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Nuclear Security Discourse: Proliferation and Disarmament Concerns

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Abstract

The phrase 'proliferation concern' tags its subject—circumstances, a government, a policy, a capability—as a threat to the nuclear nonproliferation regime. It is applied as a discursive tool in the increasingly powerful nuclear security discourse, reinforced by successive US presidents to frame an understanding of nuclear relations in the language of US interests and national security. This article investigates the evolution of this discourse and what the phrase 'proliferation concern' means in nuclear arms control parlance and practice from the point of view of non-nuclear weapon states, especially the emerging powers. Emerging powers (like Brazil, Turkey and South Africa) struggle with the hype around nuclear security that is used to restrict rights to civilian nuclear technology whilst endlessly postponing nuclear disarmament. For these states, the discourse brings about 'disarmament concerns'. The article uses the South African case study to illustrate the problematic nature of this discourse.

Keywords: nuclear disarmament, nuclear non-proliferation, nuclear security, proliferation concern, United States, emerging powers, South Africa

1. Introduction

The phrase ‘proliferation concern’ tags its subject—circumstances, a government, a policy, a capability—as a threat to the nuclear nonproliferation regime. It is applied as a discursive tool in the increasingly powerful nuclear security discourse¹, reinforced by successive US presidents to frame an understanding of nuclear relations in the language of US interests and national security.² This article investigates the evolution of this discourse and what the phrase ‘proliferation concern’ means in nuclear arms control parlance and practice. It uses the South African case study to illustrate the problematic nature of this discourse. Despite South Africa reversing its nuclear status by dismantling its nuclear weapons, acceding to the Treaty on the Nonproliferation of Nuclear Weapons (NPT)³ and other nonproliferation agreements, and espousing nuclear nonproliferation as a key principle in its foreign policy, ‘proliferation

¹ ‘Discourse’ here is used in the Foucauldian sense as the production of knowledge and meaning that comes to frame and ‘code’ an issue, not only through language, but also through discursive practices. As elaborated by Stuart Hall in *The West and the Rest: Discourse and Power* in Stuart Hall and et. al eds. *Modernity: An Introduction to Modern Societies*, (Wiley 1996), discourse is a way of representing an issue, a way of talking about and acting upon an issue, ‘a political drift’ or inclination. Discursive tools are powerful in that they lay down the boundaries of intelligibility, i.e. what is accepted and expected as normal or commonsensical in an issue-area. We use the term ‘narrative’ in a similar way, i.e. to suggest a discursive framing of an issue. We take for granted familiarity with the substantive literature on discourse and discourse analysis in Security Studies and International Relations to make the argument in this article. A small sample of this literature includes; Jutta Weldes, et al, eds, *Cultures of Insecurity: States, Communities and the Production of Danger* (University of Minnesota Press, 1999); Prema Lal, ‘Deconstructing Security Discourse in Past National Security Strategies’ (May 6, 2006). Available at SSRN: <http://ssrn.com/abstract=2218586> or <http://dx.doi.org/10.2139/ssrn.2218586>; Jennifer Milliken, ‘The Study of Discourse in International Relations: A Critique of Research and Methods’, *European Journal of International Relations* 5 (Jun 1999) 225-254; Barry Buzan, Ole Wæver & Jaap de Wilde, *Security: A New Framework for Analysis* (Lynne Rienne 1998).

² Although we will focus in this article on the US, its allies as well as other states (like Russia) are free riding on US policy.

³ The NPT entered into force in 1970, creating two categories of states: Nuclear Weapon States (those who tested nuclear weapons before 1967) and Non Nuclear Weapon States. The Treaty is based on three pillars: nonproliferation, disarmament and the right to nuclear technology for peaceful purposes.

concern' is still expressed about South Africa.⁴ South Africa's sensitivity with respect to this phrase highlights the resistance of emerging powers to this dimension of US nonproliferation policy after the Cold War. One can also question the impact of this discourse on achieving the goals of nuclear nonproliferation and disarmament⁵.

2. Exaggerating the proliferation threat after the Cold War

While the threat of nuclear proliferation has existed since the birth of the atomic age, during the Cold War it was always perceived as a threat of a less compelling nature than the mutually assured destruction (MAD) relationship between the two former superpowers.

The end of the Cold War led to what the Pentagon called a 'threat blank'. Proliferation of weapons of mass destruction became the new number one threat for the US. As Michael Klare contends: 'By the Spring of 1990 senior Pentagon officials and many members of Congress had begun using a common analysis and terminology to describe the threat.'⁶ The Bush, Sr administration made its new strategy (including nonproliferation) public on 2 August 1990, coincidentally the day that Iraq invaded Kuwait.

In the words of President Clinton's first Secretary of State Warren Christopher the threat of weapons of mass destruction became 'the principal direct threat to the survival of the US and our key allies'.⁷ CIA Director James Woolsey stated prosaically: 'We have slain the [Soviet] dragon. But we now live in a jungle filled with a bewildering variety of poisonous snakes.'⁸

⁴ Dominique Gilbert, 'South Africa's future nuclear energy plans: Pivoting on foreign policy objectives and raising issues of concern for nuclear non – proliferation' *Consultancy Africa Intelligence Report*, November 2013, Available at: http://www.consultancyafrica.com/CPunit/CAICounterProliferation_SAFutureNuclearPlans_Nov13.pdf

⁵ Disarmament here is interpreted as "general and complete [nuclear] disarmament under strict and effective international control" as per Article VI of the NPT.

⁶ Michael Klare, *Rogue states and nuclear outlaws* (NY: Hill and Wang 1995), 27.

⁷ Secretary of State Warren Christopher, in: *US Information Service (USIS)*, 23 Jan 1995, 5.

⁸ Quoted in Janne Nolan, *An Elusive Consensus* (Brookings Institute 1999), 2.

