tendency to evaluate the strengths and weaknesses, successes and failures, of the NPT through the successes and failures of specific Review Conferences in the process. Realistically, the strength of the NPT is likely to be better evaluated with reference to factors beyond just the ability of states to agree on a final outcome document.

The treaty has been around for a long time. It was negotiated during the Cold War and we still have it now. It is also a living treaty, in the sense that it was indefinitely extended in 1995; this was done because of a package of decisions and a resolution that perhaps expanded the review process, and emphasised and reaffirmed some of the principles of the treaty. So, in a way, it is a living document.

I would like to start by saying that it might be tempting to think that the failure of the 2015 Review Conference means that the treaty is in dire straits. The reality is that it has difficulties. This poses a challenge for the 2020 conference, because it increases the pressure on that conference to reach some kind of agreement. I think we also need to think about some of the underlying forces, the frustrations and differences between states on how to conduct nuclear business globally, and to try to engage with

¹ The NPT Review Conference

the sources—the core of these frustrations and disagreements. That would perhaps be a more solid basis on which to engage with the review process, rather than just the success or failure based on positions related to specific paragraphs of an outcome document.

The Chairman: Thank you. Dr Johnson, I will just go with your first take, your overview, on the same point, particularly in relation to the strongly expressed views from a recent speech you gave on the connection between this and the weapons prohibition ambitions and plans. I think you feel quite strongly about this. Give us your view.

Dr Rebecca Johnson: Thank you very much and thank you to the Committee for inviting me. I have to say that I agree with the larger points Dr Elbahtimy made. Nevertheless, I think there are some aspects and insights we can draw when looking towards 2020. I will bring in the treaty in relation to those. The Treaty on the Prohibition of Nuclear Weapons was negotiated at the UN in 2017 and adopted by 122 Governments, as I am sure you know. That actually had its diplomatic launch at the 2010 Review Conference which raised, for the first time, the issue of international humanitarian law, the use of nuclear weapons and what the then Secretary-General described as the need to negotiate further disarmament instruments, or a framework of instruments.

Those paragraphs were, in that consensus, part of the 2010 agreement. From that, the Government of Norway, initially, and then the Governments of Mexico and Austria, and what were called open-ended working groups of the UN in 2013 and 2016, started to raise issues to do with the responsibility of the non-nuclear NPT states and parties in particular at NPT meetings, as well as the nuclear-armed states. From that process, which took several years, came the UN mandate in the resolution to negotiate, and then the negotiations.

You are quite right that the treaty focuses on prohibiting not just the use and threat of nuclear weapons but the various physical, operational and technical activities that any state would need to do to prepare to use nuclear weapons. For a lot of the non-nuclear countries, it was vital that they should see something on disarmament that actually made sense to them. In terms of looking forward, there is clearly an intertwined relationship here. As Dr Elbahtimy said, the NPT was from the height of the Cold War. It was probably the best instrument possible at the time; it recognised that there were already five nuclear-armed states and then put a set of prohibitions on everyone else, to try to keep the lid on this.

The nuclear prohibition treaty, or TPNW, fills the legal gap between the objectives of disarmament in the NPT, particularly in Article 6 and the Preamble, and the reality of what you actually have to prohibit and do to make significant and material progress on nuclear disarmament, especially with regard to the value attached to nuclear weapons.

The Chairman: Thank you very much for those opening statements.

Q58 **Lord Hannay of Chiswick:** I should declare an interest in the sense that

I was a member of the Security Council in 1995 when it gave a set of negative security assurances to the non-nuclear states, which was the necessary precondition to the indefinite *sine die* maintenance of the NPT, which Dr Elbahtimy referred to.

I do not want to get on to the Ban Treaty now, as we have another question which deals with that. However, I would like to ask Dr Elbahtimy in particular a question. He referred to a situation where, in 2020 for example, there might not be agreed conclusions. That situation occurred in 2015. Do you not think it would be pretty damaging to have two successive Review Conferences at which nothing was agreed? That is unprecedented, I think. I do not think there have been two successive Review Conferences at which nothing was agreed. That of course begs the question as to what might be agreed, and we will no doubt come on to that in later questions. But I would like you to respond to the suggestion that a second failure would be quite damaging—although not fatal, because the prolongation of the NPT is not in question. That was decided in 1995.

