



FOURTH REPORT FROM  
THE FOREIGN AFFAIRS COMMITTEE  
SESSION 2008-09

GLOBAL SECURITY: NON-PROLIFERATION

RESPONSE OF THE SECRETARY OF STATE  
FOR FOREIGN AND  
COMMONWEALTH AFFAIRS

*Presented to Parliament  
by the Secretary of State for Foreign and Commonwealth Affairs  
by Command of Her Majesty  
August 2009*



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# **FOURTH REPORT FROM THE FOREIGN AFFAIRS COMMITTEE**

## **SESSION 2008-09**

### **GLOBAL SECURITY: NON-PROLIFERATION**

#### **RESPONSE OF THE SECRETARY OF STATE FOR FOREIGN AND COMMONWEALTH AFFAIRS**

##### **Introduction**

1. The Government welcomes the Foreign Affairs Committee's inquiry into 'Global Security: Non-Proliferation' and the findings set out in the Committee's report published on 14 June (HC 222).
2. The Government has made clear that it judges that the proliferation of weapons of mass destruction (WMD) poses one of the gravest threats to the UK and to global security and that it is firmly committed to the goal of the global elimination of all such weapons. Driving forward more urgent and robust international action on both counter-proliferation and nuclear disarmament is a personal priority for the Foreign Secretary.
3. The Government shares the importance which the Committee attaches to the 2010 Review Conference of the Nuclear Non-Proliferation Treaty and welcomes the Committee's support for many of the policies and initiatives which have recently been set out in the "Road to 2010" plan. This underlines that effective strategies for tackling non-proliferation and disarmament, energy security, climate change and the strengthening of international institutions must be linked. The Government intends to keep Parliament fully informed and engaged in the run-up to the Review Conference.
4. The Government appreciates the Committee's conclusions with respect to its policies on chemical and biological weapons and the Committee's recognition of the progress which has been made towards the implementation and the universalisation of both the Chemical Weapons Convention and the Biological and Toxin Weapons Convention, though challenges remain in continuing to strengthen both regimes.
5. The Government welcomes the Committee's decision to include conventional weapons within the scope of its inquiry and appreciates the support of the Committee and of Members of Parliament in respect of the successful negotiations on the Convention on Cluster Munitions and in promoting a comprehensive and effective international Arms Trade Treaty. The Government looks forward to the continuing support of Parliament as it takes forward the vital work on both agendas.
6. The Government welcomes the detailed work which the Committee has undertaken. We will be working to build on the Committee's recommendations in our future policy formulation. This Command Paper sets out the Government's response: the Committee's recommendations are set out in bold while the response is in plain text. The paragraph numbers refer to those in the 'Conclusions and Recommendations' section of the Committee's Report.

## National Security Strategy

**1. We note that it is proposed that the Chairman of the Foreign Affairs Committee will be an *ex officio* member of the Joint Committee on the National Security Strategy and that we will therefore have an input into its deliberations and activities. We wish to put on record our firm view that the existence of the Joint Committee, if the House approves the Government's proposals, will not in any way restrict or curtail the Foreign Affairs Committee's responsibility to examine aspects of national security insofar as they relate to the work of the FCO. We take our responsibilities in this regard very seriously and will continue to exercise them as an integral part of our work. We recommend that in its response to this Report the Government should confirm that it accepts our view of the Foreign Affairs Committee's continuing responsibilities as regards national security matters relating to the work of the FCO. (Paragraph 7)**

The Government confirms that it accepts the view that the FAC will continue to have responsibility for examining aspects of national security which relate to the work of the FCO.

## Restricting the resources required for proliferation

**2. We conclude that the UK's failure so far to ratify the 2005 Protocol to the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation is regrettable, given the way in which the Protocol will strengthen the UK's ability to impede the trafficking by sea of WMD-related materials. We further conclude that the provisions of the planned Transport Security Bill which will facilitate UK ratification are to be welcomed, and look forward to their early passage. We recommend that the Government should work actively to secure ratifications of the Protocol by other states so that it may rapidly enter into force. (Paragraph 33)**

The UK Government welcomes the Committee's interest in the SUA Protocols and agrees with their assessment that they will strengthen the UK's ability to impede the trafficking by sea of WMD-related materials. There are now legal questions which need to be clarified before the relevant legislation can be brought before Parliament, to facilitate UK ratification of the SUA Protocols. The Foreign and Commonwealth Office is working with other relevant Government Departments to resolve the legal issues as soon as possible but it is unlikely that such a Bill will be included in the 09/10 Parliamentary session. Despite this regrettable handicap, the Government will continue to encourage other states to ratify the SUA Protocols.

**3. We conclude that the Government is to be commended for introducing the Academic Technology Approval Scheme regarding security clearance for foreign students in sensitive fields, which is a significant improvement on the previous Voluntary Vetting Scheme. We recommend that the Government should take swift action to address any shortcomings in this relatively new scheme which are identified in its imminent review of the scheme's operation, of which we expect to receive a copy. We further recommend that the Government should set out in its response to this Report the progress made on oversight of science and codes of conduct for scientists as part of the current Inter-sessional Work Programme of the Biological and Toxin Weapons Convention. (Paragraph 37)**

The Foreign and Commonwealth Office has concluded a comprehensive review of the Academic Technology Approval Scheme (ATAS). The review took place in February 2009 and the recommendations are now being implemented. The Review's report produced a broad range of recommendations including covering the scheme's scope, IT issues and improving the working relationship and synergies between the Higher Education Institutions and the Government Departments

with responsibility for running ATAS. However, the overall conclusion of the Review was that ATAS is providing a useful contribution to the UK's national security at very modest cost with no significant side-effects. Additionally the review noted that it is delivering a much more effective service than the Voluntary Vetting Scheme which it replaced in November 2007. Since the review was internal and addressed a number of sensitive national security issues, it would not be appropriate to provide a full copy to the Committee. However, we will be writing separately to the Committee to set out the headline findings and recommendations of the review.

Since 2003 we have held five Biological & Toxin Weapons Convention-related seminars for academics, research councils, professional and trade organisations, and the pharmaceutical and biotechnology industries. These seminars have assisted the UK's preparations for the inter-sessional meetings on codes of conduct issues by ensuring that we had, and continue to have, a clear sense of the views of relevant stakeholders as well as their advice. Our most recent event took place in March 2008 and was devoted primarily to oversight, education and awareness-raising. While previous seminars largely focussed on the theory and general principles, the March seminar concentrated on the practicalities such as:

- What are the emerging lessons from work on elaborating codes of conduct and practice?
- What are the problems that have been encountered during the promulgation and implementation of codes of conduct? What are the solutions?
- How can we develop effective and practical oversight mechanisms for research?
- How can we develop educational programmes? (There have been many statements calling for such programmes, but specifics on what that education should cover are often absent).

At the 2008 Meeting of Experts we also presented a paper on examples of UK approaches to the oversight of emerging technologies, focussing on nanotechnologies and synthetic biology, which had been included in the UK contribution on scientific and technological developments to the Sixth Review Conference. This suggested that these approaches might be relevant for other States Parties as they grapple with the complex issues that are associated with dual-use technology.

We would note that there are still considerable difficulties in convincing some members of the academic community that oversight and awareness in the context of the Biological and Toxin Weapons Convention (BTWC) and Chemical Weapons Convention (CWC) are issues deserving attention and action. We had, for instance, developed plans, in collaboration with two universities, for a series of awareness raising seminars in 2009 at various UK universities. These would have addressed CWC issues such as the problems posed by the governance of dual-use technology and codes of conduct, oversight, awareness raising and education, but had to be abandoned in view of a lack of interest. We are currently reviewing our approach here. In the meantime we have taken opportunities where they arise to address these topics with the academic and industrial communities – for instance presentations at the annual Institute of Safety in Technology and Research's Biosafety Section's autumn symposium in 2008 and at seminars organised by the chemical industry.

We note however that codes of conduct for scientists and awareness-raising campaigns do not offer a foolproof defence against the misuse of the life sciences for hostile purposes. But what they can do – along with measures on oversight and education – is to heighten the levels of awareness in the academic and research communities of the need for care; highlight the nature of the Convention's legal

prohibitions; and promote the need to address issues such as technology governance on a continuing basis. Such issues cannot be dealt with quickly; sustained efforts by a broad range of stakeholders are required over a lengthy period of time.

Responses to the Committee's other conclusions and recommendations concerning the BTWC are set out below under paragraphs 32 to 36.

**4. We conclude that restricting the finance available to those intending to proliferate nuclear, chemical or biological weapons and their delivery systems is a potentially effective mechanism to achieve non-proliferation aims. We recommend that the Government should consider how this can be done as quickly as possible when proliferation risks are identified. We further recommend that in its response to this Report, or earlier if possible, the Government should send us a copy of the imminent report of the international Financial Action Task Force, with an accompanying memorandum indicating whether, when and how it will implement its recommendations. (Paragraph 39)**

We agree with the Committee that working to restrict the finance available to proliferators is a potentially effective mechanism to achieve non-proliferation aims. HM Treasury are working with colleagues across other government departments to consider how this can be done as quickly as possible when proliferation risks are identified. As noted in *'The Road to 2010'*, at the end of last year, the Counter-Terrorism Act 2008 gave the Treasury new powers to respond when the development of nuclear weapons overseas poses a risk to the UK. The Treasury can now impose financial safeguards including reporting requirements, additional due diligence, or can require the cessation of business, with entities posing a threat of proliferation.

The report of the Financial Action Task Force (FATF) on Proliferation Financing will not be completed until later this year. HM Treasury will reply separately to the committee with a copy of the FATF report and accompanying memorandum. In the interim, the following is a link to the FATF's 2008 report on the typologies of proliferation financing: <http://www.fatf-gafi.org/dataoecd/14/21/41146580.pdf>.

#### **Scope for rationalisation of the non-proliferation architecture**

**5. We conclude that the sheer number of organisations and initiatives in the field of non-proliferation and disarmament may lead to a lack of focussed progress. We recommend that the Government should press for the rationalisation of international efforts in this area and set out in its response to this Report where it believes such rationalisation could occur. (Paragraph 44)**

The UK Government believes that the non-proliferation and disarmament architecture serves the international community well. The Nuclear Non-Proliferation Treaty (NPT), the CWC and the BTWC provide the cornerstones of the architecture in their particular areas, but are usefully augmented by a number of treaties, regimes, organisations and initiatives, all of which serve different purposes. The Government believes that there remain some important gaps to fill and strongly supports completion of a Fissile Material Cut-Off Treaty (FMCT) and entry into force of the Comprehensive Nuclear Test-Ban Treaty (CTBT), along with finalisation of the latter's verification system. However, the Government also continues to review the performance of the other groupings and to support new ones where they might add value.

The Government agrees with the Committee on the critical importance of focus in the activities which fall under the range of treaties, regimes, organisations and initiatives. We also recognise that each



is important in delivering the Government's specific non-proliferation and disarmament objectives, including those set out in the "Road to 2010" plan. The Government does not therefore propose to press for the rationalisation of international efforts in this area, but instead, as the Prime Minister set out in the Road to 2010 plan, to renew and strengthen international governance. We will in particular work to ensure that the International Atomic Energy Agency is able to carry out its existing remit more effectively and to credibly tackle challenges in new areas.