Basic reciprocity logic, namely that if nuclear weapons are militarily and politically perceived to be useful by some, others would want them too, fuel fears of proliferation. These fears result in attempts to limit the diffusion of capability to produce nuclear weapons or crude variants thereof. But, as James Clapper, head of the Defense Intelligence Agency (DIA), said in 1995, there is a perception that: ‘While it is possible to slow the proliferation of these weapons, a country that is intent on gaining such a capability will eventually do so.’⁹ The threat perception of a massive nuclear attack, triggering a massive counter-attack, had more or less disappeared, but in its place the likelihood of a nuclear explosion - through accidents and/or proliferation to ‘rogue’ elements (states or terrorists) – increased after the Cold War. The Clinton administration introduced the term ‘states of concern’. The use of the term ‘countries of *proliferation* concern’ is illustrated in a 1997 National Research Council report on US efforts to contain nuclear and other dangerous material in the former Soviet Union, which states: ‘The successor states of the former Soviet Union (FSU), particularly Russia, have enormous stocks of weapons-usable nuclear material and other militarily significant commodities and technologies. Preventing the flow of such items to *countries of proliferation concern* and to terrorist groups is a major objective of U.S. national security policy’ [emphasis added].¹⁰

The focus on ‘rogue states’ was again sharpened by President Bush, Jr when he called Iran, Iraq and North Korea ‘the Axis of Evil’ in his January 2002 State of the Union address. Later that year, both the nuclear crises with North Korea and Iran erupted. The US National Security Strategy of September 2002 stated: ‘Our enemies have openly declared that they are seeking weapons of mass destruction, and evidence indicates that they are doing so with

⁹ USIS, 18 Jan 1995.

¹⁰ Committee on International Security and Arms Control, *Proliferation Concerns: Assessing U.S. Efforts to Help Contain Nuclear and Other Dangerous Materials and Technologies in the Former Soviet Union* (National Research Council 1997), 1.

determination. We cannot defend America and our friends by hoping for the best.’¹¹ It called for preemptive – which were *de facto* preventive – strikes.

While at first sight unrelated, this exaggeration of a ‘new’ threat had significant implications for nuclear disarmament. The nuclear weapon states had found another reason to legitimate the existence of their own nuclear weapons. Without a replacement threat for the Cold War nuclear stand-off, the nuclear weapon states would have had a hard time in defending their existing nuclear weapons policies. Nuclear disarmament could have been the result. But by being able to refer to new proliferating countries, they were able to shift the narrative from nuclear disarmament back to nuclear proliferation. This resulted in a status-quo with respect to nuclear disarmament, especially since the mid-1990s and even more so after the events of 9/11.¹² Paolo Cotta-Ramusino noted for example in 2008: ‘The “war on terror” had created a mentality that makes disarmament impossible.’¹³ The narrative thus produces an ever-present, unresolvable nuclear threat, under the label ‘proliferation concern’ that could mean everything and anything that the US wants it to mean, and is used to justify a lacklustre approach to the nuclear weapons states’ NPT [Article VI] disarmament obligations.

Although driven by the US, the other nuclear weapon states were quick to follow the US lead. For example, the UK has to maintain its nuclear weapons in the words of former Prime Minister Tony Blair, because it “need[s] to factor in the requirement to deter countries which might in the future seek to sponsor nuclear terrorism from their soil.”¹⁴ The UK prides itself on being an active driver of several US international counter proliferation initiatives (discussed in section 3 below), e.g. the Proliferation Security Initiative, UN SC Resolution

¹¹ US National Security Strategy, Sept 2002, Available at: <http://www.state.gov/documents/organization/63562.pdf>

¹² The US argues for a step-by-step nuclear disarmament approach and regards the voluntary reductions it has made in its nuclear arsenal and under the Strategic Arms Reductions Treaties (START 1 and the New START) with Russia as abiding by its NPT Article VI obligations (see e.g. the US statement in cluster 1 of the 2014 NPT preparatory committee). However, most non nuclear weapon states regard the pace, voluntary and bilateral nature of the step-by-step approach as problematic. Article VI of the NPT is clear; it speaks of negotiating a treaty on “general and complete disarmament” – not only reductions in nuclear arsenals – under strict international control – not just the control of one or two states.

¹³ Nicola Butler, Notes of the remarks presented by Paolo Cotta-Ramusino at the Rotblat Centenary celebration, The Royal Society, 10 Dec 2008, <http://www.britishpugwash.org/documents/Dec%202010%20Cotta%20Ramusino%20Notes.pdf>

¹⁴ ‘The future of the UK’s nuclear deterrent’, UK Ministry of Defence, December 2006.

1540 and the Global Initiative to Combat Nuclear Terrorism (GICNT).¹⁵ The latter is co-chaired by the US and Russia.

When pointing out that the nuclear weapon states themselves are partly responsible for the further spread of nuclear weapons by not giving up their own nuclear weapons, the nuclear weapon states defend themselves by stating that the causes of proliferation have nothing (or not much) to do with the existence of the nuclear arsenals of the established nuclear weapon states. For instance, Linton Brooks, while head of the US National Nuclear Security Administration (NNSA), proclaimed in 2004: 'Over the past decade, we have seen very significant reductions in the numbers of US (and Russian) nuclear weapons, reductions in the alert levels of nuclear forces, and the abandonment of US nuclear testing...There is absolutely no evidence that these developments have caused North Korea or Iran to slow down covert programs to acquire capabilities to produce nuclear weapons.'¹⁶ One year later, US Assistant Secretary of State for Arms Control, Stephen Rademaker, similarly pointed out in congressional testimony: 'This notion that the United States needs to make concessions in order to encourage other countries to do what is necessary to preserve the nuclear nonproliferation regime is at best a misguided way to think about the problems confronting us.'¹⁷ Such defensive reactions by the US made the already existing grievances of the non-nuclear weapon states only more extensive as will be discussed below.