Dr Hassan Elbahtimy: Thank you very much. You described what I think about the prospects of that very accurately: the impact of another failure would damage, but probably not kill, the NPT. It would severely damage the regime. These regimes are more than just the words in the treaties themselves; they have some moral authority. The impression that the regime is in dire straits, that over a 10-year span there were two Review Conferences where countries could not agree on at least some vision about how to conduct nuclear business, or the rules of the game and how to proceed and look forward—the harm of that on the moral authority of the treaty is significant. One important aspect of the value of these treaties is that they have this kind of moral standing.

I would like to point out that two of the issues that were critical to 2015's failure, which I think are likely to inform discussions in 2020 to a large degree and have a big impact on the final outcome, relate to what my colleague Dr Johnson mentioned: disarmament, broadly speaking. There are issues relating to whether there has been enough progress on credible measures taken towards disarmament or reductions, the Humanitarian Initiative Conferences and humanitarian approach to nuclear weapons—that is, nuclear weapons seen not simply as an instrument of statecraft but instruments that can not be used in war—because of their humanitarian consequences. There are real divisions about that. The way that is reflected in a final document is a divisive issue. There are also references to the Ban Treaty and how that relates to the NPT; we can possibly talk about that later. Disarmament as a wider group of issues and topics will be decisive in determining whether countries could converge on some language to describe how the international community relates to this.

The second issue, which is also important to flag, is the issue of a weapons of mass destruction-free zone in the Middle East. Disarmament and a WMD-free zone in the Middle East were the two issues that, one could say, played a big role in the failure of the 2015 conference to reach

a final document or agreement. There are big divisions among members of the treaty about how this can be approached. Some of the debate also reflects the general approach to disarmament and discussions about what is feasible and realistic, step by step, or calls for actual tangible outcomes. I wanted to flag these two issues which I think will be really important in 2020.

Dr Rebecca Johnson: May I just add something? I think this is a very important question. Thank you, Lord Hannay. You referred to UN Security Council Resolution 984. It is important to understand that it is not just the NPT treaty text, but the NPT regime. It comprises quite a lot of UN Security Council resolutions: 984 on security assurances, 1540 dealing with non-state actors and 1325, which brings in the aspect specifically applying to the role of women and the importance of that, and a number of other instruments which I am sure you have heard about from others.

One of the problems with the security assurances issue, which is supposed to be a promise for both positive and negative action—coming to the aid of anyone who is threatened or attacked with nuclear weapons, and promising not to use nuclear weapons—is that it was heavily bound with caveats, at least by some of the states. Those have actually increased. If you look at some of the recent defence and security political reviews, here in Britain and with different Governments, they always vary them slightly. The US has significantly varied its approach, and so on.

There was a concern that these could not be relied on to protect the non-nuclear countries, especially ones joining nuclear-free zones, which cover Africa and various other countries. They could not rely on not becoming a target in certain events, first and foremost—I think that was a concern for Middle Eastern countries in particular. Also, if there were an exchange of nuclear weapons, a nuclear war, however limited it might be, there would be catastrophic impacts, including climate impacts. These, along with the blasts, heat and radiation, would affect the health and security of countries a long way away from any states that had used nuclear weapons.

Therefore this was a security issue, which the non-nuclear countries wanted to engage with beyond just promises from the P5. Of course, there are not just five nuclear-armed states: there are nine known nuclear-armed states at this point and the other four have not given any assurances. They are in fact outside the NPT and not bound by it. This, again, is one of the reasons motivating a large number of states—all of which, by the way, were NPT parties at the time of the negotiations in 2017—which decided that they had to create the conditions for nuclear disarmament. That would be through identifying and essentially trying to put it on the table that no uses of nuclear weapons would be tolerated and that there were nuclear risks associated with all the programmes, so all the nuclear-armed states need to be involved in the disarmament process. It would not be enough to deal with just five, because there were regional and geostrategic relationships between some of the five, at least, and some or all of the four outside the NPT.

Lord Hannay of Chiswick: I am afraid that my declaration of interest was not meant to trigger quite such an exchange, but there we are.

Q59 **Baroness Coussins:** Dr Johnson, I would like to ask you about one aspect of the NPT that you flagged up as problematic in an article you wrote a year or so ago: the provision for the development of nuclear technology for peaceful uses, which you suggested could undermine the non-proliferation aspects of the treaty. First, is that concern more widely shared? Secondly, do you really think that the dilemma, as you see it, between the non-proliferation of nuclear weapons and the development of the peaceful use of nuclear technology cannot be reconciled, given the huge importance—I think a consensus exists around its importance—of developing nuclear technology for clean energy sources and supplies in the future?

