



Select Committee on International Relations

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

Wednesday 30 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 Hilton of Eggardon; Lord Jopling; Lord Purvis of Tweed; Lord Reid of Cardowan; Baroness Smith of Newnham; Lord Wood of Anfield.

Evidence Session No. 7

Heard in Public

Questions 65 - 76

Witnesses

I: Andrea Berger, Senior Research Associate and Senior Program Manager, James Martin Center for Nonproliferation Studies; Sir Simon Gass, former British Ambassador to Iran and former Political Director, Foreign and Commonwealth Office.

USE OF THE TRANSCRIPT

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

Examination of witnesses

Andrea Berger and Sir Simon Gass.

Q65 The Chairman: Good morning, Ms Berger and Sir Simon Gass. Thank you very much for being with us. I am obliged to remind you right at the start that this is a public hearing. It is recorded. There will be a full transcript afterwards, which you may alter as you wish in line with what you feel you should have said or did say. I remind colleagues to declare any interests when they ask questions.

As you know, this Committee is conducting an inquiry into the Nuclear Non-Proliferation Treaty Review Conference, and the general climate of nuclear disarmament discussions and arms control, which is not looking very healthy at all at the moment. In fact, some would say that the whole arms control atmosphere is deteriorating rapidly.

We will obviously come to detailed matters in which you have both been involved, particularly Sir Simon in the Iran JCPOA¹ issue, but before we get to that, could you respond to a general question? Am I too gloomy in talking about a deteriorating arms control atmosphere? This is what a number of people have advised us is on the cards. We have had the American denial of the INF Treaty,² we have had evidence of proliferation continuing, we have the slightly wobbly situation both in Iran and in North Korea and a general feeling that the high noon of happy arms controls of the 1990s and so on is disappearing. You have both been enormously closely involved: some general thoughts first before we get to the detail. Sir Simon, may I start with you?

Sir Simon Gass: Thank you, Chairman, and thank you for the invitation to appear before your Committee today, which I appreciate. I think you are right that the atmosphere around non-proliferation today is more dangerous than it has been for some considerable period. You mentioned the planned withdrawal of the United States from the INF Treaty. Of course, we also have the prospect of the lapse of the Strategic Arms Reduction Treaty in 2021. We have a range of other elements, including the UN treaty banning nuclear weapons, which is an additional element in the mix, I would say, and then we have some clear cases where the risk of proliferation, and the actual proliferation, should correctly be a cause for concern.

Beyond that, I add only one point of context, which is that, without wishing to become too historical, the atmosphere in the late 1960s, when the Non-Proliferation Treaty was agreed, felt considerably more dangerous than it does today. Although there are certainly causes for concern, I would argue that there have been other times in our history when the causes for concern have been greater.

What has probably held the non-proliferation regime together is not so much the statutes and treaties around it, although they are extremely

¹ The Joint Comprehensive Plan of Action (the Iran nuclear deal)

² The Intermediate-Range Nuclear Forces Treaty

important, but, underlying that, the calculation of most countries that the proliferation of nuclear weapons is dangerous for them, and therefore something they remain very strongly opposed to.

The Chairman: Thank you. Andrea Berger, would you give us your overview on those subjects?

Andrea Berger: Good morning. Thank you, first of all, for having me to speak to the Committee today on what I think is a really important issue and one that is especially timely.

On your question, I agree with a lot of what Sir Simon said and would add that, as a person who likes to think of herself as normally having quite an optimistic disposition, it has been especially challenging, particularly in the last two years but even longer than that, to remain with that sort of outlook, for all the reasons that you both outlined.

In addition, right now one of the challenges is that, even where we think there is room for progress, it looks especially fragile. The non-proliferation community has taken to referring to those areas with words like 'hope' and 'faith', which is never a good starting point. What that means for us is that, while it is understandably gloomy, the task for decision-makers, those in the non-proliferation community who are trying to shape the thinking of decision-makers and inform decision-makers, is just to be more creative, multilateral and willing to lead than perhaps we have been in the recent past. I treat it less as a time for gloom and more as a time to step up to the plate, if that makes sense.

The final thing I would add is that one of the very small silver linings of all the difficulties we are now facing in the non-proliferation regime is that it has reminded us of what we stand to lose. That has been particularly important. The old saying, 'You don't know what you've got till it's gone', is very appropriate, whether we are talking about arms control, some aspects of non-proliferation policy or disarmament progress.

Q66 **The Chairman:** To press you a little further, neither of you mentioned why. What are the political roots of the feeling that the old stability and order are disappearing? Is it populism or nationalism? Is it cyber interference undermining the old rules of security and stability? Why has the world changed?

