

**NATIONAL DEFENCE AND ARMED FORCES COMMISSION**

**RECORD No. 23**

*(Application of Article 46 of the Regulations)*

**Thursday, 6 May 2004**

(Meeting commenced at 11.30 a.m.)

*Chairpersons: Mr. Edouard Balladur  
Chairman of the Foreign Affairs Commission;  
and Mr. Michel Voisin, Vice-Chairman of the Defence Commission*

**CONTENTS**

	Pages
- Interview with Mr. Mohamed ElBaradei, Director General of the International Atomic Energy Agency (IAEA)	2
- Information relating to the Commission	10

**Interview with Mr. Mohamed ElBaradei, Director General of the International Atomic Energy Agency (IAEA).**

The National Defence and Armed Forces Commission and the Foreign Affairs Commission met with Mr. Mohamed ElBaradei, the Director General of the International Atomic Energy Agency (IAEA).

**Mr. Edouard Balladur, Chairman of the Foreign Affairs Commission,** welcomed Mr. Mohamed ElBaradei, who had been performing the important function of Director General of the IAEA for several years. The Agency's role had become ever more important since the end of the Cold War had given rise to a significant increase in proliferation risks. The international community had been notified by the IAEA of clandestine programmes in several countries. The IAEA's mission was difficult since it involved enforcing compliance with the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) by signatory States, while taking account of the special situation of those that had refused to sign the Treaty.

Mr. Balladur asked Mr. ElBaradei which countries posed the greatest risks and whether he thought the technical, legal and financial control mechanisms, and the political pressure the Agency could apply were sufficient for it to perform its function. Noting that the risk of proliferation was nowadays not confined to States but could extend to non-State organizations, he asked whether it was therefore necessary to make efforts to strengthen or modify the powers of the United Nations and its Security Council. Finally, he asked about the future of the NPT which currently granted a legal privilege to the five nuclear-weapon States which were permanent members of the Security Council.

**Mr. ElBaradei** first of all acknowledged France's efforts to build a global security system.

He then noted that, following the Cold War when each of the two blocks had controlled its partners and balanced the other block, the hoped-for new order based on a rebirth of the collective security system headed by the United Nations had not materialized. There had been no global reform of the United Nations. None of the plans, notably for reforming the Security Council, had got off the drawing board. He was not even sure that those which were currently under way were taken seriously.

The changes had been confined to the disappearance of the Warsaw Pact and the extension of NATO. Nobody knew what kind of security system the world had nowadays. We were seeing a world security crisis. While twenty-five countries continued to live under the nuclear umbrella, others, in particular States in the South, felt their position was insecure. That feeling had got worse since the events of 11 September 2001. It was at the root of the development of nuclear, biological or chemical weapons programmes. The programmes launched by Libya and North Korea were common knowledge; the IAEA was currently working to ascertain the nature and extent of the Iranian nuclear programme. The States developing those programmes thought that, by acquiring nuclear, biological or chemical weapons, they were strengthening their security. That notion had been strengthened by recent events: Iraq had suffered a military invasion; North Korea, a nuclear State, had been left in peace. The belief that one should intervene not when a State had developed a proliferation programme, but on a preventive basis before it had one, did not promote the peace of mind of non-nuclear States either. Popular wisdom looked on nuclear weapons as a symbol of power and prestige. And after all, weren't the five permanent members of the Security Council the five States which legally possessed nuclear weapons?

The risks to peace caused by the desire of some States to acquire weapons of mass destruction were of varying proportions. In the Middle East, the IAEA had been working on three States in particular for ten years: Libya, Iraq and Iran. At least two of those States had been developing an arms programme; and the third had, at least, been developing knowledge, of uranium enrichment. However, the greatest threat at present to international security was definitely North Korea. That State had nuclear capacity, it was entirely isolated from the rest of the world and it had no other strategic resource. The Middle East was also a very worrying area. The frustration there over the cynicism of the international community was extreme. While Israel was solidly protected by its nuclear security, the surrounding States not only had to live with that threat but also had to make additional arms limitation efforts. That situation was inequalitarian and was felt most bitterly by both the general public and the elite.