Dr Rebecca Johnson: Thank you for that question. The so-called peaceful uses of nuclear energy were a major incentive with regard to the NPT in the 1960s. I studied physics because I wanted to be a nuclear physicist who would solve the waste problems—I was worried about acid rain and other environmental impacts. At the time I believed in the cheap, safe and clean Atoms for Peace notion of nuclear energy. Some time in the early 1970s at university, I began to look into it in much more depth and became convinced that the technology is part of the problem. Let me distinguish between all uses of nuclear energy and large nuclear power generation uses. I believe that some uses of nuclear energy, particularly medical, are vital, but those can be provided by extremely small research reactors under very tight controls and safeguards.

The International Atomic Energy Agency has tried to do that for the much larger nuclear energy power-generation programmes. However, as we have seen, every country other than the US and Russia—and I include the UK—has started its nuclear weapons programme clandestinely, under the guise of nuclear energy and Atoms for Peace. Some, including the UK, have separated those off at a certain point in their journey; others have not. For example, we have a perennial problem with Iran. We know that North Korea was developing nuclear energy programmes and uranium enrichment. Uranium enrichment and reprocessing are not prohibited. I think they are not even mentioned in the NPT as activities that are not permitted, so they perennially bring up that problem.

On the other part of the question, as long as anyone has an active nuclear generation programme they could develop programmes and the current IAEA safeguards system does not have the power to get to grips with them. One reason why I am so concerned about President Trump pulling out of the JCPOA is that it gave more powers to the IAEA and its regime, and Iran accepted greater levels of inspection than would be legally required as part of the NPT, which it is a party to. I am very concerned that Trump is playing fast and loose with that.

There is no requirement to get out of nuclear energy immediately. In fact, although there was a huge amount of debate about this, the nuclear prohibition treaty ended up being unable to reconcile some states,

particularly countries such as Brazil with significant nuclear energy and fuel-cycle production facilities, which wanted the prohibition treaty to include nuclear energy positively. In quite a lot of states that have either had nuclear energy programmes and got rid of them or are more and more sceptical about them, or are concerned about what their neighbours with whom they may have difficult relations could do, the energy and economic case for nuclear has collapsed in practically all regards. China is the only one really pushing ahead with it; even in France it is in stasis and probably declining. There is no real energy need for it, but there are still political desires in some quarters.

In the end, the nuclear prohibition treaty slightly paraphrased something in the NPT, which essentially characterised it as not changing the situation on nuclear energy. It did not go for or against, which was probably the necessary decision at the time. But at successive NPT Review Conferences, while in 2010 a nuclear renaissance was talked about, in 2011 there was Fukushima, so in 2015 we saw far more concerns about safety. This all goes into the issue of risk, and I know that the Committee is concerned about nuclear risk.

The Chairman: In the case of Japan or Iran, your fears may be justified—they certainly are in Iran's case. But surely you cannot believe that countries such as the United Arab Emirates or Hungary, or various small countries considering some nuclear power development for clean, low-carbon reasons, are associated in any way with weapons.

Dr Rebecca Johnson: Not necessarily explicitly, but quite a lot of countries hedge their bets. We have to recognise that there could be quite a long period of hedging bets and then a period of going open. We saw that with North Korea, Iran and various other countries. The point is not only what their intention is currently; if they develop the capability, they could change their intention. There are also basic safety and security issues that, to be honest, in this day and age we have to take into account. There is terrorism from extremists of various stripes, and any kind of nuclear facility is at higher risk than almost any other energy generation—let me not qualify that: than any other energy generation—mechanism or means, even with the highest safety standards.

Japan probably had the highest standards in the world, but it was overwhelmed, because its safety parameters were overwhelmed by nature. But there are other risks: nuclear fuel has to be transported quite long distances in most countries—just as nuclear warheads are transported in this country—often by road and sometimes by rail. All these things increase overall nuclear risk when, frankly, there is no energy need. So you have to at least ask the question.

I gave a presentation in Iran in 2006, at a high-level conference at the University of Tehran, where I deliberately asked: why did Iran feel the need to have so much nuclear when it has gas, and has the potential for renewables and sustainables if it would just invest in those instead? I did not get a satisfactory answer.

The Chairman: Let me ask you, Dr Elbahtimy, what you think about that. You are up against very strong contrary views from those we have had before this Committee, for instance Dr Ford, the Assistant Secretary in the United States, and other witnesses as well. This is a controversial area. What is your take on it?

