



# Trust and Verify

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## Operation Sapphire

In November the United States moved 600 kg of uranium from a fuel fabrication plant at Ulba, Kazakhstan. This operation was called Project Sapphire.

The material was of various levels of enrichment, with some of it classed as 'weapons-grade'. The transfer of this material was approved by the International Atomic Energy Agency (IAEA).

The compensation Kazakhstan will be paid for the uranium has not been made public, but is said to be high. Some criticism has been made of the cost, as this might set a precedent for any similar transfers in the future.

## CSCE at Budapest

The CSCE Review Conference, which started on 10 October concluded with a Summit meeting on 5 and 6 December.

### The Budapest Summit

This summary of the Budapest Summit comes from the contribution by John Borawski to *Verification 1995*.

The CSCE summit turned out to be a difficult experience for reasons having nothing directly to do with the CSCE: President Yeltsin launched a sharp attack upon the NATO decision to begin a study on enlargement, even though President Clinton had stated that NATO 'will not automatically exclude any country from joining'; and the shadow of the Bosnian war caused sharp exchanges. Attention was also paid in summit coverage to the Ukrainian accession to the Non-Proliferation Treaty.

The one concrete accomplishment, if it is followed up, was an agreement to establish a CSCE peacekeeping force for Nagorno-Karabakh. Planning had been under way since May 1993, but it was not until a year later that a tentative ceasefire had been agreed. Contingent upon an appropriate Security Council resolution and a permanent ceasefire, the force can go ahead — the first such CSCE peacekeeping mission in history, linked to the first CSCE peace conference (the Minsk process).

However, no decision was taken on the general principles of the role and function of third-party forces, meaning Russia. Russia seeks at least a Russian commander and at least half (if not most) of the force, whereas the United States and Turkey were keen on limiting the Russian component to below half. The Budapest decisions speak of the need to ensure that such a force is consistent with CSCE principles and objectives: respect for sovereignty and territorial integrity, consent of the parties, impartiality, multinationality, a clear mandate, transparency, an integral link to a political process for conflict resolution, and a plan for an orderly withdrawal. Russia argues

that too close a CSCE oversight would be to the detriment of the operation; but the unstated issue is predominance in the oil-rich Caspian Sea region and the perception of sanctioning Russia's 'special role' in the former Soviet Union.

Also of potential significance was language in the code of conduct reflecting the Polish proposal about the CSCE approaching some kind of collective security or even collective defence organization.

Through an American initiative, the CSCE becomes the OSCE with effect from 1 January 1995 — the Organization for Security and Co-operation in Europe. Although this may seem cosmetic, it is intended to afford the perception of greater authority to the CSCE. Likewise, the Committee of Senior Officials becomes the Senior Council, and the Permanent Committee becomes the Permanent Council.

The 'CSCE first' concept (that is, try to exhaust the CSCE's conflict resolution mechanisms before taking the matter to the Security Council — by the CSCE as an organization and if necessary by consensus-minus-one, and then be prepared to assist in the implementation of Security Council decisions) was not adopted. The United States preferred 'a primary' role for CSCE, and Russia was reluctant to extend the consensus-minus-one principle. Its own ideas for a CSCE Executive Committee, however, were not adopted.

Finally, nothing new was added on arms control apart from restating existing possibilities and issuing a list of principles about non-proliferation [see below — Ed.].

The Budapest Summit was not, of course, the final word. The Heads of State and Government agreed that the CSCE 'will regularly review its goals, operations and structural arrangements', and thus help to prompt additional thinking in cases where the truth perhaps is that the major states do not really know what they want from the CSCE. Further developments await the Budapest 1995 Ministerial Council Meeting, with the next summit scheduled for 1996 in Lisbon; this will review the frequency with which summits are held.