Other factors threatened the future of the Nuclear Non-Proliferation Treaty. The latter was founded on two principles: States with no nuclear capacity would not seek to obtain it; and the nuclear States would work towards nuclear disarmament. However, the latter condition was being called into question: in legally nuclear States, research programmes were being conducted with a view to modernizing nuclear weapons, notably by miniaturizing them. That development changed profoundly the status of nuclear weapons, which had been legitimized as a weapon of last resort.

Moreover, three States stood outside the NPT regime. Of those, India and Pakistan were in fact treated by the international community as nuclear States. However, it was not those States which posed the most serious threat to the survival of the Treaty, as the nuclear capacity of the one balanced the power of the other. The most serious threat was in the Middle East. The imbalance and inequality between Israel and the surrounding States, themselves obliged to comply with the Treaty, called the Treaty's legitimacy into question, quite apart from its legality. A legitimate treaty was a just, universal and relevant treaty. It was important to strive for the Non-Proliferation Treaty to be seen as a legitimate instrument. Both in the Middle East and in several non-governmental organizations, the legitimacy of the NPT was being called into question because it was not seen as just.

The fight against proliferation was also encountering a new type of adversary and the IAEA would, in future, have to deal with non-State actors as well. There was a black market in nuclear material, which opened up the possibility that one day a terrorist group would be able to acquire not necessarily a real nuclear weapon, but a 'dirty bomb' which would release radioactivity. Such a group would then be in a very strong position to intimidate others. In that area, the IAEA was cooperating with States party to the Treaty, in particular France. However, the war against terrorism had not yet been completely won.

The effectiveness of the fight against proliferation also depended on the powers of the IAEA. The latter could only perform an inspection if it was given authorization to do so. Of course, no authorization was granted in the case of States which were not party to the Treaty. However, the inspections in Iraq after the Gulf War also showed that that State had been able, prior to 1991, to develop a military nuclear programme without the international community finding out. That had led to the elaboration of a model additional protocol to existing safeguards agreements between the IAEA and every State party to the NPT which strengthened the IAEA's inspection powers. However, only 55 States party to the Treaty had ratified such a protocol. They included the States of the European Union, since 30 April 2004. By contrast, over a hundred States party to the Treaty had not signed an additional protocol. Without the provisions of that protocol, it was almost impossible for the IAEA to uncover a hidden activity. The Agency could of course use new sources of information: satellite detection, radioactivity sampling and data provided by intelligence services. The IAEA was currently maintaining an excellent dialogue with some intelligence services, including the French service. However, the information provided required considerable characterization, verification and cross-checking.

The IAEA had a resource problem. The United Nations system to which the IAEA belonged was often criticized for its lack of efficiency, but for 15 years the IAEA's resources had not increased, except for the last three years where its budget had been increased by 15%. The organization needed additional resources, i.e. independent laboratories, its own satellite images and more staff.

Mr. ElBaradei concluded by pointing out that, even after the positive developments with respect to the nuclear programmes of Libya and Iran, progress was still possible in many areas. There was indeed a need to improve the export control regime for fissile material and enrichment technologies, where there were numerous gaps. It was also essential for all States to sign an additional protocol, and to consider whether all countries should have the right of

access to uranium enrichment technologies, since countries possessing such technologies could move very swiftly to military nuclear programmes. Finally, the possibility of a country leaving the NPT with complete impunity should be restricted: North Korea had been able to leave the NPT without provoking the slightest reaction from the Security Council. Thus, in the long run, nuclear weapons had to be delegitimized for, as long as some States relied on their nuclear military capabilities and improved their arsenals, others would be tempted to acquire the technologies that would allow them to accede to the status of a nuclear power, particularly during periods of international tension.

After thanking the Director General of the IAEA for the quality of his statement, **Mr. Balladur, the Chairman of the Foreign Affairs Commission**, asked whether it was true that some signatories of the NPT did not respect its provisions.

**Mr. ElBaradei** responded that, to date, the IAEA Board of Governors had concluded that four States had failed to meet their non-proliferation obligations: Iraq, Iran, North Korea and Libya.