Dr Hassan Elbahtimy: It is an important issue. I respectfully disagree with some of what Dr Johnson has said, but I recognise that there are some risks when it comes to nuclear energy. I would highlight the difference between peaceful uses and weapons. It is risky to mix those together and see one as inevitably leading to the other. Not all nuclear weapon states have nuclear power programmes, and not all countries that have nuclear power programmes have nuclear weapons.

There is a promise about nuclear energy that goes back a long time. It relates more to technological progress in the 1950s and 1960s, when people talked about electricity that would be too cheap to meter. Developing countries looked at this as a sign of progress and wanted to get into that technology. Some of them were thinking about weapons, but a lot were also thinking about it as a sign of technological progress—catching up with the technology of the age.

Nuclear technology is not now one of the technologies that is on the rise globally. Countries are more interested in other technologies and the nuclear power industry is suffering many difficulties. Obviously, the promise of nuclear power reducing the carbon footprint has led to increased interest in it. But there are issues with the economics of nuclear power; specifically, that the costs are very high up-front, requiring financial arrangements to be put in place that do not necessarily facilitate the expansion of nuclear power globally. We are seeing a decreasing interest in Europe, and I would say in the West, where many of the promised nuclear power plants are either over budget or severely delayed. On the other side, something very interesting is happening in the global power landscape. There is huge interest in China and Russia in expanding nuclear power, as there is in India. There are huge, state-backed investments. There is also a reaching out to countries, specifically developing countries, to provide some financial arrangements that can be conducive to aiding the building of nuclear reactors around the world. A lot of interesting dynamics are taking place in the nuclear power sector around the world, but I would caution against necessarily seeing the weapons and nuclear power as inherently interlinked, or that one necessarily leads only to the other. There can be more complexity in how they relate.

Q60 **The Chairman:** Let me ask you just one more question about why in your words there might be a widening split in the NPT community, which bodes ill for the future. What about the intrusion of new technologies, particularly cyber technology, into the whole nucleus-balance scheme of things? Can you give us your views on that, too?

Dr Hassan Elbahtimy: There is growing interest in the impact of cyber on nuclear command and control, for obvious reasons. I see the NPT

regime as burdened with the agendas that it already has. There is the difficulty of charting a way forward among these different disagreements, so the cyber issue has not been put formally on to the NPT agenda, but it has been discussed in a lot of multilateral and international fora. It is my understanding that there is a push to reach some sort of global code of conduct on cyber; that was launched recently in the First Committee at the UN. However, this issue has not really made its way into the core discussions of the NPT.

Dr Rebecca Johnson: I think that it will in 2020, because there has been much more discussion of it. The UN Institute for Disarmament Research—UNIDIR—has been looking into it and a number of NGOs have brought up the issue. It has to be recognised that cyber is here; the question is what its impact will be. There could be some positive impacts. For example, some aspects of cyber technology could actually help us in verification just as, for example, remote-sensing satellites were not initially part of the NPT regime at all. They were brought much more into it through the comprehensive test-ban treaty—the CTBT.

Cyber has some positives and can be used for them, but it also has some serious dangers attached to it. In particular, studies have looked at cyber and deterrence, and the notion that through increases in cyber technology the much-vaunted secrecy and hiddenness of nuclear submarines at sea could be compromised. Although I am not saying that hackers have such skills and technologies yet, looking forward they almost certainly could acquire them through cyber. They could potentially find ways to either retarget nuclear weapons or even bypass all the checks and balances—the keys and all aspects of the operation launch systems—so as to fire them without the authorisation of the country owning those weapons. Those dangers are probably riskiest for the nine countries that have nuclear weapons, but of course there would be massive humanitarian impacts if that happened and those weapons were detonated. These issues are still to come and need to be studied further.

The Chairman: We move on to other areas with ambitions of weapons disarmament.

- Q61 **Lord Grocott:** This has already been touched on, but in what is by most descriptions the most dangerous part of the world, namely the Middle East, we know about weapons pouring into the area. It is hardly ever free of war of one sort or another. You have already mentioned the question of making it a weapons of mass destruction-free zone and the impact that has had, or failed to have, at previous review conferences. Can you give us the headline or key divisions within the states that are party to these review conferences as far as a Middle East weapons-free zone is concerned? Having identified the key differences, what, if anything, can be done to make the possibility of that being discussed without completely negative consequences, as happened in the past?

Dr Rebecca Johnson: The idea of a nuclear weapons-free zone in the Middle East dates back to the 1970s and was then developed into a zone free of all WMDs, precisely because chemical weapons had been

developed. There was that horrible phrase about them somehow being the poor man's, or poor country's, version of nuclear. We saw them used in the 1980s in Iraq, by Iraq against Iran, and, tragically, they were also used very recently, despite the chemical weapons treaty, which Syria had not signed prior to the chemical weapons being used.