Andrea Berger: In my view, it is the collision of a few things. It is the abrogation by some countries of their existing obligations—as we see, for example, with Russia and its arms control agreements. It is the increasing tensions between parties in the non-proliferation regime concerning agreements already made as well. Here, I am thinking in particular of some of the bargains that underpin the Non-Proliferation Treaty. Then it is a horizon that is filled with new threats and challenges to the non-proliferation regime that we are not very quickly coming to grips with. There, I think you are right that new technologies present a

really important and difficult challenge, and one that we have to be creative in trying to tackle as soon as possible.

- Q67 **Lord Hannay of Chiswick:** Carrying on from that, it has been suggested that in the heyday of arms control agreements, these were in effect bilateral agreements between the two greatest possessors of nuclear warheads, Russia and the United States, but that situation no longer exists. It will no longer be the most obvious solution or way of moving ahead, because the China dimension is very clear and the India and Pakistan dimension, which is quite separate, is also rather clear. It hugely complicates matters.

If you agree with that analysis, can you throw any light on how it can be addressed in the future? Perhaps simply waiting for the US and Russia to make some more agreements will not really crack it.

Sir Simon Gass: I certainly agree that simply waiting for Russia and the United States to reach further agreements would not be wise. As you say, we have a much wider cast of potential proliferators that need to be engaged in a process. I understand that the Committee wants to talk today about two particular cases. As Andrea says, we need a variety of tools in the toolbox. I still regard the relationship between Russia and the US as extremely important, not only in its own right but because it sets a tone for agreement and steps away from the very clear adversarial nature of a relationship between two powers. We also need to work at the multilateral level, of course, both through the Non-Proliferation Treaty framework and through seeking a Fissile Material Cut-off Treaty and other arrangements that are multilateral.

The third element can be trying to deal with individual proliferation challenges, whether on a bilateral or a multilateral level. As Andrea has set out, this needs a variety of approaches, and a subtlety of approach to link some of these issues to strengthen the non-proliferation regime that we have. As the Committee knows very well from its inquiry, none of this is simple. As Clausewitz said, 'In war, while everything is simple, even the simplest thing is difficult'. That is the case with non-proliferation; the idea itself is perfectly simple, but every time you go into a specific issue you will meet detailed challenges that need to be addressed.

The Chairman: That is very helpful. Let us move from the general to the particular and turn to the JCPOA and Iran.

- Q68 **Lord Hannay of Chiswick:** Sir Simon, you were involved in the JCPOA negotiations, so it is extremely valuable to have you here. I should declare that I have written on the subject in the IISS magazine *Survival*, particularly on the issue of what happens after the JCPOA and whether it can be prolonged and strengthened.

Could you comment on one or two elements that relate to Iran? First, of course, the Europeans—Britain, Germany and France—have stuck with it, and China and Russia. Do you think that is justified? Certainly, the intelligence agencies' report in the United States seems to show that it is justified, although I am sure that is not the conclusion the President will

draw from it. If that report says that the inspection regime is holding and that there is no evidence of Iranian breaches of it; that is important.

Could you also say something about the efforts that the Europeans are making to provide a way in which Iran's legitimate trade can be carried on and financed? I believe that is fairly close to some form of closure now, or the setting up of something. Do you think that Iran will sustainably remain within the agreement and that the agreement can survive? Perhaps you could also say a few words about how you think it could be improved, because we are getting closer to the point at which some of the cut-offs in the JCPOA will mean that Iran is no longer constrained.

Sir Simon Gass: Indeed. Dealing with the first question, are the other parties to the JCPOA right to maintain it, I would give an absolutely unqualified positive to that. I think it is absolutely right, it is quite courageous in some cases, and I am pleased that the remaining parties to the agreement are committed to keeping it in force.

Why? First, the agreement does what it set out to do, which was to ensure that Iran's nuclear programme would no longer, during the duration of the provisions of the agreement, pose the threat that we felt we were facing, as you will recall, towards the back end of 2012, when Prime Minister Netanyahu held up a picture of an Iranian bomb at the United Nations. I have to say that I felt that we were coming uncomfortably close to another conflict, which the Middle East simply did not need. The Joint Comprehensive Plan of Action dealt with that challenge in a very effective way. I shall not go through its provisions, which I am sure you are familiar with. I say simply that Iran had to do some very concrete and difficult things, and it did them, in return for the agreement that was reached.

Secondly, as you have said, Lord Hannay, Iran is in compliance. I remember doubters at the time telling us that Iran was going to cheat and that there would be all sorts of problems with administering the agreement. In fact, the International Atomic Energy Agency, as you know, has repeatedly reported that Iran is compliant with its obligations. I think the most recent report was in November of last year.