Although the Obama administration has used a different tone and even admitted that there is a link between nuclear nonproliferation and nuclear disarmament¹⁸, President Obama has continued to use the same rhetoric of proliferation concern and counterproliferation initiatives as Bush,sr, Clinton and Bush,Jr, under his 'nuclear security' agenda. In President Obama's Prague speech of 2009, the speech that arguably contributed to Obama winning the Nobel Peace Prize he argued for a world free of nuclear weapons. But, instead of outlining concrete steps of disarmament he stated: 'Today, the Cold War has disappeared but thousands of those weapons have not. In a strange turn of history, the threat of global nuclear war has gone down, but the risk of a nuclear attack has gone up. More nations have acquired these weapons. Testing has continued. Black market trade in nuclear secrets and nuclear materials abound. The technology to build a bomb has spread. Terrorists are determined to buy, build

¹⁵ Ibid

¹⁶ Linton Brooks 'US Nuclear Weapon Policies and Programs', speech presented at the Heritage Foundation Conference, US Strategic Command: Beyond the war on terrorism, 12 May 2004.

¹⁷ Dafna Linzer, 'Iran Plans Defence of Nuclear Program' *Washington Post*, 2 May 2005, A1.

¹⁸ Tom Sauer, 'Nuclear proliferation and nuclear disarmament: a complicated relationship', in: Harsh Pant (ed), *Handbook on Nuclear Proliferation*, (Routledge, 2012) 317-326.

or steal one. Our efforts to contain these dangers are centered on a global nonproliferation regime, but as more people and nations break the rules, we could reach the point where the center cannot hold.¹⁹ Obama calls nuclear terrorism ‘the most immediate and extreme threat to global security.’²⁰

3. Internationalising harsher US nonproliferation/counterproliferation policy

As a result of this change in threat perception from the need for MAD in a bipolar world order to focusing on rogue states and nuclear terrorists (especially after 9/11), the US never placed more emphasis on nonproliferation than after the Cold War, rhetorically and through driving a number of international counterproliferation initiatives. The Nunn-Lugar program that emanated from the Soviet Nuclear Threat Reduction Act of 1991, and that aimed at improving the safety and reducing the proliferation risks in the USSR, was supported by the Bush, Sr administration. In this period references were often made to so-called ‘loose nukes’.²¹ Also President Clinton was determined to reduce the risks of nuclear proliferation. In a speech at Los Alamos Laboratory at the beginning of his first term, he declared: ‘There are still too many nations who seem determined to define the quality of their lives based on whether they develop a nuclear weapon...that can have no other purpose but to destroy human beings. It is a mistake and we should try to contain and to stop it.’²² A few months later at the UN General Assembly, he announced that the US would advance a wide-ranging nonproliferation agenda and concrete steps to contain the spread of fissile material, such as an international convention to stop the production of fissile material.²³

¹⁹ Speech delivered by President Barack Obama in Prague, Czech Republic, April 5, 2009.

²⁰ Barack Obama, Prague speech.

²¹ Council on Foreign Relations, Backgrounder on ‘loose nukes’, 2006, <http://www.cfr.org/weapons-of-mass-destruction/loose-nukes/p9549>

²² Marc Millot, ‘Facing the emerging reality of regional nuclear adversaries’ *The Washington Quarterly*, 17/3 (1994) 45.

²³ Address by President Bill Clinton to the UN General Assembly, Remarks to the 49th Session of the United Nations General Assembly, 26 Sept 1994.

Partly as a result of the North Korean nuclear crisis in 1993, US Secretary of Defense Les Aspin launched the Counterproliferation Initiative on 7 December 1993. The concept 'counterproliferation' was introduced into US policy parlance for the first time. The Initiative was meant to be a non-nuclear instrument in the event nonproliferation failed. It included better intelligence instruments, better safety measures for the military to operate in an environment in which weapons of mass destruction were used, the development of theatre anti-ballistic missile defence systems, and preventive military attacks. In August 1998, the US also carried out a counterproliferation attack with cruise missiles against Sudan. With operation Desert Fox against Iraq in December 1998, the US and the UK even fought a short air war in the name of nonproliferation.

Bush, Jr's nonproliferation policy is summed up in the US National Strategy to Combat Weapons of Mass Destruction of December 2002. Interestingly, the chapter on counterproliferation in that document precedes the one on nonproliferation and calls for more robust tools to stop proliferation around the world, including interdiction.

After the preventive war against the non-existent weapons of mass destruction of Saddam Hussein in 2003, two other proliferators came into the spotlight: Libya and Pakistan, more in particular the A.Q. Khan network. As a result of these crises, President Bush announced the Proliferation Security Initiative (PSI) in May 2003, 'an informal network of states committed to preventing the 'trafficking of weapons of mass destruction (WMD), their delivery systems, and related materials to and from *states and non-state actors of proliferation concern*' [emphasis added].²⁴ This is done by interdicting suspicious shipments at sea and in the air or on land. States endorse PSI interdiction principles that include information sharing,

²⁴ Jacek Durkalec, 'Proliferation Security Initiative: evolution and future prospects' EU Non-Proliferation Consortium Non-Proliferation Papers, 16 (Jun 2012) 1.

commitment to strengthen their national legal authorities as well as international frameworks and taking specific actions to support interdiction efforts.²⁵

In 2003 Bush also called on the UN Security Council 'to adopt a new anti-proliferation resolution. This resolution should call on all members of the UN to criminalize the proliferation of weapons—weapons of mass destruction—to enact strict export controls consistent with international standards, and to secure any and all sensitive materials within their own borders.'²⁶ The outcome was UN SC Resolution 1540 (2004), which was adopted by the Security Council under Chapter VII of the United Nations Charter. It imposes binding obligations on all States 'to prevent the proliferation of nuclear, chemical and biological weapons, and their means of delivery', to non-State actors including by establishing appropriate legislation and domestic controls over related materials.²⁷