It is a zone free of weapons of mass destruction, because these things are connected. The key issue is that Israel has nuclear weapons. It does not talk about them publicly, or release any kind of doctrine attached to them. In fact, Dr Avner Cohen, who is probably the foremost expert on Israeli nuclear weapons, calls it an 'opaque' nuclear programme. Its policy on use is very ambiguous, but it is perceived as a massive threat, concern and worry to all the other states in the region. It is certainly seen as one of the reasons advanced by Iran for its activities. Of course, Iran does not admit to developing nuclear weapons—let us be clear—but it has developed enough of the fuel cycle to suggest that that is the direction in which it is heading, which is extremely worrying, as well as a number of other states in the region. I think it is linked to the push for states in the region which do not need nuclear energy because they have other, much better, energy resources, to try to get nuclear technologies under the wire before a lid is put on this.

In 1995, a resolution was adopted as part of a package of decisions on agreeing an indefinite extension of the NPT. This resolution originally came from the Arab states, led by Egypt, but it was put on the table by the US, the UK and Russia, as the depository states, and it included things about the peace process. The problem is that nothing really got done. Then, at the Review Conference in 2010, the League of Arab States—again, Egypt was very much a leader in that; I will let Dr Elbahtimy talk about that—brought a two-pronged proposal. They proposed having a conference on fulfilling the 1995 resolution on the WMD-free zone, and having a facilitator, as was finally agreed, who would be from outside the region—it ended up being Ambassador Jaakko Laajava from Finland—and be a broker to make that happen. But it did not happen.

It did not happen because of Middle East politics. The fact that it did not happen very much fed into the failure of 2015, because attempts were put forward by the Arab states, plus Russia, which took quite a strong position on this. Russia had been very supportive, as had all the states, but Israel is represented in NPT meetings by the United States. We have to understand that that has probably always been the case, but it means that US positions therefore protect Israel's resistance to being put on the spot about the Middle East zone.

That kind of situation is about the politics and it cannot be solved by technical fixes. Both Dr Elbahtimy and I have been participating in track two—or maybe track one and a half—discussions that have representatives from Israel, Iran and various Arab states, which try to—I would say negotiate, but we are not, of course, negotiators—develop on paper what a credible, coherent zone free of weapons of mass destruction

in the Middle East would look like. But it is not about the paper; it is about the politics in the Middle East, primarily.

The Chairman: Let us hear Dr Elbahtimy on this. In particular, if the JCPOA² goes down, and if Iran goes ahead—in Riyadh, they have said that if Iran goes ahead, they will get something from Mr Khan and they will go ahead—at what price does this Middle East weapons-free zone dream come?

Dr Hassan Elbahtimy: Indeed. That would be a huge, complicating factor for the whole endeavour. You might be wondering why this region is so key to the perceived success or failure of Review Conferences; I will start by outlining that very briefly. Part of that relates to understanding the nature of the transformation which the NPT has gone through. From the early to mid-1990s, the treaty opened up to be an almost universal regime, a set of rules that were to be applied to everyone. Before the 1990s, even China and France were not part of the NPT. A lot of states around the world were not. Then, from 1990 onwards, there was a huge drive and a massive expansion to the number of states party to the treaty.

In this specific region, a lot of countries including the Arab states and Iran were part of the treaty—they were inside—whereas Israel was outside. While Israel is not the only nuclear state outside the NPT—India and Pakistan, for example, are both outside the treaty—in the Middle East a group of states are inside the treaty, so they attend the conference, put national statements forward and can vote on the outcome, but one state is not. That creates this tension between a set of universal rules put forward by the treaty and a very selective application of these rules in the region, because a group of states are part of it, and one state is not. That creates this tension. This is partly because of the NPT's aspirations to be a global regime, and partly because of the discrepancy between who is in and who is out.

Obviously, institutionally, the Arab states had maximum leverage in the review and extension conference in 1995. Initially, the NPT had only a 25-year duration, and the extension of the treaty was considered at the 1995 conference. The Arab states, as part of the voting blocs in that conference, were at their maximum leverage point. They argued for the inclusion of a resolution that would help to bring about a weapons of mass destruction-free zone. From that point onwards, the issue has become linked to the indefinite extension of the treaty. The Arab states would say they only agreed that it would be indefinitely extended because they were given a promise about moving forward on this track. That is how it has become so interlinked with discussions about whether there is progress or not, and key to NPT meetings.