### **The Nuclear Non-Proliferation Treaty (NPT)**

**6. We conclude that the Government is correct to identify the international nuclear non-proliferation regime as being under severe strain. We further conclude that the Government is correct to identify the 2010 Review Conference of the Nuclear Non-Proliferation Treaty as critical for the future of that regime. We further conclude that the Government's proposal for a "Road to 2010 Plan" is to be welcomed. We recommend that the Government should keep Parliament fully informed and engaged as it develops the Plan by summer 2009 and pursues it in the run-up to the Review Conference. We further recommend that the Government should make a full report to Parliament on the results of the Conference. (Paragraph 57)**

The Government attaches the highest importance to a successful outcome to next year's Non-Proliferation Treaty Review Conference. We have worked intensively at, and between, the three Preparatory Committees to re-energise the international consensus in the "grand bargain" that underpins the Treaty and to put the case for an ambitious and balanced strengthening of the NPT's three pillars. The Review Conference is not an end in itself. But it is a key milestone, which we want to give strong political impetus to nuclear non-proliferation and disarmament over the following five years and beyond. The "Road to 2010 Plan" was published on 16 July. Since the Committee concluded taking evidence the Minister of State for Africa, Asia and the UN and the Parliamentary Under-Secretary of State have spoken for the Government in debates on the proliferation of nuclear weapons in the House of Lords and House of Commons on 26 March and 9 July respectively. The Government will continue to keep Parliament fully informed in the run-up to the Review Conference. A full report to Parliament on the results of that Conference will fall in the next Parliament.

**7. We conclude that the Government is correct to identify the universalisation of the International Atomic Energy Agency's Additional Protocol, to all States Parties to the Nuclear Non-Proliferation Treaty (NPT), to be an important means of strengthening verification of the NPT, and thus also to be a vital nuclear non-proliferation objective. We recommend that in its response to this Report, the Government should set out the institutional mechanisms by which it envisages that universalisation may be achieved. We further recommend that the Government should update us on its efforts in this direction, in particular with respect to its work through the Nuclear Suppliers Group and as part of the preparations for the 2010 NPT Review Conference. (Paragraph 69)**

The Government gives the highest priority to universal adherence to the Additional Protocol, in particular by countries which have significant nuclear activities (and especially activities related to the nuclear fuel cycle). Based on a case by case analysis, we work to overcome both political and technical obstacles to the universalisation of the Additional Protocol. In addition to the sustained lobbying efforts carried out by the EU, the G8 and the IAEA, all of which we support, the Government uses its bilateral strategic dialogue with relevant countries, as well as other contacts and consultations with decision-makers and regulatory authorities to press them to sign, ratify and bring into force the Additional Protocol and other relevant safeguards instruments, such as the Comprehensive Safeguards Agreement and the revised Small Quantities Protocol.



In order to overcome possible technical obstacles, the Government has supported and funded IAEA efforts to assist states with less experience in nuclear issues in meeting requirements of the Additional Protocol, for example its declarations. As set out in the Road to 2010, the Government will press for political commitment in 2010 to bring relevant safeguards agreements into force, sharing best practice and expertise wherever requested.

In parallel we are pursuing agreement that the Additional Protocol should become a condition of the transfer of sensitive technologies within the Nuclear Suppliers Group (NSG). This is a long term objective. The NSG takes decisions by consensus, so the other 45 members of the group must agree before we can achieve this objective.

**8. We conclude that the United States' failure to pass to the International Atomic Energy Agency (IAEA) – if necessary in confidence – the information it had about Syria's al-Kibar facility, before the facility was destroyed in September 2007, undermined the Agency's credibility as the verification agency for the Nuclear Non-Proliferation Treaty. We recommend that the Government should press both Israel and Syria to provide the IAEA with the information it requires about the al-Kibar site, and update us on its progress in this respect in its response to this Report. (Paragraph 72)**

The Government continues to support the work of the International Atomic Energy Agency (IAEA) in its investigation into the suspected nuclear site at Al-Kibar (Dair Alzour). Although the IAEA inspectors were allowed to visit the site in June 2008, it is unacceptable for Syria to not have allowed further visits. We continue to press the Syrians to co-operate with the Agency and provide further access to Al-Kibar and to the three other related sites in Syria and to provide full documentation in answer to the Agency's questions. As the Director-General of the IAEA said at the June 2009 Board of Governors, "if Syria wants to prove that the allegations are not accurate, the best thing to do is to be fully transparent". We encourage Israel to continue to co-operate with the IAEA investigation and to respond to the IAEA's 20 May request for further information.

**9. We conclude that the UK provides significant financial and other resources to the International Atomic Energy Agency (IAEA). We welcome in particular the Prime Minister's announcement of a doubling in the Government's voluntary contribution to the Agency's Nuclear Security Fund. However, we further conclude that it is incongruous for the Government to wish to see an expansion of IAEA verification work while ruling out an increase in UK funding for the Agency's regular budget. We recommend that in its response to this Report, the Government should update us on the IAEA Budget Committee discussions which were due to commence in February 2009. We further recommend that the Government should set out how it expects the IAEA to meet the increased demand for its verification work given the anticipated scale of its resources. (Paragraph 81)**

The Government is committed to ensuring that the IAEA has the human and financial resources, management, powers and structures necessary to meet the challenges of the 21st century.

However the global economic downturn makes it highly unlikely that member states will feel able to support a significant increase in their contributions. Our focus is therefore on improving overall effectiveness and efficiency in all UN bodies and the IAEA, in order to ensure that they make the most of their resources. In the past, the UK Government has agreed to a one-time increase in the budget of the Agency's Major Programme 4 (Verification). We would not rule out another increase in this area,

provided it was properly justified. However, at present, the Government does not believe that this case has been made.

The Government will give careful consideration to the latest proposal of the Vice-Chair of the Board of Governors, which requests a 5.4% increase in the regular budget, including an increase in the safeguards budget. As announced in the 'Road to 2010' paper, the Government will also host later this year a Conference of the Group of Major Donors to discuss the IAEA's funding and staffing requirements, taking into due account the need to set priorities, the capacity of absorption of possible increases by the Agency's Departments and the degree of urgency in providing more staffing and funding. The Government will inform the Committee of the conclusions of this conference.

**10. We conclude that the UK is making a valuable contribution in kind to the work of the International Atomic Energy Agency through the provision of inspectors and of training for them. We welcome this, and recommend that the Government should seek every opportunity to contribute further in this way. (Paragraph 82)**

The Government is committed to the UK Safeguards Support Programme (UKSP) and will continue regularly to review it to maximise its contribution to the enhancement of the Agency's safeguards verification capabilities. The Government will engage with the next Director General of the IAEA and the Secretariat to encourage the Agency to make greater use of the UKSP, including increased training of inspectors.

**11. We conclude that the Government is correct to identify a need to strengthen generic enforcement mechanisms for the Nuclear Non-Proliferation Treaty (NPT), in the face of states which violate and/or withdraw from it. However, we note that the Minister told us that this objective was unachievable at present. We recommend that in its response to this Report, the Government should set out the specific legal and institutional mechanisms for strengthened NPT enforcement which it will be advocating at the 2010 NPT Review Conference. In particular, we recommend that the Government should outline how it envisages that pre-announced penalties for NPT withdrawal might be strengthened. (Paragraph 89)**

The Government believes that the primary objective of an effective nuclear non-proliferation regime must be to prevent non-compliance. Where non-compliance has occurred, we must ensure early detection and certainty of serious consequences for the party responsible. The Government's proposals for strengthening enforcement mechanisms for the Non-Proliferation Treaty (NPT) are set out in chapter six "International governance and the IAEA" of the "Road to 2010 Plan (sections 6.13 to 6.14). We will engage intensively to raise awareness in the broader international community of the dangers to both regional and global security posed by nuclear proliferation and of the imperative to take firm action to prevent it. We believe it is particularly important to clarify the legal requirements set out in Article X of the NPT and the consequences of attempting to withdraw from the Treaty. Where such action could constitute a threat to international peace and security, there should be a much higher cost to the party responsible. The Government fully supports the detailed proposals put forward by the European Union at the 2007 NPT Preparatory Committee, which are available on the official United Nations website at: <http://daccessdds.un.org/doc/UNDOC/GEN/N07/330/32/PDF/N0733032.pdf?OpenElement>

**12. We conclude that the issue of Israel's nuclear weapons could become an obstacle to the achievement of Government goals at the 2010 Non-Proliferation Treaty (NPT) Review Conference. We recommend that in its response to this Report, the Government should consider whether**

**encouraging greater transparency and nuclear disarmament measures by Israel, in public or in private, might improve the regional security situation, and begin to move Israel towards the Government's stated goals of Israeli accession to the NPT and the establishment of a WMD-free Middle East. We further recommend that the Government should update us on steps taken within the EU's Union for the Mediterranean towards a WMD-free Middle East and set out the ways in which it sees this new vehicle contributing towards that objective. (Paragraph 94)**

The Government has made clear its commitment to the goal of a world free from nuclear weapons. That must necessarily include the states which are outside the NPT as well as the five recognised Nuclear Weapon States. The United Kingdom also co-sponsored the Resolution on the Middle East at the NPT Review and Extension Conference in 1995, which calls upon all States in the region to take practical steps in appropriate forums aimed at making progress towards the establishment of an effectively verifiable Middle East zone free from weapons of mass destruction. This Resolution reaffirmed the importance of the realisation of universal adherence to the Treaty and called upon all States of the Middle East that had not yet done so to accede to the Treaty as soon as possible and to place their nuclear facilities under full-scope IAEA safeguards. The UK has gone on consistently to support resolutions in support of this aim in the IAEA and the UN, most recently in October 2008.

We therefore call unequivocally on Israel to accede to the NPT as a Non Nuclear Weapon State and to adopt such IAEA full-scope safeguards. We make this clear to Israel both in public and in private.

As the 1995 Resolution made clear, progress on a Middle East peace settlement would contribute to the objective of a Middle East zone free from weapons of mass destruction. It is also essential that the international community's concerns over Iran's nuclear programme are resolved by compliance with the relevant United Nations Security Council Resolutions. Nevertheless we are keen to make progress in parallel. In particular we are taking forward discussions with partners on the proposals put forward by the Russian Federation at the NPT Preparatory Committee in May, which contain a number of pragmatic and concrete ideas to build confidence and establish dialogue.

The Government encourages all states in the region to adopt confidence building measures which would help create the conditions towards a zone free from weapons of mass destruction in the Middle East. In particular we call on states which have not yet ratified the BTWC, CWC and CTBT to do so and to consider other ways of improving relations with their neighbours.

The United Kingdom supported the July 2008 Declaration at the Summit for the Mediterranean, organised under the French Presidency of the European Union. The 43 participating countries, including Israel, Egypt, Syria and the North African states, agreed that "the Parties shall pursue a mutually and effectively verifiable Middle East zone free of weapons of mass destruction, nuclear, chemical, biological and their delivery systems". The declaration also agreed that the parties will consider practical steps to prevent the proliferation of WMD and consider any confidence and security building measures that could be taken. To help take this forward, EU governments have agreed to hold a seminar to discuss the modalities and practicalities of forming a WMD free zone in the Middle East later in the year. It is hoped this seminar might inform a future conference on the Zone. A previous seminar was held in June 2008.