The third reason is the much wider non-proliferation reason, which is that to step away from obligations, particularly perhaps when one party has already gone to considerable lengths to meet its obligations under that agreement—in some cases in a way that is effectively irreversible, at least in the short term—undermines confidence in arms control arrangements, and indeed in agreements generally. That is a bad thing. If you want to come back into discussion with Iran, Iranians sometimes quote to me the saying, 'Fool me once, shame on you. Fool me twice, shame on me'. I think that is a problem.

Moving on to European efforts to maintain trading links with Iran and sustain them, I think the Europeans have been imaginative in the methods they have tried to deploy to help trade continue under the

JCPOA, both by the blocking statute that was introduced last August, if I remember correctly, and by the special-purpose vehicle that Lord Hannay referred to, which I also read is close to activation. I think these are very important in showing the Iranians that we are prepared to stand by our commitments and to do our best to see that both parties get what they bargained for.

That said, of course, the key driver of business links with Iran is not what any government may choose to do; it is the risk factor run by individual businesses, many of which have substantial US interests—dollar interests. Therefore, while it is good that the European Union is doing these things, I do not expect them to make a very major difference to the volume of trade that will flow between our countries and Iran. If I were Iranian, I would be looking more towards Russia, China and perhaps some other countries to see whether I could maintain trade flows there. A great deal also depends, of course, on whether the US sustains the waivers that it has issued in respect of oil transfers, which are very important. So I think that is a good step by the Europeans.

Your last question was whether the agreement is sustainable. I think it is probably sustainable for now. Of course, none of us can read the minds of decision-makers in Iran, and occasionally we hear noises that Iran might show its dismay, its anger at what has happened, by stepping away from some provisions of the agreement.

My general feeling at present, though, is that Iran will stick with the agreement for a time, for a number of reasons: it is not really very helpful to Iran to start evading some parts of the agreement, it does not put Iran in a stronger position, and it might put Iran into a rather dangerous position. It would certainly give rise to the question for the Europeans of whether they would be prepared to continue to back a treaty if Iran had broken provisions of it.

Secondly, Iran will perhaps wait to see what happens in US domestic politics. Of course, there is an election in November 2020. If I were in Iran, I might not want to take dramatic action until I could see what happened in the US domestic process.

Lastly, if I were Iranian, much as I would be angered by the present situation, I would take some comfort—this should be a concern to us—in the way this issue has divided the United States from its key European partners. I might, as an Iranian, enjoy being on what I would consider to be the moral high ground.

- Q69 **The Chairman:** Sir Simon, if you feel that the impact of European governmental efforts to continue the JCPOA will not have all that much effect on the way the sanctions work because the great corporations will all feel that they have American interests they dare not risk, what then happens inside Iran? People will say, 'Here we are, carrying on being the good boys, yet we are suffering'. Will there not be the reaction in Iran: 'Let's work with the Russians and Chinese and push ahead with nuclear weapons the way we did before'?

Sir Simon Gass: I have tried to caveat what I have said with all sorts of uncertainty, because you are absolutely right that there will be people in Iran who will be taking a much tougher line. Of course, this plays into Iranian politics in a very big way between what we should perhaps describe as the securitocracy on one hand and a more pragmatic trend on the other. There will be people who argue that the only way to respond to the United States is to show strength, and the way you might show strength might indeed be that.

However, there is a big question as to what Iran wants in the way of nuclear capability. Does it want to build a nuclear weapon? Speaking entirely personally, I have my doubts about whether it actually wanted to go quite that far. Does it want the capability to build a nuclear weapon in some circumstances? The programme involved an awful lot of national pride and commitment, so it is unlikely that Iran would break out of the agreement and pursue plans for a nuclear weapon, not least because of course that would lead it into a position of considerable peril in relation to the United States and perhaps to some other countries.

Q70 **Lord Jopling:** I would like to follow up the Chairman's question about corporations' reservations about doing business because of the American attitude. Of course, that has not happened since the Americans reneged on the deal. It was a major complaint before that, when the Republicans had domination on the Hill in Washington. Do you see any prospect, given the change in the majority in the House, of the Americans loosening the constraints that the President and Congress have applied and which cause the reservations that business has about the sanctions that the Americans seem to have applied?

Sir Simon Gass: I am sorry to say that I think it unlikely, absent a substantial shift of opinion in Washington. As you quite accurately say, Lord Jopling, the reservations of business are not entirely new. Indeed, we knew that it would take a considerable time for business, particularly the banking sector, to reconcile itself to doing business with Iran again. Why? Because a number of banks had faced multibillion-dollar fines from the US Administration under the sanctions regime, and any risk officer in a big bank will want to speak very carefully to the chairman about taking on any sort of exposure there.