But the Bush administration's counterproliferation policy went further by restricting sensitive nuclear technology to non-nuclear weapons states generally. Pursuing limitations on peaceful nuclear technology beyond the NPT, the US wanted to forbid states that did not already have functioning enrichment and reprocessing plants to acquire this equipment, and also proposed that the IAEA Additional Protocol become a standard condition of supply of sensitive nuclear technology to non-nuclear weapon states. The US pursued these measures in the Nuclear Suppliers Group.²⁸

An IAEA initiative culminated in a 2005 conference to amend the *Convention on the Physical Protection of Nuclear Material* of 1980. The Convention sets out international

²⁵ US State Department, Proliferation Security Initiative: Statement of Interdiction Principles, September 4, 2003

²⁶ Christine Kucia, 'Bush Calls on UN to Curb Proliferation' *Arms Control Today*, (Oct 2003), <http://www.armscontrol.org/print/1391>

²⁷ Committee 1540, <http://www.un.org/en/sc/1540/>

²⁸ 'Bush urges international action against spread of WMD', remarks at the Fort Lesley McNair - National Defense University, Washington DC, 11 Feb 2004 (White House 2004).

legally binding commitments for the physical protection of nuclear material. It also establishes measures for the prevention, detection and punishment of offenses relating to nuclear material. However, it only covered nuclear material in international transport whereas the amendment covers international transport as well as domestic use, storage and transfers. ElBaradei, IAEA director general at the time, noted: ‘This new and stronger treaty is an important step towards greater nuclear security by combating, preventing, and ultimately punishing those who would engage in nuclear theft, sabotage or even terrorism.’²⁹

President Obama picked up the policy to strengthen counterproliferation by launching a new international effort ‘to secure all vulnerable nuclear material around the world within four years.’³⁰ He proposed doing so by setting new standards (but did not expand for what), expanding cooperation with Russia, pursuing new partnerships to lock down sensitive materials, building on US efforts to break up black markets, detecting and intercepting materials in transit, and using financial tools to disrupt illicit nuclear trade. He went on to say: ‘Because this threat will be lasting, we should come together to turn efforts such as the Proliferation Security Initiative and the Global Initiative to Combat Nuclear Terrorism into durable international institutions. And we should start by having a Global Summit on Nuclear Security that the United States will host within the next year.’³¹ Also following in Bush’s footsteps, Obama is extending diplomatic efforts to restrict access to sensitive nuclear material through bilateral engagements. The US either has or is in the process of negotiating nuclear cooperation agreements with a number of countries that requires them to conclude the Additional Protocol as a condition of cooperation as well as to forego possession of sensitive nuclear facilities, such as enrichment and reprocessing capabilities.³² An example is Jordan.

²⁹ IAEA Press Release, ‘States Agree on Stronger Physical Protection Regime’, 8 Jul 2005, <http://www.iaea.org/newscenter/pressreleases/2005/pm200503.html>

³⁰ Prague speech, 2009

³¹ Prague speech, 2009

³² Joeli Pretorius, ‘Nuclear politics of denial’ *International Negotiation*, 18/3 (2013) 383.

These agreements have met with resistance, and it seems that the Obama administration has decided to relax for selected countries these legal requirements to 'political commitments'.³³

President Obama organized the first of the two-yearly Nuclear Security Summits, starting in April 2010, in Washington DC, which was followed by the 2012 summit in Seoul and the 2014 Summit in The Hague. These summits especially put pressure on non nuclear weapon states to commit to reduce or eliminate Highly Enriched Uranium (HEU) in their territories and to convert their reactors to use Low Enriched Uranium (LEU). These measures lie beyond the scope of the NPT framework. Nuclear weapon states see their role as helping to achieve these goals in other states rather than reducing their own HEU or converting their reactors. But, the double standards also expand to countries like Canada and the Netherlands, who are quick to promote nuclear security measures for other non nuclear weapon states, but have not committed to their own nuclear industries being HEU free.³⁴ Obama will host another Summit in 2016. The global momentum of counterproliferation, now under the guise of nuclear security, has never been more unstoppable, but not all states are happy with these harsher measures.

4. *Reactions by the rest of the world to the US emphasis on nonproliferation after the Cold War*

³³ Mark Hibbs, 'A realistic and effective policy on sensitive nuclear activities', 15 Oct 2013, <http://carnegieendowment.org/2013/10/15/realistic-and-effective-policy-on-sensitive-nuclear-activities/gqeu>

³⁴ The Belfer Center has drawn up a list of commitments based on the joint statements that countries attending The Hague Nuclear Security Summit signed on to. The list provides insight into what nuclear security measures non nuclear weapon states and states like Canada and the Netherlands deem applicable to them. The list can be accessed at: http://nuclearsecuritymatters.belfercenter.org/files/nuclearmatters/files/list_of_2014_nss_joint_statement_commitments_by_country_2.pdf

The emphasis by the US on nonproliferation has been criticized by many non nuclear weapon states. First of all, they feel that the emphasis on nonproliferation threatens their right under article 4 of the NPT to obtain a civilian nuclear program, including enrichment and reprocessing facilities. Secondly, they find that the US overemphasizes the goal of nonproliferation and underemphasizes the other main pillar of the NPT, namely nuclear disarmament.³⁵ An Indian general's statement in 1998 when the US criticized the Indian nuclear weapons tests captures the mood: 'The American position is hypocritical. They are sitting on a mountain of nuclear arms, and they are pontificating to India and the world.'³⁶ In short, the overall feeling of many non-nuclear weapon states was that the existing discriminatory nature of the nuclear nonproliferation and disarmament regime as inherent in the NPT became even more pronounced after the Cold War.