The key issue when it comes to having a conference in the region that would discuss the establishment of the zone is the extreme disillusionment of all parties. I would say there is an absolute lack of

² The Joint Comprehensive Plan of Action (the Iran nuclear deal)

trust. The Arab states do not think that Israel is serious about giving up nuclear weapons and they are frustrated that it is protected within the regime by the US and other states. There is a deep sense of frustration that the rules do not apply to everyone, but obviously they do not apply to Israel because it is outside the treaty. They are also worried that any proposal to move forward on this might end up having a similar fate to the peace process. For the Arab states, that is a lot of process but no peace. So there are a lot of discussions, but they are not going anywhere. There is this sense of frustration and disillusionment on the Arab side.

On the Israeli side, there are fears that a discussion on this could lead to a slippery slope, where Israel gets cornered and has to make concessions, or outnumbered at a conference with Arab states pushing for denuclearisation. There is also disillusionment with the NPT regime as a whole, and specifically its record in the Middle East. There were allegations of non-compliance in the region, and Israel puts this as one of the reasons why it finds it difficult to trust the NPT with its security. There were allegations about Libya being in non-compliance with the NPT, as well as Iraq and, currently, Iran. Israel asks how it can be part of that instrument, whereas there are cases of countries in the region being part of it but not really complying with the obligations.

To unlock this, a long vision is needed. It is very difficult to unlock this in a short time. A long-term perspective is key. Addressing this lack of trust, the disillusionment and frustration, is important not only for the regime but for the NPT, because this has become a key agenda item.

The Chairman: Let us move on to the prohibition question.

Q62 **Lord Hannay of Chiswick:** Could you both say a little about the relationship of the Ban Treaty to the NPT Review Conference and, indeed, to the NPT? In so doing, could you be very kind and answer a few precise questions? What is the difference between the obligations which those who have signed the Ban Treaty have undertaken, and the obligations those same states already have under the Non-Proliferation Treaty? Am I right in thinking that there is no state that has agreed to sign the Ban Treaty which is not already a signatory of the Non-Proliferation Treaty? These questions are quite important, because the Ban Treaty does not seem to add anything.

Secondly, could you comment on the verification arrangements in the Ban Treaty? To most observers, these seem to be a great deal weaker than the verification and safeguard arrangements under the Non-Proliferation Treaty, which are managed by the International Atomic Energy Agency. If they are less comprehensive and likely to be less effective, why on earth should we be going around criticising the verification arrangements of the NPT, as you did, Dr Johnson, while supporting the Ban Treaty?

Dr Rebecca Johnson: I will start, in that case. Thank you again for that important question. I have put in a written submission that deals with my own views, in a sense, on the first part. In the last part, I was asked to

go into more detail. There are brief summaries of the outcome of each of the NPT Review Conferences and the relationship between the nuclear prohibition treaty and the NPT is elaborated a bit more.

Let me first come to your question on the difference between the objectives. The Treaty on the Prohibition of Nuclear Weapons is intended to become universalised at some point in the future. No extant treaty is universal yet, but it is meant to put regime pressures on states outside the NPT for the first time and to amplify, clarify and strengthen the NPT itself by clarifying what needs to be done internationally to sustain non-proliferation and prevent the use of nuclear weapons. That is the heart of the difference. The NPT—in the Cold War, as we heard—very much put the emphasis on prohibitions that would apply to countries that did not have nuclear weapons. Indeed, the verification system was geared towards verifying the safeguards of those prohibitions on the non-nuclear countries. They were voluntary for the five that have nuclear weapons. That has been a bone of contention for a long time and it keeps coming up.

On the additional aspects, in addition to the agreements already undertaken—you are quite right that, so far, all the states that have signed have been members of the NPT, which I think is very important—I can say that it was NPT states which drove the humanitarian process. They took responsibility. The NPT puts responsibilities on all states, not just the five, with regard to nuclear disarmament and implementing all aspects of the NPT. From 2010, they began to ask explicitly, 'What can we do?' and the prohibition treaty emerged out of that.

There are some differences. There is a key set of prohibitions that are clearly expressed on prohibiting use, and the threat of use, deployment, stationing, production manufacture and testing—which is covered by the Comprehensive Test Ban Treaty. However, as we know, rivalry between certain nuclear-armed states means that, 20 years after being concluded, the CTBT has not entered into force. It has those very concretely. We have been working with both the IAEA and the CTBT to look at the ways in which, as the prohibition treaty, or TPNW, enters into force—it is on track to enter into force relatively soon; some say by 2020 and that is certainly the aim—the States Parties will engage more directly on how they can work with the verification that is provided under the IAEA and the CTBT.