Secondly, there are difficulties in doing business with Iran that have nothing to do with the nuclear issue. These are, of course, to do with the opacity of the Iranian banking and commercial systems, the difficulty of knowing exactly who you are dealing with in Iran and so forth, all of which encourage a degree of caution by many companies. So this is not entirely new.

I would add to that the sense that the US Treasury Department has never fully embraced the idea of welcoming trade with Iran—let me put it no more strongly than that—so that when businesses have sought advice from OFAC,³ the branch of the Treasury Department that deals with this,

³ The Office of Foreign Assets Control

they have always received advice that was very cautionary, even when the sanctions were lifted. This is a further factor in the sense of business reticence.

The Chairman: Let us turn to the other hot issue, the Korean peninsula.

Q71 **Lord Grocott:** I have some general questions on Korea. Number one is this. Could you give an assessment of where you see the state of negotiations between the USA and North Korea at the moment? I realise—we all realise—how difficult that is, because so much seems to depend on presidential tweets and so on.

The other question is about your assessment of the possibilities for denuclearisation of the whole peninsula and what form that might take, should it be a possible outcome.

Andrea Berger: On the state of negotiations on North Korea, if senior US officials working on the file were sitting in front of you they would probably tell you the same, which is that negotiations with North Korea, at least on the nuclear issue, have not really happened yet. There has been a lot of discussion about arranging the logistics for subsequent meetings and what the contours of those conversations might be, but there has not been a serious digging down into the question of what North Korea might be willing to forgo in relation to its nuclear programme and what incentives can be offered in order to facilitate that.

We are getting towards that now. In particular, we are seeing some contact at something towards working level, which is what we really needed in the last few months and did not have: in particular, discussions between the North Koreans and the US Special Representative for North Korea in Sweden recently. Those are also largely about trying to get a second Trump-Kim summit off the ground, so we are still not in the position where we have gone into an enormous amount of detail with North Korea. That is the first, overarching point.

The other things that characterise the current situation are the North Korean effort to drip-feed concessions to the United States, or what they framed as concessions. That explains a lot of what we saw in 2018 from North Korea, namely in the form of renunciation of nuclear weapons in certain types of missile testing, a partial disablement of the North Korean nuclear test site at Punggye-ri and some activity to take apart a static engine test stand at the Sohae facility, although we have not seen much movement on that since then.

Those things have kept the United States engaged in discussions with North Korea on the nuclear file. They have been important politically for that reason: so that Donald Trump in particular can claim progress. Those concessions have not come out of negotiations, they have been things that North Korea has voluntarily done on the margins. Similarly, the United States opted in 2018 to forgo large-scale joint military exercises in South Korea. We are now having a conversation over what the one scheduled for the springtime might look like.

The second major feature of the current conversation is that, for something like the past six months, North Korea has made a very clear and concerted effort to skip working-level discussions and escalate the conversation up to presidential level, which is where they feel they can get the best agreement for them, or the best outcome for them, and they are probably right in reaching that determination, given the persuasions of this US President and his willingness to sit down in a room with Kim Jong-un, eat a hamburger and make 'the best deal that ever was made'. The North Koreans have taken that and very strongly played the position that talks should be at that high level rather than at Secretary of State level or at the level of special representatives.

On your second question about the possibility of denuclearisation, I acknowledge that I believe the possibility is very remote that North Korea at this time is at all interested in completely giving up its nuclear weapons capability and the capability to deliver those nuclear weapons to adversary targets. In my view, North Korea's nuclear weapons programme is not only driven by perceived insecurity, which is acute for them, but it has become so ingrained in North Korea's own national identity—this idea of an external, persistent threat that necessitates extreme measures—that it is at the core of North Korean thinking about their national identity.

The nuclear programme filters down very far into national rhetoric, and the leadership in North Korea has used it to build a case for legitimacy and to show that it has leadership credentials. Kim Jong-un has used it very effectively to achieve his own domestic political aims. Those factors taken together present a very complicated picture that makes me doubt that North Korea has any intention now of fully renouncing its nuclear capability.

That is not to say that in the medium-term future, in 10 to 20 years, if we have used the opportunity to engage the North Koreans in a process of arms control and transparency measures, somewhere down the line Kim Jong-un might not change his mind and decide that the gradually changing circumstances allow him to move nuclear weapons away from the centre of that North Korean thinking about its national identity. I acknowledge that possibility, but I think we are far away from that at the moment.