At each of the five-yearly NPT Review Conferences after the Cold War these two criticisms came to the fore. The most outspoken group within the UN has been the Non-Aligned Movement (NAM). Partly overlapping is the group of Arab states that criticizes the absence of Israel in the NPT and the rather 'benign neglect' by the international community of the Israeli case. In both groupings Egypt is a leading actor. More recently, also emerging states like Brazil, South Africa, and Turkey became more outspoken in their criticism towards US nonproliferation and disarmament policy.

Before the 1995 NPT Review and Extension Conference, there was a heated debate amongst the non-nuclear weapon states on how to extend the NPT. Many of them originally preferred limited extensions, e.g. of five, ten or 25 years. This would have provided them with a stick vis-à-vis the nuclear weapon states in case the latter did not disarm. However, the nuclear

³⁵ Tom Sauer, 'Nuclear proliferation and nuclear disarmament: a complicated relationship', in: Harsh Pant (ed), *Handbook of Nuclear Proliferation*, Routledge, 2012, chapter 25, pp.317-326; Jeffrey Knopf, 'Nuclear disarmament and nonproliferation: examining the linkage arguments', in: *International Security*, vol.37 (3), 2012-2013; Daniel Joyner, *Interpeting the NPT*, Oxford University Press, 2011; Nina Tannenwald, 'Justice and fairness in the nonproliferation regime', in: *Ethics and International Affairs*, vol.27 (3), 2013, pp.299-317.

³⁶ Quoted by James Carroll, 'Washington shares the blame' *The Boston Globe*, 19 May 1998, A15.

weapon states, and especially the US, were able to convince many non-nuclear weapon states - with all diplomatic and other means available - to agree with the indefinite extension of the treaty. In return, the non-nuclear weapon states were able to negotiate a document called *Principles and Objectives for Nuclear Nonproliferation and Disarmament*, including an 'action program for nuclear disarmament' with the following aspects: concluding a comprehensive test ban treaty 'no later than 1996', concluding a fissile material cut-off convention, and 'the determined pursuit by the nuclear weapon states of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons...'.³⁷ The Comprehensive Test Ban Treaty's negotiation was completed and it was adopted in 1996, but it has not entered into force, partly because the US Congress has not ratified it. US ratification is important as it is widely believed that other states will follow its lead. Not much progress on the implementation of the other disarmament measures has been made, though. The same applies to the list of 13 disarmament steps that had been agreed at the 2000 NPT Review Conference, mainly under pressure by the NAM.

As a result of the Indian and Pakistani tests, the so-called New Agenda Coalition (NAC) was formed in 1998 by the following states: Brazil, Egypt, Ireland, Mexico, New Zealand, Slovenia, South Africa and Sweden.³⁸ Its Joint Declaration pointed to the lack of nuclear disarmament: 'We can no longer remain complacent at the reluctance of the nuclear weapons states and the three nuclear weapons-capable states to take that fundamental and requisite step, namely a clear commitment to the speedy, final and total elimination of their nuclear weapons and nuclear weapons capability and we urge them to take that step now.'³⁹ The NAC referred to the tension between nonproliferation and disarmament: 'The nuclear

³⁷ NPT/CONF.1995/32 (Part I), Annex, Available at: http://www.un.org/disarmament/WMD/Nuclear/1995-NPT/pdf/NPT_CONF199501.pdf

³⁸ Slovenia withdrew soon after under pressure of the US and Sweden withdrew in 2013 resulting in public outcry in Sweden.

³⁹ Joint Declaration by the NAC, 9 Jun 1998.

weapons states should acknowledge that disarmament and nonproliferation are mutually reinforcing processes: what does not exist cannot proliferate.⁴⁰ The Canberra Commission, initiated by Australia as a result of the French nuclear tests in the Pacific in 1995, stated already in 1996: 'Nuclear weapons are held by a handful of states which insist that these weapons provide unique security benefits, and yet reserve uniquely to themselves the right to own them. This situation is highly discriminatory and thus unstable; it cannot be sustained. The possession of nuclear weapons by any state is a constant stimulus to other states to acquire them.'⁴¹

On top of these lingering frustrations with respect to the lack of nuclear disarmament, the Bush administration added harsher nonproliferation measures outlined above, such as the idea of preventative attacks, the Proliferation Security Initiative, UN SC resolution 1540, and the idea of making the IAEA Additional Protocol obligatory. These measures were resisted by many non-nuclear weapon states, especially the NAM. It was therefore no surprise that the 2005 NPT Review Conference ended in a complete failure. It was abundantly clear that the policies of the nuclear weapon states, and especially the US, emphasizing more and more the threat of proliferation and adding additional nonproliferation burdens for the rest of the world did not run in parallel with significant nuclear disarmament steps by the nuclear weapon states. Brazil for instance did not agree with making the IAEA Additional Protocol obligatory. The Brazilian ambassador to the US, Roberto Abdenur, stated in 2004: 'We believe firmly it is not enough to have an increasingly stricter and narrow nonproliferation (agreement) without balanced movement, parallel movement, in the area of nuclear disarmament.'⁴² Brazil has also refused visual access to certain parts of its uranium enrichment facility in Resende, which opened in 2006, and Brazil possesses a naval nuclear

⁴⁰ Celso Amorim (and others), 'What Does Not Exist, Cannot Proliferate' *International Herald Tribune*, 2 May 2005.

⁴¹ Canberra Commission report, 1996, 7.