**13. We welcome India's granting of greater international access to its civilian nuclear facilities. However, we reiterate our 2006 conclusion that the US-India civil nuclear cooperation agreement undermines one of the central bargains of the international non-proliferation regime, namely**

**that access to nuclear power for civil purposes is due only to states which do not develop nuclear weapons and place all their declared nuclear facilities under international safeguards. We conclude that, given its stated commitment to the international non-proliferation regime, the Government's support for the US-India deal is thus regrettable. We recommend that in its response to this Report, the Government should set out how it foresees the US-India agreement being used to secure further disarmament and non-proliferation steps by India, such as ratification of the Comprehensive Nuclear Test Ban Treaty. (Paragraph 99)**

We believe that the US-India nuclear deal, along with the IAEA safeguards agreement and the Nuclear Suppliers Group (NSG) exemption that allowed it to take effect, will bring India closer to the non-proliferation mainstream, including adherence to the principles underpinning the Non-Proliferation Treaty. The deal gives us the opportunity to engage in a constructive non-proliferation dialogue with India, including continuing to encourage them to ratify the CTBT. We expect them to fulfil their non-proliferation commitments under the deal, including separation of their civil and military nuclear programmes, to work towards the conclusion of a Fissile Material Cut-Off Treaty, and to continue their unilateral moratorium on nuclear testing. It also gives us the opportunity to discuss nuclear security issues with India.

#### **Nuclear disarmament and non-proliferation**

**14. We conclude that the five recognised nuclear weapons states have widely varying records as regards nuclear disarmament and arms control over the last decade. We welcome the fact that of the five the record of the UK has been the best. However, we also conclude that, owing to the way in which the Nuclear Non-Proliferation Treaty (NPT) enshrines a distinction between nuclear and non-nuclear weapons States Parties, the five recognised nuclear powers are often perceived as a group by the nonnuclear weapons states, and that, as such, the group is seen collectively to have failed to live up to the nuclear disarmament commitments made at the 1995 and 2000 NPT Review Conferences. As a result, we further conclude that without decisive movement by the five recognised nuclear weapons states as a whole on nuclear disarmament measures, there is a risk that the 2010 Review Conference will fail, like its 2005 predecessor – during a critical period for dealing with North Korea and attempting to constrain Iran's nuclear programme. We therefore commend the Government on its public recognition of the link between nuclear disarmament and non-proliferation. We conclude that the Government is correct to identify a vital need to reinvigorate multilateral nuclear disarmament, ideally before and certainly at the 2010 NPT Review Conference. (Paragraph 114)**

The Government welcomes the Committee's recognition of the work being done by the UK to reinvigorate international commitment to multilateral nuclear disarmament. We believe there has been a significant change in the tone of the debate since the last Review Conference, not least due to the UK's forward-leaning advocacy of the goal of a world free from nuclear weapons. There has also been concrete progress towards disarmament. Agreement to start negotiations on a FMCT and the commitment by the US and Russia to further bilateral reductions in their arsenal numbers have been significant steps forward. The Government agrees on the importance of the five recognised nuclear weapon states working closely together for a successful 2010 Review Conference, but also that it is the responsibility of all NPT states under Article VI to work to create the conditions for nuclear disarmament. The UK will continue this work by hosting a conference in September for the five NPT recognised nuclear weapon states to discuss confidence-building measures towards nuclear disarmament. This will be a clear demonstration of the nuclear weapon states' commitment to their disarmament obligations under the NPT ahead of the 2010 Review Conference.

**15. We conclude that there is a relatively well-defined agenda of nuclear disarmament steps around which there is a considerable degree of international consensus, such as entry into force of the Comprehensive Nuclear Test Ban Treaty, the start of negotiations on a Fissile Material Cut-off Treaty, and measures to scale down, de-alert and make more transparent existing nuclear arsenals. We recommend that the Government should aim to come away from the 2010 NPT Review Conference with agreement on a concrete plan to take the multilateral nuclear disarmament process forward, with target dates for specific steps, and with the political commitment from all nuclear and non-nuclear weapons States Parties to ensure implementation. (Paragraph 115)**

The Government agrees with the Committee's conclusion that we should aim for agreement at the 2010 NPT Review Conference on a concrete plan of specific actions over the next review period. As set out in 'The Road to 2010' published by the Government in July 2009, such a plan needs to cover actions across all three pillars of the NPT and should not be limited to just disarmament. We agree that these steps need to be politically binding on both the nuclear and non-nuclear weapon states.

**16. We conclude that the strengthened commitment of the US and Russia, under Presidents Obama and Medvedev, to negotiate a legally-binding nuclear arms reduction treaty to succeed START I, by the end of 2009, as part of a deeper process of nuclear arms cuts, will contribute significantly to the fulfilment of their disarmament obligations under the Nuclear Non-Proliferation Treaty, and is thus greatly to be welcomed. We recommend that the Government should offer every assistance to facilitate a speedy and productive conclusion to the negotiations. (Paragraph 121)**

The Government welcomes the commitment of the US and Russia to conclude a successor to START I by the end of 2009. We understand that talks are progressing well and are on track to reach agreement before the current treaty expires. We stand ready to provide any assistance should it be requested.

**17. We conclude that reductions in the operational readiness of the world's nuclear arsenals could make a significant contribution to enhancing international security. We recommend that in its response to this Report, the Government should set out the steps which it is taking to encourage international action in this area, and explain its stance regarding the UN General Assembly resolution on this issue. (Paragraph 124)**

The Government does not share the Committee's premise that international security is being undermined by large numbers of nuclear weapons at a dangerously high level of alert. As such, we believe there are other higher priorities for furthering the nuclear disarmament agenda – in particular securing agreement on a FMCT.

The UK has already taken steps to reduce the alert status of its own nuclear arsenal. None of our missiles are targeted at any country and are normally at several days "notice to fire". Maintaining an invulnerable submarine-based deterrent enables the UK to hold its arsenal at lower states of alert than would be possible with other deterrent systems.

Naturally the UK would welcome any confidence-building measures by other nuclear weapon states to reduce tension and move towards our overall goal of a world free from nuclear weapons. The Government's stance on the UN General Assembly resolution on this issue was laid out in the 'Explanation of Vote' that was issued at the time.



**18. We conclude that the decision to renew the UK's Trident system is perceived by some foreign states and some among the British public as appearing to contradict the Government's declared commitment to strengthening the international nuclear non-proliferation regime. We recommend that the Government should intensify its public diplomacy work better to explain the reasons for the Trident renewal decision and to give greater prominence to its work for multilateral nuclear disarmament and arms control. We further recommend that in its response to this Report, the Government should update us on the progress of the timetable for renewal of the Trident submarines. We recommend that the Government should not take any decision at the Initial Gate stage until Parliament has had the chance to scrutinise the matter in a debate. (Paragraph 133)**

The Government's decision to renew Trident is fully consistent both with all our international obligations and with our strong support for multilateral nuclear disarmament. We are working hard with others to create the conditions which would allow complete and verifiable nuclear disarmament and a world free from nuclear weapons. And, as the Prime Minister stated on 17 March, as soon as it becomes useful for the UK's nuclear arsenal to be included in broader multilateral negotiations, Britain stands ready to participate and to act. But a decision now not to renew Trident would pre-empt this multilateral negotiation by committing a future government to unilateral disarmament at the end of the current submarine fleet's lifespan, regardless of the strategic circumstances at that time.

We have an active public diplomacy and communications campaign in place which seeks to explain this, along with the rationale behind all of our nuclear policies, to both domestic and international audiences. Elements of the campaign include the policy information paper 'Lifting the Nuclear Shadow' launched in February 2009, the 'Road to 2010' plan published in July 2009, various ministerial speeches and articles and a widely read blog by John Duncan, UK Ambassador for Arms Control and Disarmament. As we approach the 2010 NPT Review Conference, we have earmarked resources to continue the public diplomacy and communications campaign to help maintain the UK's leading position in the disarmament debate.

Our current plan remains to consider an approvals case in the autumn. We will of course continue to review the most appropriate time to consider this case. Initial Gate is about evaluating the relative technical and engineering merits of potential submarine designs and selecting one broad submarine design to allow for detailed design work to be carried out. Because of the technical rather than policy nature of the decisions required at Initial Gate, Parliament does not get involved in the Department's procurement process at this stage, although we do propose to update Parliament on progress after Initial Gate. The main investment decision point for this programme, and the point at which we would issue the main construction contracts to industry, will not be reached until around 2014.

**19. We conclude that the steps which the Government has taken to scale down and deescalate the UK's nuclear arsenal are to be commended. We welcome in particular the Prime Minister's announcement that the new Trident submarines are to carry fewer missiles than the current boats. We recommend that the Government should do more to highlight these steps, internationally and at home. However, we note that it is difficult to assess the Government's claim that it retains only a minimum nuclear deterrent in the absence of further information about the process by which it judges this minimum. We therefore recommend that the Government should accede to the Defence Committee's call for it to explain in greater detail the process by which it determines that the current scale and operational arrangements of the Trident force constitute the UK's minimum nuclear deterrent. (Paragraph 136)**

The Government welcomes the Committee's support for the steps it has taken on nuclear disarmament. We have active public diplomacy and communications campaigns designed to explain our policies and to highlight our past disarmament achievements. We have resources earmarked to continue these campaigns in the run-up to the 2010 NPT Review Conference.

The Vanguard-class submarine is equipped with 16 missile tubes and, as was announced in the 1998 Strategic Defence Review, each submarine carries no more than 48 warheads. For reasons of national security the Government has never specified the number of Trident missiles carried, but the Prime Minister has announced that we can meet the requirement for the minimum effective deterrence with only 12 missile tubes on the future submarines.

The Government, in its response to the House of Commons Defence Committee's 9th Report of Session 2006/07, noted its commitment to retaining only the minimum capability necessary to deter potential aggressors. The process by which it makes an assessment of the UK's minimum deterrent requirements is described in paragraph 4-9 of the 2006 White Paper. We make an assessment of the minimum destructive capability that we need to be able to deliver in order to outweigh the potential benefits a potential aggressor might believe they would derive from an attack on our vital interests. This includes an assessment of the decision-making processes of future potential aggressors and of defensive measures that a potential adversary might employ in an effort to reduce the impact of the UK's nuclear capability.

The Government stated in its response that it was not prepared to release precise details of this assessment process, owing to the sensitive nature of the analysis involved and to maintain ambiguity over the circumstances in which we might consider use of our nuclear deterrent. We judge that details of the process remain highly sensitive and thus are still not willing to release them.

**20. We conclude that the Government's confirmation of its willingness to include the UK's nuclear force in multilateral nuclear disarmament negotiations is to be welcomed, as likely to strengthen its non-proliferation efforts. We recommend that the Government should give greater prominence to this commitment in its public diplomacy. We further recommend that in its response to this Report, the Government should specify—in the light of international disarmament developments by that time—the state of a multilateral nuclear disarmament process that would trigger UK participation. We further recommend that the Government should specify whether there are circumstances under which the UK would be prepared to suspend the Trident renewal programme. (Paragraph 138)**

The Government welcomes the Committee's positive recognition of its stance. Our willingness to include the UK's nuclear deterrent in multilateral nuclear disarmament negotiations, when it will be useful to do so, has been a regular theme of our public diplomacy. It was stated by the Prime Minister in his speech on nuclear issues on 17 March 2009, in the 'Road to 2010' plan published in July 2009, and in the policy information paper 'Lifting the Nuclear Shadow' launched in February 2009. We will continue to highlight this commitment as appropriate in the run-up to the 2010 NPT Review Conference and beyond.

As set out in the 'Road to 2010' plan, the Government believes that it is likely to be appropriate to reconsider the size of its own stockpile of operationally available warheads, as part of any future multilateral disarmament process, once the strategic conditions are established that allow the US and Russia to make substantial reductions to their warhead stockpiles beyond those being currently negotiated.



In the meantime, the Government stands by the assessment made in the 2006 Defence White Paper on the future of the UK's nuclear deterrent that the Trident system remains the most cost-effective way for the UK to maintain a credible nuclear deterrent beyond the lifespan of the current system. We believe that it will be necessary to continue the Trident renewal programme unless and until a decision can be made that the strategic conditions are now right for the UK to relinquish its nuclear deterrent.