## CSCE and non-proliferation

The following is an extract from the CSCE 'Principles Governing Non-Proliferation':

The participating States strongly believe that the proliferation of weapons of mass destruction, and missiles to deliver them, poses a threat to international peace, security and stability and hereby affirm their commitment:

- to prevent the proliferation of nuclear weapons;



- to prevent the acquisition, development, production, stockpiling, and use of chemical and biological weapons;
- to control the transfer of missiles capable of delivering weapons of mass destruction and their components and technology.

## II

In order to promote international peace, security and stability, the participating States undertake to enhance and strengthen existing norms against the proliferation of weapons of mass destruction. They seek to do so through the use of an entire range of measures available to address the proliferation issues, as well as through the broadest possible multilateral support. Therefore the participating States will:

### *Nuclear*

- Implement fully all their existing undertakings in the field of nuclear disarmament and arms control;
- endorse and encourage universal adherence to the NPT; in particular, the participating states that are still not parties to the NPT reiterate their pledge to accede to the NPT as non-nuclear-weapon states in the shortest time possible;
- Agree that the NPT should be indefinitely and unconditionally extended;
- bring into force full-scope IAEA safeguards agreements as required by the NPT, including the right of the IAEA to conduct special inspections, thus strengthening the verification regime;
- support efforts to strengthen and streamline IAEA safeguards, in particular with a view to enhancing the Agency's capabilities to better detect clandestine nuclear weapons programmes;
- improve national nuclear export control policies by supporting and, where possible, strengthening the guidelines of the Zangger Committee and the Nuclear Suppliers Group, including the latter's controls on dual-use items;
- welcome the recent statements from France, the Russian Federation, the United Kingdom and the United States of America relating to nuclear testing and are convinced that these statements are consistent with the negotiation of a comprehensive nuclear test-ban treaty and support negotiation in the conference on disarmament of a universal and effectively verifiable Comprehensive Test Ban Treaty, as agreed by the Conference on Disarmament on 10 August 1993;
- support efforts for negotiating as soon as possible, in the Conference on Disarmament, a non-discriminatory, internationally and effectively verifiable multilateral treaty banning the production of fissile material for nuclear weapons.

### *Missile Technology*

- Support the guidelines of the Missile Technology Control Regime (MTCR), undertake to control the export of missiles, technology and equipment in accordance with the Guidelines and Annex and encourage efforts with a view to interested participating states becoming adherents to the MTCR.

## III

*Furthermore each participating state will:*

- Take appropriate action to reflect the commitments in Section II in its legislation,

regulations and procedures governing the non-proliferation of weapons of mass destruction and missiles capable of delivering them, relevant technology and expertise;

- promote international co-operative efforts to provide opportunities for weapons scientists and engineers to redirect their talents to peaceful endeavours, including through available institutional means;
- exchange information, *inter alia*, in the context of security dialogue within the Forum for Security Cooperation (including through seminars and working parties) about national laws, regulations and practical measures for ensuring application and implementation of non-proliferation regimes;
- take all appropriate action to prevent, within their constitutional and legislative means, their nationals from engaging in activities that do not conform to their principles concerning the non-proliferation of all types of weapons of mass destruction.

## Ukraine and the NPT

On 5 December, at a ceremony held in parallel to the CSCE Summit in Budapest, Ukraine presented its instrument of accession to the nuclear Non-Proliferation Treaty (NPT).

The resolution for ratification of the NPT adopted by the Ukrainian parliament (the Rada), with 301 votes in favour, 8 against and 20 abstentions on 16 November, included 6 reservations.

The most significant of these was a declaration that Ukraine owns the nuclear weapons on its territory that used to belong to the Soviet Union and thus retains the right to use the nuclear material contained in them for peaceful purposes.

At the December ceremony, the treaty's three depository powers, UK, USA and Russia, gave security assurances to Ukraine. Similar security assurances were given to Belarus and Kazakhstan at the same time.