**Mr. Balladur** asked what sanctions could be imposed on anyone contravening the Treaty and what were the powers of the IAEA: did it have to refer such cases systematically to the United Nations Security Council or could it act on its own authority?

**Mr. ElBaradei** said that, when the IAEA found a violation of the NPT, it notified the United Nations Security Council by submitting a report. That had occurred three times since 1992: for Iraq; for Libya, after the latter had announced it was giving up its military programme; and, finally, for North Korea, with respect to which the Security Council had not reacted or formulated an opinion. The case of Iran was still being examined by the Agency.

Often, the Security Council was part of the problem and not the solution. As the legitimate body for dealing with proliferation risks, it should enforce respect for the obligations of States party to the NPT. Unfortunately, owing to its political structure, it was not always able to take decisions.

The case of Iraq was revealing in that regard. It was only after the invasion of Kuwait that the Security Council had imposed sanctions, whose effectiveness was open to debate. Moreover, the second Iraq war had been launched before the inspections had even finished. Had that been a good solution?

With regard to North Korea, the example of Iraq showed that the international community responded in different ways. In future, it would be wiser if the Security Council responded in a systematic and coherent manner, to be more credible.

**Mr. Michel Voisin, the Vice-Chairman of the National Defence and Armed Forces Commission**, noted that the dismantling of the Libyan nuclear programme had shown that a State which had signed the NPT could conduct a military nuclear programme by having recourse to an international network supplying fissile material and enrichment technologies. He asked what reforms in the Treaty and the role of the IAEA would be necessary to achieve

greater control over the production of and trade in fissile material, and how the actions of the IAEA and States fighting proliferation could be coordinated.

Mr. Voisin then asked what Mr. ElBaradei thought of the quality of the cooperation and the sincerity of the Iranian authorities, and what information the IAEA had collected on the military, or potentially military aspects of the Iranian nuclear programme.

Finally, North Korea had announced that it had finished reprocessing 8000 irradiated fuel rods to extract the plutonium. What was the IAEA's assessment of the stocks of fissile material it could have acquired, in particular through that reprocessing?

Having stressed the significant risk of the use of radiological weapons by terrorist groups, which was more plausible than the use of fission or fusion weapons, **Mr. Jean-Michel Boucheron** asked whether international control of trafficking in fissile material was envisageable or, rather, illusory. He also asked whether the nuclear weapons of the former USSR were entirely accounted for. Though strategic and tactical weapons had been accounted for in 1991, it was not certain that the same was true of subtactical weapons, of which there were reputedly a great many, such as anti-aircraft defence shells or nuclear torpedoes, which were also potential sources of trafficking for terrorist organizations.

**Mr. ElBaradei** pointed out that Libya had tried to develop a uranium enrichment programme and that it had managed to acquire a large proportion of the components needed for that project thanks to illicit trafficking involving numerous international sources, the design work having been done in Pakistan and the manufacturing in Africa, South-East Asia and even Europe. The IAEA was endeavouring to find out how that black market functioned and verify whether it had stopped. Money was not the only incentive for those participating in that trafficking; they also had ideological motives, notably in the case of Dr. Khan, which was particularly disturbing.

In accordance with the provisions of the NPT, which authorized the use of atomic energy for peaceful purposes, thirteen States currently possessed enrichment and nuclear fuel reprocessing technology and knowledge, which was sufficient to meet all civil needs. Once a State possessed high-enriched uranium, it needed no more than a month to produce a nuclear weapon, which was a very short period of time to put preventive measures in place.

Therefore, it might be necessary to place a moratorium on new countries gaining access to uranium enrichment and plutonium separation activities or, in certain cases, to entrust that type of activity to multinational structures. Those objectives were difficult to achieve, however, since commercial considerations and questions of security of energy supplies came into the calculation. That was how Iran had justified its nuclear programme, by arguing on the basis of the sanctions that had been imposed on it for twenty years.

In the case of Libya, it was difficult to explain why that State had spent several thousand million dollars on a nuclear programme that had not come to fruition, and why it had put a stop to it. Nevertheless, the strategic development of Libya's foreign policy was good news. Incidentally, all the equipment required to produce fissile material had been removed from Libyan territory.