Lord Grocott: Is there an irony here, as far as the United States' policy is concerned, that is apparent to people in North Korea and elsewhere? Of two of the three previously described 'axis of evil' states—I know that is not a Trumpian phrase—namely Iran and North Korea, the United States is increasingly aggressive, or at least unco-operative, towards the one that does not have nuclear weapons, and President Trump seems to want to be friends with the one that does have nuclear weapons. That factor would occur to me if I were a decision-maker in North Korea.

Andrea Berger: North Koreans in their conversations with me have certainly mentioned the lessons of other countries many, many times, including the idea that if certain leaders whom they had close relations

with had had a nuclear weapons capability, they might still be alive and in power. That lesson is not lost on North Korea, I assure you.

They probably also recognise that when they are sitting across the table from John Bolton, one of the architects of the axis of evil policy that partly prompted the circumstances that led North Korea to withdraw from the NPT in 2003, there is probably a split in the community in the United States that is interacting with North Korea. This is indeed a motivator in North Korea's recent approach to try to deal with certain parties in the US and not with others.

They very transparently called out John Bolton and others who are sceptical, and openly so, of North Korea's intention to denuclearisation and favour more aggressive policies towards North Korea, and instead try to highlight, praise and encourage those within the system who want to see a more friendly atmosphere with the North, namely Donald Trump.

Q72 Lord Reid of Cardowan: That has certainly been very helpful for me. You have been quite clear that the maximum extent of what has been going on, apart from all the hype and President Trump saying he is in love with Kim and so on, is talks about talks, or maybe talks about talks about having talks, about the shape of the table and so on.

You also mentioned that what I suppose you would call confidence-building measures have been volunteered by both sides. Will you say a little more about that? What are we to believe? Even if negotiations have not started, something is shifting on the ground, limited though it may be. We hear reports via Trump that this is a major step forward. We read critical analysis of the fact—I think Sir Simon used the word 'cheating' earlier—that they partially dismantled one site but that there are other sites, hidden and protected, which are still developing. Could you give an estimate of what you think has actually changed on the ground?

Andrea Berger: Sure. On the things that have actually changed, North Korea has refrained from doing some of the types of developmental testing that they were so actively doing in 2017. That much is clear. However, they have explained that to their own population as being about no longer needing to do that sort of testing because they achieved the capability by the end of 2017.

Lord Reid of Cardowan: This is missile testing?

Andrea Berger: Missile and nuclear weapons testing. Kim Jong-un declared at the start of 2017 that he would bring an ICBM-deliverable nuclear weapon capability to fruition. By the end of the year he said he had done that, and that allowed North Korea, at least rhetorically, to justify a new strategic line, which was unveiled in April 2018, that wholeheartedly emphasises economic development, whereas previously there was a balanced explanation that North Korea needed both nuclear weapons development and economic development.

At least what has shifted is the language that North Korea is using with its own population, and there is something to be said for that. However, if

you ask whether there has been a material or a meaningful change in North Korea's level of capability, I would say absolutely not. They are continuing to produce ballistic missiles that are the delivery systems for the nuclear weapons they have been working on in previous years. They have told us that they are doing sub-critical nuclear testing, which might simply mean that their development efforts on that front are now more out of view than they used to be. We see active development at a variety of other sites, so it is clear that they are moving forward with their nuclear weapons and their missile programmes.

In the absence of any deal that constrains them on that, they have not said that they are going to give that up ahead of any negotiations, so we should not expect them to, but we have not seen a material change in their capability. Indeed, it is distinctly possible that, should the current talks break down and North Korea wants to demonstrate what its adversaries stand to lose from a breakdown in that discussion, it is possible that they will show us that in the intervening period they have been working very hard to continue to expand their capability, wheeling out new missile launchers, for example.

The Chairman: Sir Simon, do you have anything to add on this Korea issue?

Sir Simon Gass: Not on Korea as such, but when we look at countries that aspire to a nuclear capability I am struck, as so often, by the fact that one key reason is often a sense of vulnerability rather than a wish to be aggressive, although of course the two are almost two sides of a coin. Therefore, when we are thinking about non-proliferation, one key issue we have to think about is how to give some countries a greater sense that they are not going to be threatened or attacked from outside. That, of course, becomes much harder when the key determinant of whether they have that security depends upon the word of the United States President and the willingness of the United States to stand by agreements it has entered into. That, of course, is part of the irony of both the North Korea and the Iran examples.

Lord Hannay of Chiswick: Another irony that you have not mentioned yet, and perhaps you could comment on it, is the verification and monitoring provisions that would need to take place if anyone was to have any confidence that North Korea was denuclearising. Presumably the gold standard for such monitoring and verification is the JCPOA, a conclusion to which President Trump is unlikely to come, I imagine. But will it in future be the gold standard for dealing with countries that are at risk of breaking out from the non-proliferation regime?