The safeguards regime is referenced in the NPT. First, the TPNW says that, for every state that joins which already has safeguards in place, those safeguards follow through. There are obligations on States Parties joining the treaty that, as a starting point, they cannot go weaker than the current safeguards arrangements they have through the NPT. Secondly, it calls on all states that do not have safeguards arrangements with the IAEA, which includes some of the nuclear-armed states, to immediately conclude not only the CSA—the 'comprehensive protocol', which is actually not very comprehensive and rather weak—but the additional protocol. That is very important, because a lot of NPT parties

have not signed and ratified the additional protocol. So it actually goes further. On top of that, it clearly provides provisions for evolving a verification regime.

One of the recommendations I made in my written submission calls on the UK to engage constructively with the TPNW, as it did with the CTBT, even when it was opposed to the negotiations. Aldermaston was providing verification expertise and support for the CTBT before there was a government in place who supported the treaty itself. That is important because that technical expertise is going to be needed, and the more we have the experts on board, from governments and non-government sources, the better. I work on fissile material with Princeton University, for example; it has a lot to contribute. That is the verification issue. I will leave it there.

There is, of course, much more to say about how the provisions work, but they are adaptable. If you hear from Dr Patricia Lewis, she will refer to nuclear disarmament as a 'wicked problem'—that goes back to the 1960s theories. You have to be adaptable. My knowledge of the CTBT verification and IAEA safeguards shows that you cannot just rely on a text from years before. Technologies change, opportunities change and politics changes; those trying to do an end run around the treaties for the purposes of proliferation or testing put new technologies in place. So with verification, it is better not to write all the details into the treaty text but to put in the basic principles and then allow the States Parties to make sure they can adapt the technologies and put them in place when needed.

The Chairman: Right. Thank you. Lord Hannay, does that answer your question?

Lord Hannay of Chiswick: Sufficiently, I think.

The Chairman: I think we had better leave it there, because in the last few minutes we want to concentrate precisely on the United Kingdom's role in all this—in the 2020 Review Conference. What can we do? Are we just spectators, or will we take a lead as chair of the various committees? Can we have your view on the possibilities, Dr Elbahtimy, which I hope will be slightly more optimistic than what we have heard so far?

Dr Hassan Elbahtimy: Thank you for that question. There is potential for the UK to play a leading role.

The Chairman: Sorry, but I heard myself ask the very question that I want Baroness Anelay to ask. I apologise to her. That is a chairman's tendency.

Q63 **Baroness Anelay of St Johns:** You gave me the perfect introduction, Chairman, as a chair should. Can I just refer back to something that you mentioned quite a while ago now, Dr Elbahtimy? Please excuse me if I paraphrase you inelegantly, but you said that disarmament is just one part of a wider group of issues. You were talking about that with respect

to the whole impact, whether it is cyber or the Ban Treaty; you were talking about wider issues. Would you see the current discussion about the problems with the INF Treaty as a significant part of that wider range of issues?

My second question relates back to the Chairman's introduction. Since we have a leadership role at the next RevCon in 2020, which we did not have at the last one—I attended it as a UK representative—what would you like to see the UK and the chair do better this time, compared to what was achievable last time? I stress that this is about what is achievable.

Dr Hassan Elbahtimy: Thank you for those questions. I will try to be concise in answering them. The role of the INF Treaty on the NPT Review Conference and process is likely to be very toxic, for two reasons. I think there are going to be a lot of discussions in the plenary, accusations and counteraccusations about who is right and who is wrong, between the US and Russia. I think we will definitely see that. We see it wherever there is a multilateral setting, since these allegations came to light.

The negative consequences are not only that this would be a polarising issue but that it would affect belief in the prospect of multilateral solutions and in a treaty-based international order. Once these treaties start to crumble and face difficulties, and there is less faith in them working, this inevitably influences faith in bigger instruments like the NPT and countries' ability to reach agreement about these multilateral instruments. That is when it comes to the INF.

On the UK's leadership role, because of the UK's traditional involvement in the NPT and its current status as one of the depository states, it is one of three states which has a procedural role, but it is also like a moral custodian of this regime.