The main weakness in the nuclear proliferation control regime was the production of fissile material, which in 1968 it was thought only few States could be capable of. Now, with the development of technology and international exchanges, that industry had expanded. Therefore it was important to ponder the advisability of continuing to allow some countries to export technologies for the production of enriched uranium or plutonium for civil purposes.

As far as the Iranian nuclear programme was concerned, which had been in progress for eighteen years and undeclared, IAEA inspections had helped uncover its scope, the extent of the industrial infrastructure and the knowledge of the staff working in it. More in depth analysis of that programme would take time. For a year, Iran's cooperation had not been ideal, and it had demonstrated neither willingness nor transparency. Relations with the IAEA had been difficult and had led to a little crisis of confidence. But things had changed a bit. In October 2003, Iran had announced its strategic decision to cooperate. Cooperation had improved and was more intensive, but it was not perfect. For example, an inspection had recently been cancelled without warning following the adoption by the Board of the IAEA of a resolution which displeased the Iranian authorities. Nevertheless, the situation was progressing in the right direction and it was important to be patient with Iran, which was beginning to understand that the international community would not wait indefinitely for proof of its good will. The political situation in Iran was very complex with conflicting factions, some of them favourable to cooperation with the West and some of them opposed to it. The internal dynamics of Iran had to be taken into account. Europe's approach to the country was appropriate and balanced: it was based on the prospect of strengthened economic and technical exchanges in the event of cooperation, and on the threat of sanctions in the opposite event. A strategy of that kind, which was well suited to crisis situations, had also been adopted by the IAEA. Though some parties asserted that there was a military dimension to Iran's nuclear programme, the IAEA had no tangible proof of that and could not confirm it with certainty. In the light of the Iraqi experience, it was important to remain prudent and not jump to conclusions which could prove false. As long as no immediate threat had been identified, the inspections should continue.

With respect to North Korea, the IAEA had little information as its inspectors had left the country in December 2002. That country had indeed announced that it had completed the reprocessing of 8000 irradiated fuel rods, which was sufficient to produce the plutonium needed to construct three or four weapons. According to the American intelligence services, North Korea already had one or two nuclear weapons without taking into account the reprocessing of those rods. Whatever the case, the IAEA had never been able to work under good conditions in that country. It would not be surprising if North Korea already had nuclear weapons, or if it had the capacity to build some within a very short period.

The European Union and the United States had worked together with Russia to ensure the security of nuclear material accumulated by the former USSR, concluding bilateral agreements and putting in place specific programmes. Physical protection of nuclear material needed to be improved in Russia, and in the rest of the world too. However, if there was significant illicit trafficking in the nuclear field, it mostly related to low-enriched uranium which was not suitable for direct military use.

Much remained to be done on the security front, and on the dismantling of nuclear installations which required major financial resources that the IAEA did not have. That issue was the subject of extensive debate, notably in the United States in connection with the possible development of the Nunn-Lugar programme.

**Mr. Pierre Lellouche** noted that the lack of a common yardstick applying to all States, resulting in differences in how they were treated, was due in part to the lack of sanctions in the current mandate of the IAEA and the NPT. The Treaty should be revised, in particular Article IV, and a provision introduced in the Charter of the United Nations foreseeing the automatic application of Chapter VII in the event of violations of NPT obligations. The latter proposal was certainly not a new one, but it was time to adopt it.

With regard to terrorism, a simulated nuclear attack by Al-Qaeda in Europe presented in Brussels had shown the extent of the foreseeable threat. The IAEA had been able to identify 700 instances of trafficking and 140 research reactors using high-enriched uranium. It would seem necessary to reform the IAEA's mandate to allow it to deal with terrorist threats. There was doubtless much more to be feared than the use of dirty bombs. It was possible that fissile material originating from Russia prior to 1993 or poorly protected research reactors could be used. As the international situation had changed greatly since the signing of the NPT in 1968, the control mechanisms needed to be adapted and national nuclear terrorism response systems reformed.

**Mr. Didier Julia** asked whether the signing of additional protocols by all countries that had already signed the NPT would allow the IAEA to take the initiative and visit countries where there was a serious doubt, without waiting for a Security Council resolution.