### Security assurances

The security assurance memoranda relating to Belarus, Kazakhstan and Ukraine each followed the following pattern:

The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland,

Welcoming the Accession of [the relevant state] to the Treaty on the Non-Proliferation of Nuclear Weapons as a non-nuclear-weapon State,

Taking into account the commitment of [the relevant state] to eliminate all nuclear weapons from its territory within a specified period of time,

Noting the changes in the world-wide security situation, including the end of the cold war, which have brought about conditions for deep reduction in nuclear forces,

Confirm the following:

1. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland reaffirm their commitment to [the relevant state], in accordance with the principles of the CSCE Final Act, to respect the independence and sovereignty and the existing borders of [the relevant state].

2. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland reaffirm their obligation to



refrain from the threat or use of force against the territorial integrity or political independence of [the relevant state] and that none of their weapons will ever be used against [the relevant state] except in self-defence or otherwise in accordance with the Charter of the United Nations.

3. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland reaffirm their commitment to [the relevant state], in accordance with the principles of the CSCE Final Act, to refrain from economic coercion designed to subordinate to their own interests the exercise by [the relevant state] of the rights inherent in its sovereignty and thus to secure advantages of any kind.

4. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland reaffirm their commitment to seek immediate United Nations Security Council action to provide assistance to [the relevant state], as a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons, if [the relevant state] should become a victim of an act of aggression or an object of a threat of aggression in which nuclear weapons are used.

5. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland, reaffirm, in the case of [the relevant state], their commitment not to use nuclear weapons against any non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons, except in the case of an attack on themselves, their territories or dependent territories, their armed forces, or their allies, by such a state in association or alliance with a nuclear weapon state.

6. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland will consult in the event a situation arises which raises a question concerning these commitments.

This Memorandum will become applicable upon signature.

Signed in four copies having equal validity in the [English, Russian and relevant state (listed alphabetically)] languages.

The only difference between the statements was that the one relating to Kazakhstan included the following text at the end:

Signed in four copies in the English, Kazakh and Russian languages, the English and Russian texts having equal validity. The Kazakh-language text shall be deemed to be of equal validity when its conformity with the English-language text is established.

## US-DPRK agreement

The agreed replacement of the North Korean nuclear facilities with newer light-water reactors has already hit difficulties.

The estimated cost of the light-water reactors is \$4 billion. The Republic of Korea is to provide three-quarters of this with Japan providing a quarter.

The level of South Korean funding has caused difficulties, with the South Korean authorities making it clear that they expect the reactors to be supplied by their country, providing local economic benefits. The North Koreans see acceptance of South Korean reactors as bowing down to the South and have

threatened to withdraw from the agreement unless the reactors are obtained from another source.

The United States, the next most possible source of the reactors has stated that it is in favour of the supply of South Korean reactors.

## Agreed Framework text

The following is the text of the 'Agreed Framework between the United States of America and the Democratic People's Republic of Korea', signed in Geneva on 21 October 1994

Delegations of the Governments of the United States of America (US) and the Democratic People's Republic of Korea (DPRK) held talks in Geneva from September 23 to October 21, 1994, to negotiate an overall resolution of the nuclear issue on the Korean Peninsula.

Both sides reaffirmed the importance of attaining the objectives contained in the August 12, 1994 Agreed Statement between the US and the DPRK and upholding the principles of the June 11, 1993 Joint Statement of the US and the DPRK to achieve peace and security on a nuclear-free Korean peninsula. The US and the DPRK decided to take the following actions for the resolution of the nuclear issue.

1. Both sides will cooperate to replace the DPRK's graphite-moderated reactors and related facilities with light-water reactor (LWR) power plants.

1) In accordance with the October 20, 1994 letter of assurance from the US President, the US will undertake to make arrangements for the provision to the DPRK of a LWR project with a total generating capacity of approximately 2,000 MW(e) by a target date of 2003.

- The US will organize under its leadership an international consortium to finance and supply the LWR project to be provided to the DPRK. The US representing the international consortium, will serve as the principal point of contact with the DPRK for the LWR project.

- The US, representing the consortium, will make best efforts to secure the conclusion of a supply contract with the DPRK within six months of the date of this Document for the provision of the LWR project. Contract talks will begin as soon as possible after the date of this Document.