Countries will be looking to the UK to play a role and to have a vision about this treaty. The UK did very well when, for example, it came up with the P5 process. It was a UK idea to bring the nuclear weapons states together to talk to an agenda of making practical steps towards disarmament. One good thing that the UK raised—the UK is recognised internationally as a leader in this—is work on disarmament verification. Rather than just talking broadly about disarmament and decommissioning, we should also nibble into some of the practical questions that would come with that. How can we bring down these numbers and how can we build up confidence that countries that are bringing down the numbers are actually disarming? The UK has invested a lot of expertise and resources into this and is a recognised leader through the UK-Norway initiative, which has now been expanded to include Sweden and the US. It is very active in this. I see this as a good bridge through which the UK can project leadership, vision and credibility as part of the NPT.

When it comes to the Middle East, countries will also look to the UK as one of the depositories. In the 2010 proposal to establish a regional conference to discuss a weapons-of-mass-destruction-free zone in the

Middle East, the UK was one of the co-convenors because of its status as a depository state. The 1995 resolution was also co-sponsored by the UK. Here it is tricky, however. The debate is very polarising and I do not think that the UK should be part of that polarisation. It should focus on being a bridge builder. Drawing on the UK's work on verification, one way of dealing with weapons of mass destruction in the Middle East would be to look into building regional verification capacities and arms control expertise, so that when there is the political will to move forward there is the regional expertise to turn that vision into reality. We tend to think that only political will is needed but, in practice, if we look at all the different regimes, a lot of investment is needed in order to build the infrastructure—the people who would implement, verify, do the inspections and think about the issues that relate to the implementation of a treaty. The Middle East has very little capacity when it comes to that. One way in which the UK can constructively engage with the issue is to help build that regional capacity, which would be a good contribution to the debate.

Q64 The Chairman: We are almost out of time. Dr Johnson, please give us your headline priorities for UK leadership. You have made an excellent submission to the Committee, which we can refer to for the details, but perhaps you could give some final headlines.

Dr Rebecca Johnson: There are six concrete ones, but I will concentrate on one, because Dr Elbahtimy has made a number of important points. Do not underestimate the fact that, with Review Conferences that are not concrete negotiations, the outcomes do not necessarily translate into further action. However, they are very important, as is the health of the non-proliferation regime. When we look at the successful ones, we see that the UK has played a good role in bringing, and in encouraging some of the other nuclear arms states to bring, house gifts. As Lord Hannay said, in 1995 it was the nuclear assurances.

In 2000, it was CTBT ratification, as well as the de-targeting commitments. The P5 talks were convened in 1999, with the aim of arriving at a common position—I am looking at Lord Wood, because I know that he played a role in this. That fell apart quite badly in 2010 because of exogenous conditions—the political conditions outside. I am sorry to say that, with the INF withdrawal, if that goes ahead, with the threats to the JCPOA, which was supported by the P5 plus the EU, including Germany, and with the toxic relationships between some of the P5—I am particularly concerned about both the personal and the national relationships between the US, Russia and, up to a point, China—this is all going to be much more difficult.

However, I think it is worth making an attempt, as the UK is in a position to try to convene the P5, at least to look at what can be done. One thing is to start taking a much more constructive attitude towards the TPNW. It exists and is part of the regime now. Nothing can be gained by turning that into a fight in 2020. A third of the NPT members have already signed it and many have ratified it. The P5 has to be seen to be taking a constructive attitude and not just trying to undermine and attack it. The

time for that was in the past, when the P5 was trying to prevent it from happening.

I would like to see two house gifts from the UK. One relates to the fact that the NPT states are looking for actions, not words. A lot of studies have suggested that the UK and others that have their weapons at launch on warning—the UK, the US, Russia and France—should undertake de-alerting. The UK could take the lead on that. It is a relatively small step, but it would be significant, because it is all about placing another distance in nuclear risks. It goes beyond the operational notice to fire. The second is undertaking and committing to the 13 steps that were agreed in 2000. That step-by-step plan of action was agreed by consensus and still has a great deal of validity for the nuclear-armed states to start moving towards. We know that they will not sign the TPNW overnight or within a few years, but they need to show the NPT that they take NPT step-by-step commitments seriously. That is one way to do it.

The Chairman: Those are two clear priorities and a good note to end on. Your expertise is enormous and we are drawing on it. We need to think a lot more and we would like to talk a lot more. We have not covered various aspects at all, but I am afraid that we are now out of time. It just falls to me to thank you on behalf of the Committee for your information and for your grasp of these complex but important subjects. Thank you very much indeed.

Dr Rebecca Johnson: Thank you very much for inviting us. We appreciate the opportunity.

Dr Hassan Elbahtimy: Thank you.