**21. We conclude that the goal of a nuclear weapons-free world is gathering more serious international political support than at any time since the end of the Cold War. We conclude that the Government's leadership on this issue is to be commended. In particular, we conclude that the Government is correct to recognise the scale of the technical and confidence-building work that will be required for the goal to be realisable, and in particular the importance of verification. We recommend that the Government should continue and expand its work in this area. (Paragraph 145)**

The Government welcomes the Committee's support. The UK is continuing to take a leading role in work to address the technical and confidence building challenges that need to be addressed before a world free from nuclear weapons can become a realistic goal. The pioneering work being undertaken by the Atomic Weapons Establishment is ongoing. In June they conducted a second practical exercise alongside Norway and the NGO Vertic into verification of disarmament. We are hosting a conference of the five treaty recognised nuclear weapons states in September which will further confidence building measures. We are also funding research by the Carnegie Endowment into the political and technical challenges of moving from a world with low numbers of nuclear weapons to zero.

**22. We recommend that in its response to this Report, the FCO should set out its attitude to a possible Nuclear Weapons Convention banning such weapons, including the relationship which it sees between such a Convention, the Nuclear Non-Proliferation Treaty and its stated goal of the elimination of all nuclear weapons. (Paragraph 147)**

The Government believes that a Nuclear Weapons Convention may at some stage in the future form the legal underpinning of a world free from nuclear weapons. However, the global political and security environment in such a world is likely to be very different from current realities. It is impossible to predict how such a world might look. In addition, we believe that a new conference or body to discuss such a convention today would currently risk undermining the NPT. Therefore at this stage we believe it would be premature and counter-productive to begin negotiations on a Nuclear Weapons Convention. We also believe that such negotiations would be unlikely to make political headway in the current global political climate. We remain firmly committed to the NPT as the best vehicle for creating the conditions for a world free from nuclear weapons.

**23. We conclude that the Government is correct to identify the speedy entry into force of the Comprehensive Nuclear Test Ban Treaty as a key early step towards reviving multilateral nuclear disarmament. We recommend that the Government should do everything possible to facilitate US ratification, and to maximize prospects that this will be followed by other especially politically important ratifications, such as those of China, India, Israel and Pakistan, even if these are still too few to bring the Treaty into force. (Paragraph 152)**

The early entry into force of the CTBT and the completion of its verification regime are, and continue to be, key objectives in sustaining efforts towards multilateral nuclear disarmament. Ratification of the Treaty by the United States Senate would bring achievement of those objectives much closer. It is

important that we respect the sovereignty of the Senate on this matter. But where we can assist the US Administration to make the case for ratification, and to build a consensus in the Senate, we will. That might include sharing our assessments of the effectiveness of the CTBT's verification regime and how the safety and reliability of UK nuclear warheads can be maintained under a CTBT.

We are also looking at strategies to maximise the impact that US ratification could have in persuading the few remaining Annex 2 states to ratify the Treaty. In this we would be looking to work with the US Administration, our EU partners and other like-minded states. We will continue to take every opportunity to urge those remaining Annex 2 states to ratify the Treaty, so that it can enter into force as soon as possible.

**24. We conclude that the Government is correct to identify the start of negotiations on a Fissile Material Cut-off Treaty (FMCT) as a step which would significantly strengthen the international nuclear disarmament and non-proliferation process. In that context, we strongly welcome the agreement reached at the UN Conference on Disarmament in May 2009 on a Programme of Work which includes the negotiation of a FMCT. We recommend that the Government should do all it can to ensure that the negotiations get underway in a speedy and productive fashion and to maximise the prospects that they will result in the coming into force of a verified FMCT. We further recommend that in its response to this Report, the Government should set out its view of the most serious difficulties that are likely to arise in the negotiations, the most likely timetable for the conclusion of the talks, the most likely coverage of the proposed FMCT in terms of signatories and non-signatories, and any implications of the proposed FMCT for the UK. (Paragraph 157)**

The Government welcomes the Committee's recognition that a FMCT is a key step towards strengthening the international nuclear disarmament and non-proliferation process. Our aim will be to encourage all states to sign any eventual treaty – particularly those who currently have or historically have had the capability to produce fissile material for nuclear explosive purposes – and we are committed to ensuring that negotiations get underway in order to achieve such a treaty as soon as possible.

The subject-matter is complex and technical, and there are likely to be substantial differences to be bridged between different states on a variety of issues, including the scope of a treaty, conditions for entry into force, how fissile material should be defined, suitable verification arrangements, and existing stocks of fissile material. In addition, there will be pressure from states to link negotiations on FMCT with those on other elements of the Conference on Disarmament's work programme and ensure these progress in an equal timeframe. Finally, there will be the requirement to achieve consensus across 65 member states on the final text. We therefore expect that an agreement will take a number of years to achieve.

The impact on the UK will depend on the content of the eventual treaty. However, the UK has had a voluntary moratorium since April 1995 when we ceased the production of fissile material for nuclear weapons and other nuclear explosive devices. Accordingly, no such material has been produced since that date, though production of low-enriched uranium and separated plutonium for civil purposes has continued. All enrichment and reprocessing in the UK is subject to Euratom safeguards, and is liable for inspection by the IAEA. We have also ceased exercising our right, as a nuclear weapon state, to withdraw fissile material from safeguarded stocks for nuclear weapons. Withdrawals are made very occasionally but are limited to small quantities of materials not suitable for weapons purposes and the details are made public. No material withdrawn from safeguards is used in nuclear weapons.

**25. We conclude that the agreement reached in May 2009 on a Programme of Work for the UN Conference on Disarmament, after over twelve years of deadlock, is an important signal of the renewed prospects for multilateral arms control which appear to have followed the election of President Obama and, as such, is greatly to be welcomed. (Paragraph 158)**

The Government welcomes the Committee's support for this agreement, which we believe is an encouraging and welcome sign of renewed international commitment to multilateral arms control. Enabling the Conference to begin substantive negotiations has been a key UK disarmament objective for a number of years and also reflects considerable efforts by the UK Government over recent years.

#### **Internationalising the nuclear fuel cycle**

**26. We conclude that the Government is correct to identify a need to ensure access for non-nuclear weapons states to civil nuclear power under the Nuclear Non-Proliferation Treaty, notwithstanding the existence of a heightened proliferation risk arising from the spread of civil nuclear power. We further conclude that, unless pursued with political sensitivity, the effort to limit non-nuclear weapons states' access to the full nuclear fuel cycle risks reproducing the discrimination which it is claimed exists in relation to the possession of nuclear weapons. As such, this aim risks undermining other elements of the nuclear non-proliferation effort. We recommend that in its response to this Report, the Government should provide further details as to the steps it is taking to mitigate this risk. (Paragraph 165)**

The Government believes that nuclear energy has a central role to play in resolving the inter-connected challenges of climate change, energy security, sustainable development and the eradication of poverty. But we need to facilitate this without compromise to the highest standards of safety, security and non-proliferation. The United Kingdom has been at the forefront of the international response to the International Atomic Energy Agency (IAEA) Director General's recognition in 2004 that the wide dissemination of the most sensitive parts of the nuclear fuel cycle could be the Achilles heel of the nuclear non-proliferation regime. The Government accepts the political sensitivities surrounding the development of multilateral and multinational approaches to the nuclear fuel cycle but notes that its own Nuclear Fuel Assurance proposal and others recently submitted to the IAEA Board of Governors are without prejudice to rights under Article IV of the NPT. The Government believes that there are strong developmental reasons in favour of non-discriminatory multilateral approaches to the nuclear fuel cycle given that the high cost and complexity of the technology might otherwise effectively exclude many developing countries from the benefits of nuclear energy. We acknowledge the importance of an inclusive approach to this issue, which must not be or be perceived to become a suppliers' cartel, and wish the IAEA to play a leading role.

Nationally we have co-hosted a major international conference in Berlin in April last year with Germany and the Netherlands to promote dialogue between supplier and potential customer countries and followed this up by hosting a further conference at Lancaster House in March this year. We propose further regional conferences in potential customer countries in the developing world over the coming months to regularise and deepen dialogue, ensure demand-side concerns are reflected in the development of proposals, and give customers a sense of ownership. The first of these took place in Jordan in June. We will continue to play a leading role in bringing forward proposals internationally for multilateral control of the fuel cycle and in research into more proliferation-resistant fuel cycle technology through the new UK Nuclear Centre of Excellence.

## **The Chemical Weapons Convention (CWC)**

**27. We conclude that the fact that the UK has no chemical weapons, and that the process of destroying its past stocks of such weapons was completed in 2007, is to be welcomed. (Paragraph 181)**

The UK is strongly committed to the CWC and the Organisation for the Prohibition of Chemical Weapons (OPCW), the implementing body of the OPCW. Since entry into force in 1997, we have played a full and active role in the CWC's policy and decision-making bodies in the OPCW.

In 2007 the UK completed destruction of old chemical weapons dating from before 1946 which had been recovered over a number of years from old training areas and other such sites. A small number of such old munitions continue to be recovered from time to time, and are destroyed in accordance with the CWC.

**28. We conclude that the Government has correctly identified further progress towards universality of the Chemical Weapons Convention as a priority, given that a number of key states of concern remain outside the Convention, some of which are thought to possess chemical weapons. We recommend that the Government should set out in its response to this Report what it believes to be the obstacles to the accession of each of these states and how it assesses the likelihood of overcoming these obstacles. (Paragraph 182)**

The UK is fully committed to promoting universal adherence to the CWC. We continue to co-ordinate lobbying efforts with our EU and other partners as well as using our bilateral contacts to urge full adherence to and implementation of the CWC when the opportunity arises. The Bahamas and the Dominican Republic acceded to the CWC in April this year. Only 7 States now remain outside of the CWC:

- *Israel*: Israel is a signatory to the CWC but has not ratified it. Israel has stated it would seek to ratify the Convention subject to regional concerns.
- *Syria*: Syria has publically indicated that they will not commit to the CWC until Israel does so.
- *Egypt*: Egypt remains outside the CWC.
- (Whilst Israel, Egypt and Syria have not expressed any intention of joining the CWC in the near future, they have each demonstrated their willingness to engage with the OPCW. Despite these constraints, we and the OPCW continue to look for ways to make progress.)
- *DPRK*: the DPRK has been unwilling to engage on the issue despite the efforts of the Director-General of the OPCW in appointing an envoy to reach out and promote dialogue with the OPCW, and EU efforts to facilitate discussions to increase DPRK's understanding of the CWC. At present, the key priority is persuading the DPRK to re-engage in the Six Party talks and to respond to the international community's concerns on nuclear weapons and ballistic missile technology.
- *Angola*: The Angolans have raised no objections to joining the CWC when approached and they attended the Second Review Conference as observers in 2008. The Government of Angola has a long list of priorities for government action and legislation, following its emergence from civil war seven years ago. At present they do not have the resources available to carry out the policy and legal work necessary.

- *Somalia*: It will be some time before Somalia can engage substantively on this issue given the present instability there.
- *Burma*: Burma attended a recent workshop on universality organised by the OPCW in May this year and expressed some interest in accession. It was unclear whether the interlocutor was expressing his own views or those of his government. We are following this up with the Burmese authorities.

We recognise the importance of raising the issue regularly with the States concerned and highlighting the advantages of membership, and we will continue to do so in concert with our partners.