⁴² Quoted in Tom Sauer, *Nuclear Inertia* (London, I.B. Tauris, 2005), 23.

fuel programme that does not fall under IAEA safeguards. Interestingly, Brazil voted in the UN SC against economic sanctions against Iran at least once. Together with Turkey, it also negotiated a nuclear fuel swap deal with Iran in 2010 that would see Iran's stockpiles of enriched uranium exported to be turned into fuel rods for medical use elsewhere and returned to Iran. The US rejected this deal on account that it undermined the UN process and the consensus in the UN SC for additional sanctions that it had been lobbying for.⁴³ However, the effort to broker the deal outside the US' coercive template was a statement in itself.

Moreover, after the US-India deal in 2005 and the continued silence over Israel's nuclear weapons, it is fair to say that US counterproliferation discourse normalises and institutionalises the US categorisations of states based on US interests instead of being based on the principles of nonproliferation and disarmament. William Potter refers to this as the US notion of good and bad proliferators.⁴⁴ Part of the bad proliferators are the so-called 'rogue states', including Iraq (until 2003), Iran, and North Korea. Iranian President Ahmadinejad did not do much to create a better image, but could easily point to a double standards regime: 'Those who have many nuclear weapons and have used them in the past century against defenseless people...are accusing Iran of deviating toward nuclear weapons.'⁴⁵ India in contrast was regarded by the US as a good proliferator, at least since 2005. Despite the fact that it had never signed the NPT and had acquired and tested nuclear weapons, India was rewarded by the Bush administration with a nuclear deal by which it could receive nuclear materials and know-how in return for a few guarantees that the latter would not end up in the Indian military nuclear programme. On the contrary, the odds were that this deal would stimulate the Indian-Pakistani arms race.

⁴³ Alexei Barrionuevo and Sebnem Arsu 'Brazil and Turkey Near Nuclear Deal With Iran' *The New York Times*, 16 May 2010.

⁴⁴ Lv Desheng, 'Realization of nonproliferationnonproliferation requires unremitting efforts', Asia-Pacific Seminar on Arms Control and the Media, 9 Feb 2011, http://eng.mod.gov.cn/Opinion/2011-02/09/content_4223584.htm

⁴⁵ 'Iran won't Halt Drive for Nuclear Fuel: Ahmadinejad' *Reuters*, 8 Dec 2005.

This distinction between good and bad proliferators has consequences for nuclear disarmament too. As Cotta-Ramusino noted in 2008: 'The concept of 'civilised' countries against 'uncivilised' ones works against disarmament.'⁴⁶ As long as some states are regarded as bad proliferators, the nuclear weapon states can legitimate their own nuclear arsenals forever. As a result, the goal of nuclear elimination becomes a policy of endless postponement.

At the 2010 NPT Review Conference, the same discussions flamed up. The Egyptian ambassador at the conference stated: 'We are not going to accept that each time there is progress on disarmament that we have to take more obligations on our side.'⁴⁷ At the Conference, an action plan with 60 steps was agreed upon.

As argued above, President Obama switched gears to a certain extent, especially with respect to the (rhetorical) goal of nuclear elimination. But, the day-to-day practice of keeping a huge (modernized) nuclear weapons arsenal and at the same time a harsh nonproliferation policy did not change. One can indeed argue that the Nuclear Security Summits initiated by President Obama are another extension of the US counterproliferation logic.

5. South Africa as a case study

South Africa developed a nuclear weapons capability under the Apartheid regime, but the same regime dismantled this capability under international pressure in 1990 and in the light of an impending political transition to democracy that would see the African National Congress (ANC) come to power in 1994. The post-apartheid government has played an important mediating role between developed and developing countries in the various

⁴⁶ Nicola Butler, Notes of the remarks presented by Paolo Cotta-Ramusino at the Rotblat Centenary celebration.

⁴⁷ Tanya Ogilvie-White and David Santoro, 'Disarmament and Non-proliferation: Towards More Realistic Bargains' *Survival* 53/3 (2011) 101-118.

nonproliferation and disarmament bodies (e.g. at the 1995 NPT Review and Extension Conference), with a sense of authority and moral highground that comes with having had nuclear weapons and then given them up. However, the South African government opted to keep an undisclosed amount of Highly Enriched Uranium (HEU), an estimated 600 kg, left over from South Africa's weapons programme.⁴⁸ South Africa refers to the HEU as a strategic asset and has resisted pressure to dilute or get rid of this stock. The South African government is also keeping its option open to restart a uranium enrichment programme. It has in fact declared its uranium deposits a strategic mineral and regards enrichment of uranium within a broader policy of beneficiating minerals locally rather than exporting them to be beneficiated abroad and then re-importing products made from these minerals. In South Africa's reading of the NPT, it is acting within its Article IV rights not only to have peaceful nuclear technology, but also to produce and export nuclear materials for peaceful purposes in line with nuclear export guidelines.

However, South Africa's HEU stock and its intention to restart uranium enrichment in the future is not aligned to the US post-Cold War nonproliferation policy and more recently its nuclear security agenda.⁴⁹ South Africa's choices are moreover assessed within the context of two aspects that triggered 'proliferation concerns' for the US, namely involvement in the A.Q. Khan network and security breaches at Pelindaba, the site where South Africa's HEU is stored.