Secondly, could you confirm what I think is the case, which is that there is absolutely no evidence that the North Koreans have stopped producing fissile material, both enrichment and reprocessing?

Andrea Berger: That is right. On your earlier point, I would add that it very much depends on what we are verifying in an agreement with North Korea. There is a lot you can do without having to have inspectors on the

ground, but it will depend on the sort of transparency, or arms control or dismantlement exercise, that we ultimately agree with North Korea.

There are so many shades of the possible there that it is really hard to say what precisely we will need at any point in time. It will really be a case of seeing what, if anything, North Korea is willing to relinquish in its fuel cycle and what can be offered in exchange as an incentive for that. Again, I am sceptical that they will be willing to give up everything in any swift fashion. In my mind, we are talking very much about a partial arrangement that might help to advance a future conversation over disarmament, but is not there yet.

Q73 Lord Jopling: I declare an interest in that I was in South Korea and the DMZ⁴ three months ago as part of a group from the NATO Assembly. The impression I got there was that the sanctions regime is a mere shadow of what one might have expected it to be, particularly with trans-shipments at sea and transit through the Russian border. The effect of sanctions is very weak indeed in the north. I would like your comments on whether anything can be done about that.

Secondly, following Andrea Berger's last comments about oversight, one's attention was drawn to the lack of oversight of sites. There are lots of hidden sites—16, from memory—which I do not think the North Koreans have yet admitted to. They may have done, but some are pretty close to the DMZ, as I recall. Do you know whether developments are continuing on those sites, from where missiles could be launched at very short notice indeed?

Andrea Berger: There is a lot to unpack there. Let me start with the sanctions regime. I suggest that the sanctions regime has inflicted some pain on North Korea. Pain is a very difficult and not terribly fulfilling metric when you are talking about the effectiveness of sanctions, but there is no doubt that some North Korean activities—some forms of trade and finance—have become harder. That will have had some effect on North Korea.

The real question at a sanctions strategy level is whether that has changed North Korea's thinking about the merits of a nuclear weapons programme. I think the answer to that is probably not. Indeed, I would go so far as to say almost certainly not. That does not mean that sanctions are not effective in some of the other objectives that they outline, and we have to remember here that non-proliferation is extremely important but often forgotten. North Korea is one of the most active proliferators on the planet today. The missile programmes of countries as diverse as Yemen, Syria, Egypt, Myanmar and the UAE are all brought to you in part by North Korea.

The sanctions that are in place that seek to inhibit North Korea's ability to meet demand with supply in weaponry and related technology are really quite important. There, you do not necessarily have to have a 100% success rate: effectiveness can be important even if you are seizing only

⁴ The demilitarized zone

one ship with missile-related cargo or one bank account that is attached to a North Korean proliferating company. That is still important. I agree that if we are trying to use sanctions as a tool to get North Korea to give it all up, we might be waiting for a very long time. Indeed, North Korean sanctions evasion is probably helping them to mitigate some of the pain they are experiencing from the much larger sanctions imposed on them by the UN since 2016.

On facilities, one of the lessons for North Korea from the Korean war in the 1950s was that going underground helps to enhance its asymmetric capability against its adversaries; indeed, so much so that at one point in history when the Chinese leadership was on a train with Che Guevara and he was complaining about the need for military resilience, they said, 'Hey, you should build stuff underground. Go ask the North Koreans. They are the best at this'. That is true; they build a lot underground in order to enhance the survivability of some of their complexes. This applies beyond the WMD and missile fields; it goes right into the corners of every aspect of their military-industrial complex.

So with regard to nuclear weapons and ballistic missiles, we certainly have known unknowns about both the fuel cycle and the broader overview of the facilities that are relevant here. We can see big gaps in North Korean declarations and publicly known facilities for its nuclear fuel cycle. That would be a challenge if you were ever trying to get North Korea to fully denuclearise.

That is partly why some US interlocutors with the north at the moment have been pushing so hard for an up-front declaration by the north of everything they have that is relevant here, which North Korea will certainly not give them—at least, they will not give them a truthful declaration. Partial transparency and partial opacity have been at the centre of North Korea's approach to its WMD capability and that is facilitated, in part, by the way it approaches concealing facilities.

The Chairman: Let us push on, because time is passing by, to the issue of the P5.

Q74 **Baroness Anelay of St Johns:** You have both set out very clearly significant causes of concern for us. I want to take you to the role of the P5, and I have three questions in one. First, will you give us your assessment of the role played by the P5 in recent years in global nuclear diplomacy? Secondly, what is happening now? Andrea, you said that we need to be more creative, willing and ready to lead. Do you think that the UK has that opportunity as it takes over the chairing of the P5 process? Thirdly, do you think the recent meeting in Beijing, with the Chinese in the chair, has shown any hints that a more pragmatic approach might be emerging among the P5?