**29. We conclude that the relatively small number of States Parties which have comprehensively implemented the Chemical Weapons Convention is a matter of concern. We recommend that the Government should continue to put pressure on those states which have not implemented the Convention in full to do so. We further recommend that the Government should take positive steps to promote the Department for Business, Enterprise and Regulatory Reform's National Authority Advisory Committee as an example of good practice that might usefully be adopted by other countries, and that it should maintain its current programmes of bilateral assistance. (Paragraph 186)**

The Government agrees that it is essential that States Parties to the CWC adopt the necessary measures to implement their obligations under Article VII of the Convention. The UK takes its responsibilities regarding this very seriously and has comprehensive national implementation measures in place. We are fully committed to enhancing national implementation amongst States Parties and have consistently emphasised the importance of full and timely implementation. The UK argued strongly during the Second Review Conference for clear statements in the Final Report on this issue, and we and other like-minded States Parties secured agreement on appropriate language under Agenda item 9(c)(v) on national implementation measures. (The full text is available at this link: <http://www.opcw.org/documents-reports/conference-of-the-states-parties/second-review-conference/>) This provides clear guidance and instruction for the next five years and will shape debates and action on this matter in the years ahead. Action here is one of the UK's priorities for the CWC.

The UK continues to urge States Parties who have not done so to meet their obligations regarding national implementation without delay and participated in EU demarches urging States to fulfil their obligations under Article VII. The UK also contributes to the EU Joint Action process which has similarly encouraged States to meet their obligations. Furthermore, we have promoted the UK National Authority Advisory Committee (NAAC) model in various OPCW meetings on national implementation in recent years; we also cited the NAAC as an example during the work of the CWC's Second Review Conference Open ended Working Group. The role of the NAAC has featured in UK hosted training courses for States Parties National Authority personnel on national implementation. We will continue to promote the value of a National Authority Advisory Committee.

**30. We conclude that the likely failure to meet the global 2012 deadline for destruction of chemical weapons stockpiles could erode the credibility of the Organisation for the Prohibition of Chemical Weapons and undermine progress towards elimination of chemical weapons. We further conclude that the Government is to be commended for the measures it has taken to assist other states, such as Russia and Libya, with their destruction of chemical weapons. We recommend that the Government should step up its assistance activities in this area, and that it should encourage the US and Russia in particular to devote greater resources to the task of destroying their chemical**



**weapons stockpiles. We further recommend that the Government should set out in its response to this Report what its position will be at the next Chemical Weapons Convention (CWC) Conference in relation to the failure of any state to destroy its stocks of chemical weapons and in relation to the future priorities for the CWC once stockpiles have been eradicated. (Paragraph 190)**

The UK Government does not believe that any failure to meet the 2012 deadline will “erode the credibility of the OPCW and undermine progress towards elimination of chemical weapons”. At the time when the deadline was set in 1993, the negotiators of the Convention were not in a position to anticipate the practical difficulties that have, to a greater or lesser extent, affected chemical weapon destruction programmes in every possessor state. We consider that the 2012 deadline is an important milestone, but the real objective is completion of chemical weapon destruction. The UK believes that the OPCW should continue to focus on this objective. The UK’s position is that possessor states should make every effort to complete destruction as soon as possible, and in any case no later than 2012. However, the key to maintaining the credibility of the Convention and completing destruction is to ensure that the possessors continue to demonstrate real commitment and progress towards completion. There is clear evidence that this is the case.

In addition to Albania and A State Party, India completed destruction of its declared chemical weapons stockpile on 26th March 2009. The two main possessors, the US and Russia, are making considerable efforts and allocating considerable resources to completing destruction of their stockpiles as soon as practicable. The US has destroyed over 60% of its declared chemical weapons stockpile, while Russia has destroyed nearly 35%. In order to promote confidence and transparency, the UK initiated a decision that representatives of the Executive Council should visit destruction facilities in these two possessor states; three such visits have successfully taken place to date. A deadline for Iraq to destroy its chemical weapons stockpile has not yet been established by the OPCW.

The UK programme of assistance to Russia with chemical weapons destruction is now close to completion. In total, the Ministry of Defence has placed and managed contracts worth over £80m for projects at the Shchuch’ye CW destruction facility, on behalf of the UK and other international donors. The facility started operations in March 2009, and at 13th July was reported to have destroyed over 130,000 munitions containing over 400 tonnes of sarin. The CWC does not state what action should apply in the specific event that a State fails to meet an agreed deadline. This would need to be decided by States Parties in the light of circumstances at the time. The UK Government would wish to ensure that any measures taken are proportionate to the specific circumstances. A good deal will therefore depend on how much CW remains to be destroyed and whether there continue to be clear, effective and on-going plans and efforts to complete the destruction of any residual CW stocks. It will be for the OPCW Executive Council to monitor these issues closely and ensure that any State Party in that position endeavours to fulfil its obligations in a timely and safe manner.

Our objectives post-destruction are clear: we believe that the main verification focus for the Organisation will then move to Article VI inspections, and in particular we will wish to ensure that the inspection regime for Other Chemical Production Facilities (OCPF) is as effective as possible; that the Convention’s verification regime takes account of developments in science and technology; that the Technical Secretariat continues to maintain a readiness to mount effective challenge inspections and investigations of alleged use; that the assistance provisions under Article X for responding to threats or use of chemical weapons are as comprehensive as possible; that national implementation continues to be effective; and that the remaining hold-out states can be brought into the Convention.

**31. We conclude that the enforcement mechanisms of the Chemical Weapons Convention are yet to be fully tested. We recommend that the Government should continue to make representations to the new US Administration to rescind the Presidential veto over challenge inspections. We further recommend that the Government should commit to press for a new convention criminalising chemical and biological weapons at the individual level. (Paragraph 194)**

We have worked closely with the Technical Secretariat since 1998 to ensure that the challenge inspection regime is as effective as possible; this has included training programmes for inspectors and the hosting of training exercises, including practice inspections. We believe that at present the Technical Secretariat does possess a capability to mount an effective challenge inspection. If one were to be requested, the CWC is very clear on the obligation of States Parties to accept a challenge inspection; any refusal or obstruction of an inspection would be a violation. We will encourage the new US Administration to rescind the Presidential veto.

Unfortunately we have not detected a broad enough constituency amongst other states in support of a Criminalisation Convention; however, we would be prepared to look at this again if it became clear that other states saw utility in taking this idea forward. The UK has taken action instead through the Biological Weapons Act, the Chemical Weapons Act and the Anti-Terrorism Crime and Security Act which include provision for UK nationals to be prosecuted for committing offences overseas. Until such time as there is more support for a Criminalisation Convention the UK will focus on encouraging other states to make similar provisions in their national legislation. Also implementation of UNSCR 1540 is helping to ensure that states adopt and enforce appropriate legislation to prosecute individuals engaged in criminal activities involving biological or chemical weapons.

### **The Biological and Toxin Weapons Convention (BTWC)**

**32. We recommend that the Government should set out in its response to this Report what efforts it is making to persuade other states to join the Biological and Toxin Weapons Convention and outline what it believes to be the obstacles to universality. We further recommend that the Government should seek to persuade those members of the Commonwealth who are yet to sign or ratify the Convention to do so. (Paragraph 199)**

The UK, as one of the three depositaries of the Convention, continues to play an active role in promoting the universality of the BTWC. The UK works bilaterally and with the EU and other partners to coordinate diplomatic action and assistance activities in these areas. We have recently, for example, lobbied Burundi, Guyana, Nepal, Syria and Tanzania and are encouraged by the response that we have so far received.

We will continue to encourage those Commonwealth States that have yet to accede to the BTWC to do so as soon as practicable. We therefore share the committee's view that the UK could play a useful role in persuading members of the Commonwealth who have not signed or ratified the Convention to do so. To this end the FCO is considering ways to engage the Commonwealth Office and other regional groups for leverage. A particular priority will be to focus on those Commonwealth countries that are CWC States Parties but have not acceded to the BTWC.

The obstacles to universality are varied: these range from the low priority and perceived lack of BTWC relevance for some states; the existence of limited administrative machinery to cope with ratification and implementation requirements; major regional political and security sensitivities and instabilities;



a wearied resistance to repeated calls to join the Convention; and difficulties in sustaining effective universality campaigns over many years.

Offers of implementation assistance is an important way of improving the national performance of many existing States Parties as well as acting as an inducement for some states currently outside the Convention to join. Current FCO-funded activity is focused on legislative analysis and assistance to states which do not have comprehensive national implementing measures in place (including through a multi-year project worth £623,000 delivered through the UK based NGO VERTIC).

**33. We conclude that securing a verification protocol for the Biological and Toxin Weapons Convention should remain a key objective for the Government. We recommend that the Government should work to persuade the new US Administration that such a protocol for the Convention is essential. We further recommend that the Government should, in conjunction with other States Parties, explore ways in which the Convention can be strengthened by other means until such time as a verification protocol can be achieved. (Paragraph 205)**

We share the committee's view that a verification protocol for the BTWC should remain a key objective for the UK. We remain ready to support such a verification mechanism as a long term objective. But there are still no signs that international opinion is sufficiently agreed on either the need for such a mechanism, or on what it might contain.

Any decision to re-open negotiations on a verification mechanism could only be taken at present by a Review Conference – the Seventh Review is scheduled for 2011. Given the need for such Conferences to operate by consensus this means that it would be, given prevailing divergences of view, extraordinarily difficult to secure support for any new work on verification. We have already discussed with key partners some ideas on possible steps to strengthen the Convention and plan to share further ideas with the US and other partners during the autumn on what realistic options might be available, which could attract widespread support.

**34. We conclude that strengthening the Biological and Toxin Weapons Convention should be a priority for the Government in the absence of a verification protocol. We recommend that in its response to this Report the Government should comment on the specific suggestions aimed at achieving this end, set out in previous paragraphs, and outline what measures it intends to pursue further at the Seventh Review Conference in 2011. The suggested measures include an Accountability Framework, Action Plan for Comprehensive Implementation, better collective scrutiny of developments in technology, an expansion of the role and staff of the Implementation Support Unit, formal annual meetings, work to refine and improve the Confidence-Building Measures, a consolidation agenda of politically-binding commitments agreed at earlier Review Conferences and criminalization of biological weapons activities at the individual level. (Paragraph 211)**

We have already begun detailed preparatory work for the BTWC Seventh Review Conference and identified a range of possible measures that we think might stand a reasonable chance of securing support at the Conference. At present we see prospects for progress on the role of the Implementation Support Unit (ISU) and improving the efficacy and utility of the CBM regime. We intend to seek broad support for measures in these areas well-before the Conference convenes.

We are uncertain of the value of a formalised Accountability Framework at present. However, we would wish to see an intersessional work programme that required States Parties to report on their actions to

implement the Convention and explain any difficulties and problems encountered. We are currently reviewing possible topics and methods of work that could apply in a new formal programme of annual meetings as part of our preparations for the Seventh Review Conference.

Effective national implementation of the Convention is a key UK objective and we have contributed to programmes and projects designed to bring this about. There has been reluctance in the BTWC context by some States Parties to see adoption of an action plan comparable to the one agreed by the First CWC Review Conference. We will look again at this as an objective for the Seventh Review Conference – at the very least we will wish to see proper weight given to this topic in the Conference Final Declaration.

We have long held the view that the Convention needs a more formalised and regular review mechanism for scientific and technological developments. We made this clear in the 2002 Green Paper. We would hope that this might be an area where some progress might be possible at the Seventh Review Conference and have started to identify possible options for consideration. One of the key issues to be addressed here is the growing convergence between chemistry and biology, which is an issue that the UK flagged up in a Working Paper for the Second CWC Review Conference.

A consolidated agenda of politically-binding commitments agreed at earlier Review Conferences would serve little purpose. The immediate agenda for the Seventh Review Conference is largely dictated by the requirements set out in the Final Declaration of the Sixth Review Conference. Many commitments however from earlier Review Conferences have often been repeated or amplified in later Final Declarations, such as the call for full implementation of Article IV, which appeared in the first Review Conference Declaration in 1980 and was repeated in 2006 at the Sixth Review Conference.