In terms of the 'concern' of involvement in the Khan network, since the South African nuclear weapons programme was brought to an end, a concern has been expressed that scientists and engineers who worked on that programme could be recruited to work on illicit

⁴⁸ 'Civilian HEU: South Africa', Nuclear Threat Initiative, 16 Nov 2012, <http://www.nti.org/analysis/articles/civilian-heu-south-africa/>

⁴⁹ See also Stephen F. Burgess, 'South Africa from the Perspective of WMD Supply Networks: Indications and Warning Implications', *Strategic Insights*, VI/5 (Aug 2007)

programmes. In fact, in 2007, Iran claimed that it was trying to recruit South African scientists. However, there has been no known nuclear scientist who worked on the South African bomb that went on to work on another illicit programme. Johan Meyer, who did sell sensitive nuclear material as part of the A.Q. Khan network, was arrested and turned state witness and testified against a German and Swiss national who operated from South Africa. South Africa, among the 40 countries' where individuals or companies were implicated in the Khan network, has been the only country to prosecute these cases and produced a report for the IAEA on the matter. There is a sense that despite these efforts South Africa is unfairly singled out as a proliferation concern. Ambassador Abdul Minty, South Africa's representative at the IAEA and other nuclear bodies, spoke to this matter at the US Council on Foreign Relations: 'When news came out that Iran and Korea got equipment from it [Khan network], Western leaders and others said it's the biggest threat to the NPT. Now why is it, when over 40 countries are involved in that and most of them developed countries, it's only South Africa that had the first prosecution and yet, people say we ...resist nonproliferation? ...The truth is major European countries, many others have had the Khan network operating there and it's a mystery to us as to why there are no prosecutions.'⁵⁰

In terms of the second 'concern', the breach at Pelindaba in 2007 is used by Matthew Bunn of the Belfer Centre at Harvard University as a case study to explain the importance of the Nuclear Security Summits.⁵¹ The breach was also the topic of a CBS 60 minutes documentary, which implied that the attack was more than simply an armed robbery (as the

⁵⁰ Council on Foreign Relations, Panel II: Global Security Institutions: The Nonproliferation Regime Transcript of discussion, 19 May 2010, <http://www.cfr.org/arms-control-disarmament-and-nonproliferation/panel-ii-global-security-institutions-nonproliferation-regime/p22192>

⁵¹ Matthew Bunn, 'The Threat of nuclear terrorism: What's new? What's true?', Belfer Center for Science and International Affairs, Harvard Kennedy School, March 2012, http://www.nuclearsummit.org/files/nuclear_terror_threat_dossier_2012.pdf

South African government maintains) but terrorists wanting to access the HEU stocks.⁵² Although the US government offered to secure Pelindaba, the South African government declined and instead worked with the IAEA.⁵³ The latter completed a visit in 2008 and concluded that there was ‘no evidence that sensitive nuclear areas were under any threat at any time during the incident’ and that ‘a security upgrade plan at Pelindaba, that began to be implemented by the facility’s operator in 2006, provides an ‘appropriate basis’ for ensuring physical protection of nuclear material and nuclear facilities at the site.’⁵⁴

All in all South Africa is in good standing with its nonproliferation obligations.⁵⁵ The US approach to nonproliferation through the creation of a post-Cold War threat to justify continued nuclear weapons possession, but at the same time to securitise civilian nuclear technology and facilities of non-nuclear weapons states, have not been met with enthusiasm by the South African government. South Africa argues that ‘WMD terrorism should not be a pretext for removing rights’.⁵⁶ And: ‘The uncovering of a number of real or suspected cheaters and the prospect of weapons of mass destruction falling into the hands of non-state actors or terrorists should not become a pretext to curtail bona fide, lawful programmes or scientific or commercial interests of developing countries.’⁵⁷

South Africa is not a member of the PSI and has not yet acceded to the amendment of the Convention on the Physical Protection of Nuclear Material (CPPNM) that opened for

⁵² The point here is not whether the breach was or was not ‘only’ crime. Rather, the point is that the South African response to the breach of deliberately recognising the authority of the IAEA, whilst declining US help, reflects resistance to US nonproliferation policy. South Africa thus acknowledged its responsibility to improve security at Pelindaba to the international community; not to the US as the global nuclear cop.

⁵³ ‘US offered to guard Pelindaba: Peters’, News24, <http://www.news24.com/SouthAfrica/Politics/US-offered-to-guard-Pelindaba-Peters-20110719>

⁵⁴ IAEA, ‘IAEA Experts Complete Visit to Pelindaba Nuclear Facility in South Africa’, 25 Jan 2008, <http://www.iaea.org/newscenter/pressreleases/2008/prn200802.html>

⁵⁵ Open Source Centre, ‘South Africa’s Nuclear Nonproliferation Posture Remains Consistent’, 9 April 2010, <https://www.fas.org/nuke/guide/ras/nuke/osc0410.pdf>

⁵⁶ William Potter and Gaukhar Mukhatzhanova, *Nuclear politics and the NAM*, (IISS 2012) 129.

⁵⁷ Abdul Minty, ‘South African Perspectives on Highly Enriched Uranium (HEU)’. Statement at the International Symposium on Highly Enriched Uranium (HEU), *International Symposium on Highly Enriched Uranium*. Oslo, Norway, 19–20 Jun 2006. Available at: <http://www.nrpa.no/symposium/documents/Minty%20HEU%20Oslo%20June%202006.pdf>.

signature in 2005. It expressed resistance to making the Additional Protocol the new legal standard of safeguards in the IAEA and the NSG, despite the fact that it had signed the Additional Protocol in 2002. It has declined to join any international nuclear fuel bank agreements, because these arrangements require countries to give up their own enrichment and reprocessing rights.