Sir Simon Gass: I approach this with some caution. I do not advertise myself as a non-proliferation expert, but I think that the P5 has been an important innovation since 2009, when the UK first chaired a meeting. The way it has developed and the fact that China has held a meeting at a

higher level is significant, not least because it says something about China's own attitude to this.

The P5 is a necessary and useful innovation, in the sense that for almost any multilateral arms control process to prosper the P5 needs to be fully committed, which sometimes involves conversations within the family and the production of ideas and proposals that can then be floated out into the wider community. So I think it is necessary.

On the question of whether there is a role for leadership, I am sure that there is. Whether that is transformative or not, I am simply not sure. I am not completely convinced that there is a big initiative that the UK could float that would substantially transform the non-proliferation agenda. The UK itself, of course, has reduced its number of warheads considerably. It has played a significant part in multilateral disarmament, but it requires others also to wish to co-operate and to move down that road. Yes, it is important, but transformative? I am not certain.

Andrea Berger: I agree. My observation is that, since its conception in 2009, the P5 process, if I can call it that—I realise it is not a perfect term—has probably played five roles, not all of which have been straightforwardly good. Let me dwell briefly on those.

The first is that it has involved China, for the first time really, in some sort of multilateral semi-disarmament forum. That is important, not least because we have seen the Chinese take some limited leadership role in this context. Again, we would probably like to see a lot more from China on this front, but the fact that it has been willing to step forward and take on some projects in the P5 context can be built upon. So long as China is actively trying to demonstrate to those outside the P5 that it is the most disarmament-oriented and forward-leaning of the nuclear weapon states, there is something there that can be built on.

The second role, which was mostly earlier in the P5 process, was to channel some of the activity happening on the wider non-proliferation front with regard to Fissile Material Cut-off Treaty discussions. In particular, I recall that around 2010-11 there was a very concerted push by some states to rip the FMCT out of the Conference on Disarmament and put it into some parallel process, maybe with UN General Assembly rules, or something else, to get movement on it. Hillary Clinton went to the Conference on Disarmament and made similar threats, and there started to be a concern that the FMCT discussion might move into a forum where those who were the key producers of fissile material might have less control over the process. By initiating more of a conversation on the subject within the P5 process there was an attempt to channel it back towards something and eventually it went to a group of governmental experts.

The third role is that it has at least sought to demonstrate—we can argue about how effectively it has done this—a seriousness about Article 6 in the NPT and the way in which nuclear weapon states in the NPT view that. Again, many will feel that, over time, the P5 process has not done

very much to demonstrate commitment to Article 6, but its initial approach was trying to signal that there was a commitment here and a willingness to do at least a little more to build ground for future progress.

Fourthly, it has served as an indicator of how challenging things are at any point in time in the P5. That relates to my fifth observation on the role, which is that it has increasingly also been used as a mechanism for protest. I note that earlier, in 2018, the UK suspended P5 meetings in protest at the Skripal attacks by Russia. For me, the main challenge going forward is that the P5 may have shifted, as a process, away from speaking primarily to an external audience towards speaking more to an internal audience. That has benefits; it may mean we have a ripper opportunity to discuss nuclear doctrines or strategic stability, but that is ultimately very internal-facing. The risk is that if those participating in the P5 process do not feel the same pressure to communicate actively to the external audience about what it is doing, what its role will be, what its intentions are, the disillusion among many of the non-nuclear weapon states about what the P5 process is, does and is good for will only increase.

Q75 Baroness Anelay of St Johns: May I follow up on that very point? I am an eternal optimist, regardless of anything around me, but not so optimistic as to think that something transformative could take place. I wonder, building on what you just said, Andrea, whether a form of UK leadership could be to raise with the P5 the issue of trying to show more to the outside world what the P5 can achieve, rather than focusing internally the whole time—understanding, as I do, the importance of the P5 relationships and the importance of them feeling that they are secure within themselves.

Andrea Berger: I certainly think that the UK, as it has in the past, should continue to push for more outward engagement through that group, with others. It has engaged, for example, with some of the cross-thinking groupings within the nuclear non-proliferation treaty, particularly a group called the NPDI.⁵ It has had some public forums associated with it. But for me it is hard to say how far that more straightforward approach can go, recognising that this week, apparently, at the P5 meeting in Beijing it has not been possible to agree a common statement.

If you cannot even have that common statement—and I am not entirely up to speed on precisely what concerns resulted in that challenge—it is hard to say how far you can go with more general outreach. Make no mistake: the P5 is facing enormous difficulties just agreeing things among itself, which makes talking to anyone else even harder. So I encourage the UK to probe the bounds of the possible when it has more of an opportunity to co-ordinate the optics and the engagement activities. But we also have to be realistic about what that looks like.