The possible criminalisation of biological weapons activities is addressed in the final paragraph of the response to Paragraph 31 above.

### **The BTWC and CWC and new technologies**

**35. We conclude that whilst general purpose criteria provide the means by which the Biological and Toxin Weapons Convention and Chemical Weapons Convention can keep pace with advances in technology, this is still an area which requires close attention. We recommend that the Government should set out its proposals for ensuring that the Conventions are able to keep pace adequately with future technologies, particularly in areas of overlap. (Paragraph 217)**

The UK has long argued that science and technology plays a central role in underpinning both the CWC and BTWC. Most recently our Working paper presented at the Second CWC Review Conference on these issues was designed to encourage States Parties to pay adequate attention to scientific and technological changes and to start thinking seriously about their long term implications for the Convention's implementation.

At the 2008 BTWC inter-sessional meeting the UK presented a paper setting out examples of our approaches to the oversight of emerging technologies, focussing on nanotechnologies and synthetic biology, which had been included in the UK working paper outlining our views on scientific and technological developments as a contribution to the Sixth Review Conference. This was intended to provide a possible model for other States Parties to consider. We will continue to submit papers of this kind at future Review Conferences and other relevant meetings of States Parties as required. We are also looking at ways in which scientific review might be made a more central element in BTWC meetings.

We intend to make science and technology a key element in our approach to the CWC in the years ahead, particularly with a view to promoting a substantive debate and action on these issues at the Third CWC Review Conference in 2013. To this end we will draw on advice from the National Authority Advisory Committee and other bodies such as the Royal Society, as well as industry and academia, through specially organised seminars or workshops. We will also continue supporting the work of the OPCW Director-General's Scientific Advisory Board, including through voluntary financial contributions.

**36. We recommend that in its response to this Report the Government should set out its view on non-lethal agents such as herbicides, defoliants and incapacitating biochemical weapons and the status of such agents under the Biological and Toxin Weapons Convention and Chemical Weapons Convention. We conclude that there is a case for certain biological and chemical agents which are non-lethal or which target plants, including crops and vegetation, to be prohibited from use as weapons for the purposes of these Conventions. We further recommend that the Government should press for negotiations on an unambiguous prohibition of their use as weapons to commence at the next Review Conferences. (Paragraph 218)**

Herbicides and defoliants are not covered by the CWC and we see no need to amend the Convention accordingly. The 1977 Environmental Modification Treaty however does prohibit the hostile use of such materials where they would have widespread, long-lasting or severe effects as the means of destruction, damage or injury to any other State Party. Their position under the BTWC is more complex. Herbicides and defoliants are generally held to be chemicals, but such agents could be based on chemicals derived from natural sources – such as hormones – a fact which would make their development, production, stockpiling, acquisition or retention for hostile purposes or in armed conflict a breach of the BTWC. Anti-crop biological agents are already prohibited if held contrary to the provisions of the BTWC's Article I. The Sixth Review Conference Final Declaration made clear that the Convention's Article I prohibitions apply to human, animal and plant agents.

Development, production, retention, acquisition or use of "Incapacitating biochemical weapons" are prohibited by both Conventions. Use of the word "weapons" here is crucial. We must recall that although there is no express prohibition on use in the BTWC, the Fourth Review Conference in 1996 reaffirmed that the use in any way and under any circumstances of microbial or other biological agents or toxins that is not consistent with prophylactic, protective or other peaceful purposes, is effectively a violation of Article I of the Convention. This point was reiterated at the Sixth Review Conference in 2006.

There is less clarity under the CWC in relation to chemicals that have an incapacitating effect and are also intended for use for law enforcement purposes. However it is important to note that the rules of the general purpose criterion apply – namely that as long as the types and quantities are consistent with a permitted purpose, then there is no problem in terms of compliance with the Convention. We believe that in the long run greater clarity may be required on how incapacitating chemicals used for law enforcement purposes are to be treated under the Convention particularly in terms of increasing transparency about States Parties' activities involving these chemicals.

We see no need for any negotiations to commence at the next Review Conference on an unambiguous prohibition of the use of certain biological and chemical agents, which are non-lethal or which target plants, including crops and vegetation.

As noted above, the BTWC Fourth and Sixth Review Conferences affirmed that any use (i.e. against humans, animals or plants) inconsistent with permitted purposes would be an effective violation of the Convention.

### **Action against ballistic missile proliferation**

**37. We conclude that the proliferation of ballistic missile technology is a significant security concern. We further conclude that the Government is correct to acknowledge that stronger action is required to curb the international transfer of ballistic missile technology. We recommend that in its response to this Report, the Government should set out specific steps which it plans to take to this end. (Paragraph 228)**

The transfer of missile technology is covered by the Missile Technology Control Regime (MTCR) which is a voluntary association of countries which share the goal of non-proliferation of unmanned delivery systems through the use of export controls. The UK is an active member and has contributed ideas to the intercessional meeting of the MTCR on how to improve the regime. This included ideas on facilitating the way partners work together outside of the annual meetings and improvements to the electronic secretariat and related documentation. The UK has also worked on amendments to the technology annex to make sure it keeps pace with current developments in missile technology, and we are currently working with specific countries on ways to improve export controls.

The UK is one of the original subscribing states of the Hague Code of Conduct which seeks to limit ballistic missile proliferation. The Code consists of a set of general principles and limited confidence-building measures (CBM's), including annual declarations by each subscribing state on its space and ballistic missile policies and pre-launch notifications. The UK fulfils its obligations with regard to the CBM's and has participated in a working group meeting to look at ways of improving the Code. This has led to a planned EU outreach project to non subscribing states to explain the benefits of membership.

### **Ballistic missile defence (BMD)**

**38. We are not convinced that, as they are currently envisaged and under current circumstances, the United States' planned ballistic missile defence (BMD) deployments in the Czech Republic and Poland represent a net gain for European security. We conclude that if the deployments are carried out in the face of opposition from Russia, this could be highly detrimental to NATO's overall security interests. We reaffirm our 2007 recommendation that BMD in Europe should be developed, if at all, as a joint system between the US, NATO and Russia. Given the Government's stated commitment to a rules-based international system, we further conclude that its early agreement to the inclusion of RAF Fylingdales and Menwith Hill in the US BMD system was regrettable, given that the United States' development of its system involved its abrogation of the Anti-Ballistic Missile Treaty. We recommend that in its response to this Report, the Government should update us on the NATO element of European BMD developments, in the light of the April 2009 NATO summit. We further recommend that in its response to this Report, the Government should state whether any changes made to the planned US BMD deployments in the Czech Republic and Poland would affect RAF Fylingdales or Menwith Hill. We further conclude that the uncertainty surrounding prospects for the US European BMD system has made a Parliamentary debate on this issue all the more necessary, and we recommend that the Government should schedule one before the end of this Parliament. (Paragraph 241)**

The new US Administration has made clear that it wants to consult closely with its allies on missile defence. It has also confirmed that cooperating with Russia on the issue will be a priority and we welcome recent moves to reinvigorate discussions. On 6 July 2009, President Obama and President Medvedev signed a joint declaration, undertaking to “work together to analyse the ballistic missile challenges of the 21st century and to prepare appropriate recommendations, giving priority to the use of political and diplomatic methods”. They also reaffirmed “their willingness to engage in equitable and mutually beneficial cooperation with all interested countries that share their assessments of the danger of global proliferation of ballistic missiles”. These statements underline the willingness of all parties to work together to look at the threat from missile proliferation that we face, and the role that BMD could play in supporting international security.

The Government has been clear that it would only agree to the US request to include RAF Fylingdales and Menwith Hill in the US BMD system if it was satisfied that the overall security of the UK and the NATO alliance would ultimately be enhanced. It is the Government’s belief that this remains the case. Although the US is reviewing its plans for the deployment of additional BMD assets to Europe, RAF Fylingdales and RAF Menwith Hill will continue to contribute to US missile defence capabilities.

The Strasbourg Summit reiterated NATO’s concerns regarding nuclear proliferation, and the potential value that BMD may bring to the defence of the NATO homeland region. The Summit received a report on missile defence, and tasked that additional work be carried out before any decisions be taken. These taskings directed that further work be undertaken on areas such as threat, potential architecture options and the effect of debris in the event of a successful intercept. It is planned that a further report will be presented to the next Summit.

We have no plans to hold a further Parliamentary debate on this issue. Two adjournment debates on missile defence were held in the House of Commons on 4 February and 7 July this year.

### **The threat posed by terrorists and weapons of mass destruction (WMD)**

**39. We conclude that, although it would appear to be difficult for terrorists acting independently of state agencies to build a nuclear bomb, there is a genuine risk that terrorists could acquire nuclear or radiological material, which might be used as an instrument of terror in various ways. We further conclude that, in addition to inadequate levels of physical security which might allow terrorists to seize nuclear or radiological material directly, ‘rogue’ individuals or groups in states possessing nuclear weapons or material represent an important but particularly hard-to-address means by which terrorists might acquire such material. We recommend that the Government should press its counterparts in countries that are potential sources of nuclear and radiological materials to treat this issue with the highest priority. We further recommend that the Government in its response to this Report should set out what action it is taking overseas to minimise the ‘dirty bomb’ threat to the UK. (Paragraph 252)**

We agree with the importance which the Committee attaches to this issue. The refreshed CONTEST strategy published in March 2009 noted that “contemporary terrorist organisations aspire to use chemical, biological, radiological and even nuclear weapons”. Changing technology and the theft and smuggling of CBRNE materials make this aspiration more realistic than it may have been in the recent past. Within CONTEST, a multi-agency strategy has been developed to respond to these threats. The UK cooperates closely in these areas with the US and with other allies.



The UK takes an active membership in a number of international initiatives and organisations that aim to reduce the threat from nuclear and radiological (as well as chemical and biological) materials e.g. the Global Initiative to Counter Nuclear Terrorism (GICNT), BTWC, Global Partnership, IAEA, UN and the EU. For example we regularly send experts to GICNT events hosted by partners to share information on a range of issues spanning the GICNT principles. Recent examples of this are: a workshop in Garmisch, in May 2009, to design a nuclear detection framework document; a workshop in Rabat, June 2009, concerning the trafficking of dangerous materials; and a workshop in Canberra, July 2009, on consequence management. As another example, the EU have produced a CBRN Action plan which is intended to improve Member States to detect, protect against and deal with CBRN. The plan has the potential to draw together more closely efforts on counter-terrorism and counter-proliferation. Through engagement with these initiatives the UK is able to lobby other participating states and to work multi-laterally to encourage other states to address the issue of proliferation.

The UK, through the Global Threat Reduction Programme (GTRP), is currently working in a number of countries around the world both bi-laterally and in partnership with others and as anticipated in the 2008 Annual Report, further expansion of the programme is ongoing. In addition to this the FCO Counter-Proliferation Strategic Programme Fund supports projects which aim to prevent terrorist acquisition of nuclear and radiological (as well as chemical and biological) materials.

**40. We conclude that the Government is correct in its claim that the UK faces a significant threat arising from terrorist use of chemical or biological weapons, and to argue that at present this threat is greater than the threat that such weapons might be used against the UK by hostile states. We recommend that in its response to this Report the Government should set out what action it is taking to mitigate this threat. (Paragraph 261)**

The biological non-proliferation programme, which forms part of the UK's GTRP, is aimed at reducing the risks of misuse of dual-use biological expertise and materials, including in particular the risks of their acquisition by terrorists. In order to make these efforts more effective, they are coordinated with the larger programmes of the US and Canada.