Recalling that Israel, Pakistan and India were now nuclear powers, **Mr. Jacques Myard** asked whether it might not be wise to admit that state of affairs and take cognizance of it, so that those countries could be included in the current verification system and the development of their nuclear devices better controlled.

**Mr. ElBaradei** said that the NPT did indeed need to be reviewed, notably in the light of the lessons learned since it had been signed over 35 years ago. The Treaty could be improved in several respects: the inalienable right to possess plutonium or high-enriched uranium, could be reconsidered, and the control of exports should be reformed as the NPT contained no effective provision in that regard. The putting in place of sanctions and the universal signing of additional protocols could also be envisaged. If it was not feasible to renegotiate the Treaty in its entirety, it should be possible to introduce a supplementary additional protocol, as was common practice for many treaties. The current provisions were not quite complete and there was a need to reach agreement on several measures initially, and then to consider adding an additional protocol.

It seemed natural to impose sanctions on States that violated their obligations. However, within the Security Council some States had favoured recourse to diplomatic means in certain cases, for instance in the case of North Korea and Iran. It was difficult to reach consensus on such questions in the Security Council, and that went far beyond just the application of the NPT. For instance, 800 000 people had been massacred in Rwanda and the Security Council

had not taken any real measures to stop it. The Security Council had to be an authority that took prompt and appropriate measures whenever that was necessary, which could include using preventive force.

Much remained to be done in the nuclear security area: the IAEA's database contained over 600 cases of illicit trafficking, though some of them were not related to proliferation; and about a hundred research reactors in forty countries were using high-enriched uranium. There was a need to verify that high-enriched uranium used for civil purposes was not in the end being used for military purposes. Equally, it was important to put security measures in place and ensure that they were being effectively implemented in all States because, though France had the resources needed to fund them, other countries did not have sufficient resources. To achieve all those objectives, it was essential to act in concert based on effective risk analysis. The IAEA lacked the financial resources it needed to accomplish its mission fully, and governments should be aware of that.

Universal signing of additional protocols would improve the effectiveness of inspections, but it would not apply to States such as India, Israel and Pakistan that had not signed the NPT. Though they did not address nuclear safety, additional protocols facilitated requests for information and access to sites and were a notable improvement.

India, Pakistan and Israel were *de facto* nuclear powers. Faced with the current hypocritical situation, a change of attitude seemed in order in that regard. Until that situation was acknowledged, those States could not acquire civil fuel nor gain access to international assistance in the nuclear safety field. The issue of the security of persons, which was not addressed in the Treaty, should be taken into account. When the Treaty was being drafted, the aim had been to put pressure on those countries. Now it was clear that they would not give up the possession of nuclear weapons, and the discovery of a proliferation-related black market made it imperative to take action. A cooperation system had to be found which would allow those countries to join the non-proliferation regime in one way or another: they had to be treated as partners and not as pariahs, in the interests of improving collective security. It was important to engage those States in a disarmament process and to develop a new security system which was not based on nuclear weapons. Such weapons were still too often seen as a symbol of power and prestige by many States. A strong display of moral authority would be needed to prevent newcomers from entering the nuclear club.

After thanking Mr. ElBaradei for coming, **Mr. Balladur, the Chairman of the Foreign Affairs Commission**, made some concluding remarks on the increased risks resulting from the end of the Cold War, technical and scientific proliferation and the desire of some States not to meet their commitments. He noted that Mr. ElBaradei had drawn a very clear picture of what he had called the Security Council's "shirking of its obligations", and the need for the United Nations to develop a strong line with respect to sanctions. Mr. Balladur said that he, nevertheless, did not think it possible to treat States as partners which clearly did not wish to behave as such. The credibility of the non-proliferation regime was linked to the application of sanctions which were not as yet automatic. The National Assembly would give its support to a strengthening of the role of the IAEA and would ensure that it received all the resources needed to increase its effectiveness.

### **Information relating to the Commission**

The National Defence and Armed Forces Commission has appointed Mr. Bernard Deflesselles and Mr. Jean Michel to report on the involvement of foreign capital in European arms industries.

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