- As necessary, the US and the DPRK will conclude a bilateral agreement for cooperation in the field of peaceful uses of nuclear energy.

2) In accordance with October 20, 1994 letter of assurance from the US President, the US, representing the consortium, will make arrangements to offset the energy foregone due to the freeze of the DPRK's graphite-moderated reactors and related facilities, pending completion of the first LWR Unit.

- Alternative energy will be provided in the form of heavy oil for heating and electricity production.

- Deliveries of heavy oil will begin within three months of the date of this Document, and will reach a rate of 500,000 tons annually, in accordance with an agreed schedule of deliveries.

3) Upon receipt of US assurances for the provision of LWRs and for arrangements for interim energy alternatives, the DPRK will freeze its graphite-moderated reactors and related facilities and will eventually dismantle these reactors and related facilities.

- The freeze on the DPRK's graphite-moderated reactors and related facilities will be fully



implemented within one month of the date of this Document. During this one-month period, and throughout the freeze, the International Atomic Energy Agency (IAEA) will be allowed to monitor this freeze, and the DPRK will provide full cooperation to the IAEA for this purpose.

- Dismantlement of the DPRK's graphite-moderated reactors and related facilities will be completed when the LWR project is completed.
  - The US and the DPRK will cooperate in finding a method to store safely the spent fuel from the 5 MW(e) experimental reactor during the construction of the LWR project, and to dispose of the fuel in safe manner that does not involve reprocessing in the DPRK.
- 4) As soon as possible after the date of this Document, US and DPRK experts will hold two sets of experts talks.
- At one set of talks, experts will discuss issues related to alternative energy and the replacement of the graphite-moderated reactor program with the LWR project.
  - At the other set of talks, experts will discuss specific arrangements for spent fuel storage and ultimate disposition.

II. The two sides will move toward full normalization of political and economic relations.

1) Within three months of the date of this Document, both sides will reduce barriers to trade and investment, including restrictions on telecommunications services and financial transactions.

2) Each side will open a liaison office in the other's capital following resolution of consular and other technical issues through expert level discussions.

3) As progress is made on issues of concern to each side, the US and the DPRK will upgrade bilateral relations to the ambassadorial level.

III. Both sides will work together for peace and security on a nuclear-free Korean peninsula.

1) The US will provide formal assurances to the DPRK, against the threat or use of nuclear weapons by the US.

2) The DPRK will consistently take steps to implement the North-South Joint Declaration on the Denuclearization of the Korean Peninsula.

3) The DPRK will engage in North-South dialogue, as this Agreed Framework will help create an atmosphere that promotes such dialogue.

IV. Both sides will work together to strengthen the international nuclear non-proliferation regime.

1) The DPRK will remain a part to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and will allow implementation of its safeguards agreement under the Treaty.

2) Upon conclusion of the supply contract for the provision of the LWR project, ad hoc and routine inspections will resume under the DPRK's safeguards agreement with the IAEA with respect to the facilities not subject to the freeze.

3) When a significant portion of the LWR project is completed, but before delivery of key nuclear components, the DPRK will come into full compliance with its safeguards agreement with the IAEA (INFCIRC/403), including taking all steps that may be deemed necessary by the IAEA, following consultations with the Agency with regard to verifying the accuracy and completeness of the DPRK's initial report on all nuclear material in the DPRK.

US Ambassador Robert Gallucci has acknowledged that there is a confidential annex to the agreement, but stated that this does not make the agreement ambiguous.

## CWC ratifications

The following instruments of ratification to the Chemical Weapons Convention have been deposited:

Turkmenistan	29 September 1994
Uruguay	6 October 1994
Paraguay	1 December 1994
Lesotho	7 December 1994

## Australia Group

The Australia Group meeting in Paris on 29 November-1 December was attended by the Czech Republic, Poland and Slovakia for the first time.

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### *Trust & Verify*

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