The Government has already set out, in CONTEST, the UK's Strategy for Countering International Terrorism, Cm 7547 published in March 2009, the actions taken to mitigate the Chemical and Biological threat as part of its programme of work to counter the use of chemical, biological, radiological or nuclear devices by terrorists.

#### **Initiatives against terrorist acquisition of WMD**

**41. We conclude that the G8 Global Partnership, and the UK's contribution to it through the Global Threat Reduction Programme, are continuing to deliver important results in reducing the risks of a security breach occurring in relation to WMD. We recommend that, despite the current strains on its budgetary position, the Government should maintain its strong political and financial support for the Global Partnership, including the programme's geographical expansion and continuation beyond 2012. We further recommend that in its response to this Report, the Government should provide an update on plans for the Global Partnership beyond 2012, following the July 2009 G8 summit in Italy. (Paragraph 269)**

The Global Partnership Report issued at the L'Aquila Summit restated the need for the expansion of both the donor base and recipient countries. We will continue to work with G8 partners to identify countries

where there is a need or the opportunity to engage with and identify areas of cooperation. The donor base includes the EU and another 13 countries other than those in the G8 and the UK recognises the importance of encouraging other countries to provide both financial and technical expertise and in doing so signing up to the principles of the Global Partnership.

At Heiligendamm in 2007, the G8 agreed to discuss in due course the future of the Global Partnership. This was reiterated in the 2009 L'Aquila Report. The UK will be working with partners in anticipation of and during the Canadian Presidency where this important issue will be discussed. In this context the UK will work towards ensuring that there is an effective framework to deal with the spread of materials and weapons of mass destruction beyond 2012. In the 2008 GTRP Annual Report we made it clear that the UK is committed to continue the work beyond 2012, irrespective of an international framework.

**42. We conclude that UN Security Council Resolution 1540 is a vital part of the international non-proliferation regime. We commend the work that the British Government has done in support of UNSCR 1540. We recommend that the Government should work actively to ensure that the Resolution is implemented successfully by all UN Member States, providing practical assistance and resources where required. (Paragraph 273)**

The UK is continuing in its efforts to ensure UNSCR 1540 is universally and effectively implemented. A Review Conference will take place in the autumn of 2009, looking at what has been done by the UN and others to promote the implementation of 1540 and what more can be done in the future. The UK will be engaging fully with this process. In addition the UK with partners is considering how best the G8 can assist countries in their obligations to the resolution.

**43. We recommend that the UK should ratify the International Convention on the Suppression of Acts of Nuclear Terrorism as soon as possible. We look forward to the Government taking the steps necessary to allow this to happen in line with its anticipated September 2009 timeframe, and we recommend that in its response to this Report the Government should update us on this process. (Paragraph 278)**

For the purposes of ratification, the Home Office assessed the provisions of the Convention against UK legislation to ensure that it had sufficient powers under UK domestic law to fully implement the Convention. This process was concluded in early 2008 and an Explanatory Memorandum was placed before Parliament. The EM detailed which parts of UK domestic legislation apply to the specific provisions of the UN Convention. Since submission of the EM, officials / legal advisors raised concerns about whether there had been adequate consultation with Overseas Territories, Crown Dependencies, and Devolved Administrations and whether all relevant procedures had been followed. This delayed the final stage of the ratification process, which involves FCO Treaty Section preparing a formal instrument of ratification and notifying the UN.

Home Office policy leads are currently carrying out a final check with legal advisors, and leads for correspondence with Overseas Territories, Crown Dependencies, and Devolved Administrations that sufficient consultation has taken place and that all relevant procedures have been followed. After this, the Home Office expects to be in a position to inform its Ministers that the UK now has in place all the necessary measures and has conducted all the necessary consultations in order to be able to ratify the Convention. This will be followed immediately by a letter from the Home Office to the FCO informing them that all the necessary measures are in place and they should now draw up the formal instrument of ratification and notify the UN accordingly. The UK should therefore be in a position to ratify the Convention well ahead of the UN's annual Treaty Event in September 2009.



## Physical security

**44. We conclude that the physical security of nuclear and radiological materials around the world is far from assured, and should remain a prime Government concern. We recommend that the Government should continue to give a high priority to ensuring the security of nuclear and radiological materials, at academic, industrial and military locations in the UK, and to encourage its international partners to do likewise. (Paragraph 286)**

Non-proliferation and the security of materials globally remains an important priority for the Government. The UK is committed to the G8 Global Partnership principles against the spread of weapons and materials of mass destruction and is working both multi-laterally and bi-laterally to reduce the global risk. The GTRP has a current annual budget of £36.5m. £270m has been spent since 2002 in a number of countries on projects aimed at reducing the threat of the proliferation of chemical, biological, radiological and nuclear materials. The Prime Minister, in his Lancaster House speech in March 2009 committed the UK to this work for the foreseeable future. To this end the FCO, DECC and MOD will work to ensure the effective targeting of resources to take forward this work beyond our current commitments.

As part of our strategy on improving nuclear security we are working closely with partners including the US and we welcome President Obama's announcement of a nuclear security summit early next year.

We agree with the Committee that maintaining a high standard of security of materials in the UK, in keeping with our international obligations, is of paramount importance and necessary to leveraging the support and co-operation of international partners.

**45. We conclude that the legally-binding Convention on the Physical Protection of Nuclear Material is an important and helpful measure, even though it covers only civil nuclear material. We look forward to the Government taking the steps necessary for UK ratification of the 2005 amendment strengthening the Convention. We recommend that the Government should actively promote the negotiation of legally binding international instruments covering the physical security of nuclear and radiological materials not currently covered by the Convention. (Paragraph 290)**

The Government is making progress towards the ratification of the Amendment to the Convention on the Physical Protection of Nuclear Material and on July 16 2009 the relevant documentation was laid before Parliament. In addition to UNSCR1540, which legally binds all UN Member States to ensure the physical protection of WMD related materials, we continue to consider ideas for strengthening the global security of fissile and radiological materials, and we will continue to work intensively with international partners to create robust measures.

**46. We conclude that the funding provided for international work on the physical security of nuclear material through mechanisms such as the International Atomic Energy Agency's Nuclear Security Fund (NSF) is vital. We welcome the Prime Minister's announcement of a doubling of the UK's contribution to the NSF, and we recommend that the UK should continue to provide strong financial and practical support for this work. (Paragraph 293)**

The NSF is an important tool to enable the IAEA to advise and assist countries on physical protection work to reduce the threat of nuclear proliferation. The UK continues to believe in the importance of the NSF and the increased contribution underlines our support.

**47. We conclude that, given the real risk that terrorists may acquire and use chemical or biological weapons, the security of biological and chemical materials is of paramount concern. We therefore recommend that in its response to this Report, the Government should set out the action that it is taking in this area, including its efforts to secure international co-operation, particularly to reduce biological and chemical security risks. (Paragraph 297)**

The CWC addresses terrorism issues through the Open Ended Working Group (OEWG) and cooperation with the UN and the UN's Counter Terrorism Implementation Task Force. The UK actively contributes information and shares experiences in the OEWG and works to make the group more effective. However, the OEWG's effectiveness is constrained by some Member States who do not believe that the OPCW is the forum for terrorism discussions. The UK actively participates in the G8 Biological and Toxin Weapons Experts Group, created as a sub group of the Non Proliferation Director's Group (NPDG) in 2004. The most recent event was held in Tokyo in March 2009 at which participants discussed "Sharing Lessons for Advanced management of Biological Threats" and examined the challenges posed by mass migration due to a bio-incident.

### **Impact on global security**

**48. We conclude that, while it may not be straightforward to define what a conventional weapon is, more effective efforts to counter their proliferation would have a significant positive impact on global security. Accordingly, we conclude that the Government is to be commended for taking the view that countering the proliferation of conventional weapons is one of its top foreign policy goals, and for seeking to pursue this goal through the promotion of bans on certain kinds of weapon and, as a longer-term aspiration, through the establishment of global rules and standards for the regulation of the conventional arms trade. (Paragraph 300)**

The Government welcomes the Committee's findings in this respect and remains actively committed to pursuing its current policies in respect of conventional weapons.

### **Success outside the UN framework: cluster munitions and landmines**

**49. We conclude that the Government is to be commended for the role it played in helping to bring the negotiations on a Convention on Cluster Munitions to a successful conclusion. We recommend that the Government should continue to do everything it can to persuade other states, especially EU Member States, to sign and ratify the Convention without delay. We recommend that in its response to this report, the Government should set out what steps it is taking to achieve this.**

The Government welcomes the Committee's conclusion. The Foreign Secretary made clear on signing the Convention on 3 December 2008 that the UK is committed to universalising the Convention on Cluster Munitions. The Government will encourage States outside the Convention to join it and will continue to support European Union efforts to promote the widest possible adherence to the Convention. The example we set by our own implementation will also be important in persuading other countries to join the Convention; in particular swift ratification will add credibility to these efforts. The Government is committed to ratification as soon as possible. The Draft Legislative Programme for the Fifth Session, published for consultation on 29 June, includes plans for a Cluster Munitions (Prohibitions) Bill, which will be introduced as soon as Parliamentary time allows. This Bill will pave the way for the UK's ratification by creating the criminal offences in UK law that will enforce the Convention's prohibitions.

**50. We conclude that the negotiation of a Protocol on cluster munitions under the Convention on Certain Conventional Weapons might not be an appropriate foreign policy objective for the UK. We recommend that, if it decides to continue arguing for such a Protocol, the Government should ensure that any such Protocol is as strong in its provisions as the Convention on Cluster Munitions. It should withdraw its support for such a Protocol if it appears that this will not be the case.**

The Government believes that it is right to explore all possible avenues to end the humanitarian impact of cluster munitions. The goal of a global Convention on Cluster Munitions will take time. In the meantime these weapons continue to pose a threat to civilians. That is why to complement our main effort – to secure the widest possible adherence to the Convention on Cluster Munitions – the UK will also continue to support efforts to deal with these weapons within the Convention on Certain Conventional Weapons (CCW). The Government would like to see agreement on a strong and meaningful protocol that would effectively contribute to preventing the use and proliferation of cluster munitions. The added value of a CCW protocol would be that those countries which are the major users and producers of cluster munitions, but which have not signed the Convention on Cluster Munitions, are present in the CCW.

**51. We conclude that the Government has been correct to identify as a priority the clearance of mines worldwide which threaten human life. We conclude that there are understandable reasons for the failure to clear landmines on the Falkland Islands over the last decade. However, the failure to de-mine the Falklands risks damaging the UK's reputation and credibility in this area. We therefore conclude that the Government's intention to move ahead with demining in three areas to fulfil its international obligations is a positive step forward, and recommend that this should proceed provided this can be achieved without risk to human life.**

We welcome the Committee's conclusion that the Government is correct to identify as a priority the clearance of mines where the humanitarian impact is greatest. Through the Department for International Development the Government continues to contribute around £10 million a year to support clearance efforts in the most heavily affected developing countries where mines regularly kill, maim and disrupt lives.

As the Committee is aware, demining in the Falkland Islands presents particular challenges. In November 2008, at the Meeting of States Parties to the Ottawa Convention, the UK announced its intention to proceed with the clearance of selected mined areas in the Falkland Islands. The variety of terrain these areas cover will serve as means testing both the environmental and ecological impact of demining, and the technical challenges involved. The results will be valuable in informing future work. The procurement process for the contract to carry out this demining is nearing completion and the intention is award the contract in mid-September, with work beginning as soon as possible thereafter. The Government is committed to ensuring that this demining is carried out to the highest possible safety standard.