As most NAM members, South Africa sees added pressure by US nonproliferation policies and its nuclear security agenda in the context of the P5's reluctance to abide by its Article VI obligations. In the CBS documentary on the 2007 break-in at Pelindaba, the narrator states in an interview with Ambassador Minty: 'The US government is worried and is offering to secure Pelindaba and convert its HEU into a form that won't explode.' Ambassador Minty responds: 'Why should we get rid of it when others don't?'⁵⁸ Ambassador Minty also asserted in 2006 at an international symposium on HEU that addressing threats to collective security cannot only be directed exclusively at 'reducing reliance on HEU for peaceful purposes, without any real commitment and progress on the elimination of HEU and other fissile materials that are primarily being used for military purposes.'⁵⁹ This also informs South Africa's position on a fissile material treaty. South Africa argues that not only future production should be covered, but also the existing stocks. This position was again expressed by the South African delegation at the 2013 IAEA conference on nuclear security: 'Whilst recognising the importance for nuclear security of minimising the use of HEU on a voluntary basis, and to use low enriched uranium (LEU) where technically and economically feasible, my delegation is concerned by the imbalance in the discussion on minimisation of the use of HEU. These discussions focus on HEU used for peaceful purposes, which is only a tiny fraction of the existing stocks of the HEU. In our view HEU conversion should cover both

⁵⁸ CBS News, 60 Minutes, 'Assault on Pelindaba', 20 Jun 2010, <http://www.cbsnews.com/video/watch/?id=6600764n>

⁵⁹ Abdul Minty, 'South African Perspectives on Highly Enriched Uranium (HEU)'

civilian and military stocks if it is to be of any benefit. Furthermore, we remain convinced that the minimization of HEU should be addressed within the context of the long outstanding negotiations on a fissile material treaty.⁶⁰

South Africa is also cautious that the US driven nuclear security agenda takes nonproliferation outside the NPT framework and NPT-linked institutions and forums, such as the IAEA. The US has especially waged its campaigns for counterproliferation and nuclear security in the Nuclear Suppliers Group, where supplier states set guidelines for exports of sensitive nuclear material. For South Africa, the NSG is not part of the nonproliferation regime: 'The nuclear nonproliferation regime, in our view, does not extend to things like the NSG because the NSG is like a private club and it was started to counter India's explosion in the '70s. It is not a multilateral body—and I speak as a past chairman of the NSG—but it's a group that works out control structures. It is what it says—nuclear suppliers' group. It doesn't have the recipients.'⁶¹ The NSG in South Africa's view does not have the mandate to impose new forms of restrictions on non-nuclear weapons states' Article IV rights, which should be negotiated within the NPT review conferences and IAEA structures where all member states' interests are represented.

South Africa does take nuclear security seriously. For example, South Africa converted its SAFARI 1 research reactor to LEU and has developed technology that uses LEU in the production of medical isotopes. But although the US contributed some funding towards the development costs, most of it was paid for with South African taxpayers' money. In addition, the LEU production process is more costly, making these isotopes less competitive on the international market. The South African government is also questioning the value that the US

⁶⁰ Maiti Nkoane-Mashabane, 'South African statement at the International Conference on nuclear Security of the IAEA', 1 Jul 2013.

⁶¹ Abdul Minty, Council on Foreign Relations, Panel II: Global Security Institutions: The Nonproliferation Regime Transcript of discussion, 19 May 2010, <http://www.cfr.org/arms-control-disarmament-and-nonproliferation/panel-ii-global-security-institutions-nonproliferation-regime/p22192>

attaches to these proliferation proofing efforts inasmuch as the US is still importing most of its isotopes from Canada that uses HEU imported from the US in its production. It is in this respect that the South African minister of international relations stated at an IAEA nuclear security conference that South Africa will continue to produce isotopes from LEU and HEU.⁶²

Whereas the US may see *counter-proliferation* and *nuclear security* (also the US emphasis on *nuclear terrorism*) as obvious attempts to implement the NPT, South Africa sees these narratives developed at the expense of a balanced interpretation of the NPT, usurping resources and diplomatic energy and attention in favour of US (Western/NWS') interests.

6. Conclusion

Nothing in this article should be seen as a motion against the seriousness of states' responsibility to secure nuclear material and facilities. However, like George Bush, Bill Clinton, and George W. Bush, President Obama's emphasis on nuclear security, despite seeming obviously sensible, hides the fact that it is one-sided. It requires limitations on Article IV rights of non-nuclear weapon states whilst exaggerating a 'threat' that the US and other nuclear weapons 'haves' can use to justify endlessly postponement to abide by their end of the NPT bargain, which is nuclear disarmament to global zero. Employing the phrase 'proliferation concern' securitises non-nuclear weapons states' peaceful nuclear technology, resulting in additional legal and non-legal conditions to and obligations on non-nuclear weapon states' rights to civilian nuclear technology. This is done by forging a link between nuclear security and nonproliferation, in such a way that countries that do not meet US standards of nuclear security by default become 'proliferation concerns' themselves. This

⁶² Joelen Pretorius, 'Nuclear politics of denial: South Africa and the Additional Protocol', *International Negotiation*, 18/3(2013) 379-399.

labelling can circumscribe the right to peaceful nuclear technology through US-led coercive measures. At the same time, a similar link is not made between nuclear security and disarmament. The same attention is for instance not placed on security challenges posed by the stockpiles of weapons and weapons grade material in nuclear weapon states. The discourse of nuclear security thus continues, despite Obama's rhetoric, to put a heavier burden on non-nuclear weapon states' obligations under the NPT, while making disarmament voluntary. Nuclear security, in other words, delinks disarmament and nonproliferation obligations.

Furthermore, NAM states, such as South Africa, are cautious that the nuclear security agenda is a pretext to set up two different sets of rules for so-called 'responsible states' and 'irresponsible' non-nuclear weapon states (or good proliferators and bad proliferators), a distinction made based on biased criteria. The first of 24 principles listed in a declaration at the IAEA international conference on nuclear security is: 'We...assert that the responsibility for nuclear security within a State rests entirely with that State.'⁶³ Although South Africa is keen to work with the international community on nuclear security, South Africa's position is that if this principle of sovereignty counts for one, it must count for all.

⁶³ IAEA, Ministerial declaration, International Conference on Nuclear Security: Enhancing Global Efforts July, 2013, <http://www-pub.iaea.org/MTCD/Meetings/PDFplus/2013/cn203/cn203MinisterialDeclaration.pdf>

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