The Chairman: Can we spend the last few minutes that we have with you on the Nuclear Non-Proliferation Treaty and RevCon?

⁵ The Non-Proliferation and Disarmament Initiative

Q76 Baroness Coussins: To some extent, your answers to the last question also cover this question, but I will ask it anyway in case there is anything that you want to add, broadening out from the context of the P5.

You have both said that we need varied and creative responses to the range of proliferation challenges. If these are not forthcoming, or perhaps even if they are, to what extent do you think those challenges undermine the NPT? What opportunities, if any, are there for UK leadership initiative on this issue?

Sir Simon Gass: As I said at the beginning of the process, the non-proliferation regime works at multiple different levels. There is the Non-Proliferation Treaty itself, which always leads to RevCons that are difficult to manage. The last agreed document out of a RevCon was in 2000 or something like that. There is a good deal of disagreement in them.

The UK has a role to play, first, in using inventive diplomacy to try to show forward movement of the sort that Andrea described. It could also reinforce the sense among other countries about the fundamental value of the non-proliferation regime. In other words, if we look at the fine print of the treaty, as we must, we can reach one conclusion, but nobody, surely, should doubt the value of a non-proliferation regime, which prevents nuclear weapons falling into the hands of a much wider range of countries.

So we have to operate at two levels. One is to do whatever we can to move the non-proliferation process forward, whether it is through the fissile material cut-off or other mechanisms that we can use. However, we know how difficult all those are, and progress tends to be glacial. When you look at the history of the Middle East nuclear weapons-free zone and the way it tripped up the non-Proliferation Treaty process in the past, it is very clear how it is possible to find ourselves going down a rabbit hole from which there is no obvious exit.

Therefore, while we should absolutely do all we can in that area, we also need to keep demonstrating the fundamental value of an arrangement by which countries are more secure by the fact that a wider range of the international community does not possess nuclear weapons. We need to take this back to the heart of the matter.

Andrea Berger: My view is that the challenges that proliferation threats pose to the NPT depend very much on which challenges you are speaking about. Iran, for example, has a different dynamic in the NPT context than North Korea or some of the challenges associated with vertical proliferation or new technologies. In my own reflection on the past two Non-Proliferation Treaty review cycles, in around 2015 a number of experts on this issue were hoping that in the NPT Review Conference everyone would rally around the JCPOA and try to save it. That would give a positive anchor point to that discussion, and of course it did not happen.

It seems to me that it is often more of a challenge when there has been backsliding on progress than when that progress has been made and

established. I know that is potentially quite an ugly thing to say, but it does seem to be how the politics in the NPT review process have worked in relation to Iran.

With North Korea, which of course withdrew from the treaty with some challenge in 2003, it is a different story. North Korea's behaviour, especially up to the end of 2017, took such a systematic sledgehammer to all the norms that the NPT community has been trying to create about not testing, responsible nuclear conduct and, indeed, proliferation that while it is not still part of the treaty it is nevertheless an important thing to address. Until the last two years, most countries in the NPT environment said almost nothing about North Korea. I did a statistical analysis of the 2015 Review Conference and found that less than 25% of the countries in the room said anything at all about North Korea. That is extraordinary, given what it was up to at the time and the threats that that posed to the non-proliferation regime.

On the North Korea issue, the challenge is to keep talking about it even though it is not there, because the countries to which it is proliferating ballistic missile technology, the countries it is threatening with nuclear weapons and the countries whose security might be undermined by North Korean behaviour are in the room. So actively pursuing messaging on North Korea in the NPT context is important.

On the vertical proliferation side, and on some of the newer technologies, this may be an area in which the United Kingdom could get more involved and where that creativity could be pursued. Because there are some really challenging new technologies, that will already be difficult to address, and I do not see much prospect of getting any kind of multilateral agreement on codes of conduct or even something more formal.

There are some technologies where there might be room for movement. In the past, we have talked a bit about the possibility of trying to avoid a situation in which you might put nuclear weapons on unmanned systems. I realise that that requires you to define unmanned systems, which is not easy, but it seems to me to be an area that could be worked on quite actively. There is a lot going on in the community in Geneva already on unmanned systems, so some cross-pollination might be possible there.

The Chairman: I think we have to leave it there. We have kept you for an hour in this rather overheated room. Obviously, your enormous expertise and experience, with Sir Simon Gass's involvement in past negotiations, is very valuable to us, so I thank you on behalf of the Committee for being with us this morning. It has been extremely useful.