The Falkland Islands Government was consulted about the decision to proceed with demining in the Falkland Islands, and we are moving forward in cooperation with it. The Falkland Islands Government is represented on the National Mine Action Authority that will be responsible for overseeing demining in the Falkland Islands.

## **The Arms Trade Treaty (ATT)**

**52. We conclude that the Government is to be commended for the energy and commitment which it has displayed in seeking to achieve a comprehensive and effective international Arms Trade Treaty. We recommend that in its response to this Report the Government should provide an update on the status of the negotiations on the Treaty. (Paragraph 315)**

We would like to thank the Committee for its recognition of the UK's commitment to achieving a comprehensive and effective international Arms Trade Treaty (ATT). The Foreign Secretary and Ministers continue to take a leading role in promoting an ATT. For example, the Foreign Secretary has raised the importance of an ATT with Secretary of State Clinton twice so far this year, and the Minister for the Armed Forces Mr Rammell, who had recently moved from his FCO Ministerial position, participated in a joint event with Amnesty at the FCO on 15 June to promote dialogue with students on an ATT. At this meeting the Minister pledged our full support to securing a strong ATT. The second UN working group on the ATT took place from 13 to 17 July. We will provide the Committee with an update on the UN process following the publication of the Chairman's report, which we believe will be towards the end of August.

**53. We conclude that whilst there are inherent dangers in adopting a lowest common denominator approach to an Arms Trade Treaty (ATT), a treaty that is both inclusive and credible can be achieved. We further conclude, however, that if in the future, the Government is forced to choose between giving priority to the strength of the treaty or achieving the widest possible ratification, it should give priority to securing the strongest possible treaty. (Paragraph 319)**

We note the Committee's comments on achieving a treaty that is both credible and inclusive and the emphasis it places on securing the strongest possible treaty. We will continue to push for the strongest possible treaty, with the widest participation of states. We believe the UN track offers the best hope of achieving this.

**54. We conclude that effective enforcement will be crucial to the credibility and effectiveness of an Arms Trade Treaty (ATT), and we recommend that the Government does all it can to make this issue a high priority in future negotiations. We further recommend that, in its response to this Report, the Government should set out its current position with regard to the ways in which an ATT would ideally be enforceable. (Paragraph 321)**

The Committee's recommendations on enforcement are noted. The UK position is as set out in the UK submission to the UN dated 12 March 2007 (which can be found at <http://www.un.org/disarmament/convarms/ArmsTradeTreaty/html/ATT-ViewsMS.shtml>), that any instrument should have an effective mechanism for monitoring and enforcement. This will be considered in more detail when we enter into formal negotiations.

**55. We recommend basing an Arms Trade Treaty on a detailed list of the weapons to be covered rather than on a set of simple generic descriptions of the categories of arms covered. We conclude that the Government should take this position in future negotiations. We further recommend that a broad range of activities and/or transactions should be brought within the scope of the treaty, including dual-use items, brokering and trans-shipment. (Paragraph 326)**

The eventual scope and parameters of an ATT will be considered in detail when the UN process reaches negotiation stage. We note the Committee's recommendation that an ATT should be based on a detailed

list of weapons rather than generic descriptions and a broad range of activities and items be brought within the scope of the treaty. Further details of the UK position on the scope and parameters of an ATT can be found in the UK submission to the UN dated 12 March 2007 referenced above.

**56. We recommend that an Arms Trade Treaty should fully incorporate the protections provided by international human rights law and international humanitarian law. We conclude that the inclusion within its ambit of human rights protections should be viewed as a key test of the likely credibility and effectiveness of such a treaty. (Paragraph 329)**

We agree with the Committee that an ATT should incorporate the protections of human rights and international humanitarian law.

**57. We conclude that it is to be welcomed that negotiations on an Arms Trade Treaty are proceeding on an ‘overwhelming majority’ basis rather than by consensus, and we recommend that this continues. We further recommend, however, that in order to secure a treaty that is as widely supported as possible, all the parties to the negotiations should seek to keep them within the UN framework. We conclude that much depends on how effectively the Open Ended Working Group advances negotiations during 2009. (Paragraph 332)**

We note that the Committee welcomes that discussions are proceeding on an ‘overwhelming majority’ basis. We agree that every effort should be made to keep discussions within the UN framework and the UK delegation is proceeding on this basis.

**58. We conclude that securing the support of the new US Administration for an Arms Trade Treaty should be a priority for the Government. We recommend that the Government should intensify its efforts to persuade those states that are as yet not persuaded of the merits of a treaty to change their mind. (Paragraph 337)**

The US government is strongly supportive of strengthening arms export controls, which we believe is the ultimate aim of an ATT. The UK government is committed to engaging with those states still sceptical of an ATT and highlighting the high priority the government places on securing the treaty through the UN.

**59. We conclude that the co-operation between the Government and key NGOs involved in the campaign for a credible and effective Arms Trade Treaty, which has included providing official funding for NGO activities on transfer control issues, has been productive. We recommend that the Government should continue to foster these productive relationships. (Paragraph 339)**

We welcome the Committee’s recognition of the close working relationship that has been developed between the government and NGOs. As part of this process, the UK government has provided approximately £1million over the next two years to fund NGO projects related to the ATT. We will continue to work closely with NGOs on ATT.

**60. We conclude that the wholehearted support of the defence industry for an Arms Trade Treaty (ATT) will help significantly in pursuit of an effective treaty and in its successful implementation. We recommend that the Government should swiftly draw up plans for greater co-operation with the UK Export Group for Aerospace and Defence on lobbying and outreach over the coming period, particularly with the aim of persuading the US defence industry of the merits of an ATT. (Paragraph 343)**



We note the Committee's recommendation to draw up a plan for increased co-operation with the defence industry. We are already working closely with industry and will look for further opportunities to encourage industry-to-industry exchanges on ATT.

**61. We conclude that it is desirable that the new US Administration takes a more positive attitude to the UN Programme of Action on Small Arms and Light Weapons. We recommend that the Government should encourage such a shift. We further recommend that due care be taken by all stakeholders to ensure that the Arms Trade Treaty process and the UN Programme of Action remain complementary and mutually reinforcing. (Paragraph 348)**

We agree with the Committee's recommendations. We will continue to engage with the US administration on the UN Programme of Action on Small Arms and Light Weapons. The UK Government recognises that, whilst the UN Programme of Action and the ATT are different processes, they are complementary in nature.

**62. We conclude that, while the Wassenaar Arrangement may in due course be superseded wholly or in part by an Arms Trade Treaty, the positive gains made under the Arrangement should, as far as is possible, be incorporated into the Arms Trade Treaty and built upon. (Paragraph 350)**

It is not clear whether the Wassenaar Arrangement will be superseded by the Arms Trade Treaty. However, whatever the eventual fate of the Wassenaar Arrangement, it will be important to ensure that we do not lose the expertise that the Wassenaar Arrangement has harnessed over the years.

### **The rules-based approach**

**63. We conclude that the rules-based approach to counter-proliferation taken by the Government has been moderately successful thus far and has greater prospects of being so than any alternative approach. However, we further conclude that more priority must be given to the enforcement of rules-based regimes. We recommend that the Government should continue to press for national implementation of treaty obligations, and strongly support verification mechanisms. We further recommend that the Government should advocate the inclusion in future international agreements of a defined set of 'disagreeable consequences' that would act as a deterrent to states flouting their commitments or withdrawing. (Paragraph 358)**

The Government agrees with the Committee on the critical importance of strengthening existing verification regimes and enforcement mechanisms to ensure compliance with non-proliferation obligations and effective and credible international rules-based non-proliferation architecture. In his speech on 17 March, the Prime Minister set out the Government's view that the international community should ensure that there are appropriate mechanisms preventing proliferation with clear, tough and immediate sanctions for those who break the rules. We therefore consider the unanimous condemnation of a nuclear test by the DPRK and the adoption of another set of targeted sanctions by the UN Security Council in its Resolution 1874 as encouraging. The Government will continue to work with the P5, EU, UN Security Council and other international partners to sustain pressure on countries of concern, including by the adoption of additional sanctions.

The Government also shares the Committee's view that there might be value in considering innovative proposals to deal preventively with non-compliance and withdrawal, with a view to deterring states' flouting their non-proliferation commitments and withdrawing from the Treaty. This is the objective

of the proposal put forward in a working paper by the European Union at the 2007 NPT Preparatory Committee, referenced above. The Government will continue to engage with partners on this and other proposals in the run-up to the 2010 NPT Review Conference. While giving due account to the UN Security Council's primary responsibility for tackling threats to international peace and security, we will also give consideration to other proposals and ideas to deter non-compliance, including the Committee's recommendation to advocate the inclusion of a defined set of "disagreeable consequences" in any future international agreement.

### **The treatment of different weapons types**

**64. We conclude that the term 'weapons of mass destruction' will continue to be used, as it is written into multilateral treaties and is an accepted international term. However, we further conclude that whilst nuclear, biological and chemical weapons cannot be considered entirely in isolation, particularly in regions such as the Middle East where the linkages are clear, the three weapons types pose very different threats which require specific solutions. They can and should not be tackled in the same way. We therefore recommend that whilst the Government may use the term 'weapons of mass destruction' as a useful shorthand in documents such as the National Security Strategy, it should devote greater attention to outlining the different approaches which it takes to the three weapons types. (Paragraph 363)**

The UK Government agrees that the term "weapons of mass destruction" is likely to continue to be used, and that, as the Committee recognises, there are linkages between the different categories of weapons. The Government strongly agrees with the Committee's conclusion that the different weapons types pose different threats which require specific solutions, and will continue to look at these from their own perspectives. The Government remains firmly committed to addressing the threat posed by Chemical and Biological Weapons. The British Ambassador to The Hague chaired the Open-Ended Working Group preparing for the 2008 Chemical Weapons Convention Review Conference, and the UK continues to play an active role in meetings related to both the Chemical Weapons Convention and the Biological and Toxin Weapons Convention.

### **A holistic approach to disarmament and non-proliferation**

**65. We conclude that there is a balance to be struck between addressing the specific threats posed by individual categories of weapons, and considering general disarmament in a more holistic fashion. We recommend that the Government should consider whether it can better build such considerations into its policies. (Paragraph 365)**

The Prime Minister stated in his speech on 17 March that "...history will tell how in the making of a new global society, and in an unprecedented set of times, we had to confront four great and interconnected challenges of our global society: the challenge yes of global financial instability; but the challenge also of climate change and energy needs; the challenge of global poverty; and of course – my subject today – global security." The Government's policies on non-proliferation and disarmament are not conceived and pursued as ends in their own right but as vital contributions towards addressing these interconnected challenges, particularly but not exclusively global security.

This approach was exemplified in the 'Road to 2010' plan launched by the Prime Minister on 16 July, which sought to lay the foundations to establish the right conditions for nuclear power to play its part in combating climate change, global poverty and energy shortages, ensure that nuclear material is held securely, address the proliferation of nuclear weapons and make progress towards a world free from nuclear weapons.



Similarly, the paper published by the Foreign Secretary in January on ‘Lifting the Nuclear Shadow: Creating the Conditions for Abolishing Nuclear Weapons’ considered the close linkages between steps towards nuclear disarmament, ensuring effective global bans on chemical and biological weapons, conventional arms control agreements and the context of developing political relationships and resolving outstanding disputes.

The Government recognises that these are complex, long term issues which require a sustained and broad-based international effort. The Government warmly appreciates the valuable contribution of the Committee in this respect and looks forward to continuing to work closely with Parliament in taking forward this important and substantial agenda.



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