

HMG versus NPT: Britain and non-proliferation

A note for Friends of the Earth

By Walter C. Patterson - 15 November 1984

1. Few people in Britain know or care that there is a major international Treaty intended to prevent the spread of nuclear armaments around the world. There is: it is called the Treaty on the Non-Proliferation of Nuclear Weapons. Its origins, terms and history are set out in "The Non-Proliferation Treaty: Prospects and Problems", by Walter C. Patterson (Friends of the Earth, October 1984). More than 120 countries are now parties to the Non-Proliferation Treaty, or NPT. Nevertheless there is a serious possibility that within the next twelve months the Treaty will collapse. Its collapse would destroy the most significant attempt ever made to create a bargain of confidence between the nations of the world in nuclear affairs. The Treaty is to be sure a fragile, inadequate document. But it is all that now stands between humanity and a worldwide flood of nuclear weapons.

2. Britain was a founding party to the NPT, from its opening for signature in 1968; indeed Britain was, with the United States and the Soviet Union, one of the three co-sponsors and "depository countries" of the Treaty. One of the three original signed copies of the Treaty is kept in London. Yet if the Treaty should collapse the British government will be among those most responsible. Since the Treaty came into force on 5 May 1970 the British government has behaved as though the Treaty, with its solemn undertakings, simply did not exist. Britain's international nuclear activities have repeatedly contravened the spirit and even the letter of the Treaty. It is indeed frankly difficult to identify any occasion on which Britain allowed its international nuclear policy to be modified even slightly by its conflicting Treaty commitments.

4. (*sic: error of numbering*) When the Treaty came into force in May 1970, countries that had declined to sign or ratify it included Italy and Japan. Neither country was therefore subject to the safeguards stipulated by Article III of the Treaty as a prerequisite for receipt of nuclear technology or materials. Nevertheless Britain continued to supply both these countries with separated plutonium - potential nuclear weapons material - for five and six years respectively, in direct contravention of Article III. When challenged on this in April 1975 the British government simply denied - without further comment - that the transactions were in breach of the Treaty. Perusal of Article III lends no support to the British official position. It is to be sure true that the contracts for reprocessing fuel from the Latina Magnox reactor in Italy and the Tokai Mura Magnox reactor in Japan predated the Treaty. But the Treaty makes no provision for exceptions in this or any other context.

5. Italy soon thereafter ratified the Treaty, in common with its partners in the European Community; but Britain could take no credit for applying perceptible diplomatic pressure to that end. Japan did

not ratify the Treaty until 1976, in part because of a vocal faction in the Japanese Diet that insisted that Japan must retain the option to acquire nuclear weapons. By that time Britain had supplied at least 250 kilograms of separated plutonium from Tokai Mura Magnox fuel. Nor was this Britain's only contravention of Article III of the Treaty. Japan agreed to become a party to the Treaty only after vigorous pressure from the United States. This pressure was applied specifically with respect to plans to ship spent oxide fuel from Japanese nuclear power stations to Britain for reprocessing, and to return the separated plutonium to Japan. This plan had been under discussion, with the blessing of the British government, for fully two years, and had already been given the go-ahead by the British government in March 1976, well before Japan at length agreed to accede to the NPT. Conditions stipulated in British Ministerial statements at the time made no reference to NPT ratification as a prerequisite for the reprocessing contract.

6. It is nevertheless understood that Britain was at the same time retaining at Windscale plutonium separated from spent fuel from Spain, presumably on the basis that Spain was not a party to the Treaty or subject to the requisite safeguards, and under the government of General Franco. It has not been possible to ascertain whether this Spanish plutonium has since been returned to Spain. Spain is now negotiating with Britain and the rest of the European Community for accession to the Community; but Spain has yet to become a party to the Non-Proliferation Treaty, and has given no indication that it is prepared to do so. If Britain supports Spanish accession to the European Community - which includes accession to Euratom - without insisting on simultaneous Spanish accession to the NPT and acceptance of NPT safeguards, the result will be a further erosion of the credibility of the NPT as a minimum prerequisite for international nuclear commerce.

7. Throughout the entire existence of the NPT Britain has been importing uranium from the Rossing mine of Rio Tinto-Zinc in Namibia - under the auspices of the illegal South African regime in Namibia. South Africa is not a party to the NPT, nor does it accept international safeguards on all its nuclear activities. Intelligence services in several countries are convinced that South Africa has already acquired nuclear weapons capability. The entire circumstances of Britain's nuclear commerce with South Africa are under a blanket of secrecy; but the commerce does not, so far as is known, include supplying that country with nuclear technology or materials. Nevertheless British official support for the Namibia uranium trade is at the very least contrary to the spirit of the NPT, not least because RTZ - a British company - is implicated in the provision of uranium mining technology, and possibly of uranium itself, to South Africa.

8. Throughout the 1970s and 1980s actual British exports of nuclear technology have rarely clashed with the NPT. This is not, however, because of British scruples about Treaty obligations, but only because Britain has had so little to offer. What it has been able to offer it has offered regardless of whether the prospective recipient has been a party to the NPT, or accepts full-scope safeguards. Among transactions undertaken but eventually unconsummated were possible supply of Magnox reactors to Chile - not a party to the NPT - and possible supply of enrichment technology and a hexafluoride conversion plant to Brazil - not a party to the NPT. After the Falklands war, although no cessation of hostilities had been declared and although Britain was banning the import of literature from Argentina, the British government nevertheless agreed to sell Argentina 147 tonnes of heavy water held under British title in a depot in Federal Germany. Argentina is not a party to the NPT, and is completing both a reprocessing plant and an enrichment plant, each of which will be capable of producing nuclear weapons material, and neither of which will be under any safeguards whatever.

9. Perhaps the most blatant illustration of the attitude of the major nuclear countries - including Britain - to their NPT commitments under Article III surfaced in 1975. It emerged that seven countries - the US, the Soviet Union, Britain, France, Canada, Federal Germany and Japan - had convened a series of secret meetings in London to agree new ground-rules for nuclear exports. However, when the guidelines adopted by this so-called "Nuclear Suppliers' Group", also called the "London Club", were made public in 1976, they proved to be not stronger but weaker than those embodied in Article III of the Non-Proliferation Treaty. They stipulated conditions under which exports to non-weapons countries would have to be covered by safeguards: but under article III,2 of the Treaty such exports were banned outright unless the recipient country accepted full-scope safeguards. The "London Club", which had meanwhile expanded to 15 members, constituted a covert sub-group whose activities were seen by other NPT parties as being an attempt to rig international nuclear commerce, in contravention of Article IV of the Treaty. The undermining of Article III was even more direct. As host country of the "London Club" Britain's role in weakening the NPT was blatant.

10. From the late 1970s onward, Britain, France and the US have battled to win contracts to sell nuclear technology to China. China is not merely a non-party to the NPT. It is a nuclear-weapons state, the only country still exploding nuclear weapons in the atmosphere; and it refuses even now to have anything to do with international safeguards. It is also reliably reported to have aided several other states, in particular Pakistan, to develop nuclear weapons - a contravention of the overriding Article I of the NPT. Yet the British government continues to press for the sale of British technology for the planned nuclear power station at Daya Bay, in China's Guangdong province northeast of Hong Kong. This proposal has to be sure run into delays and difficulties; but the difficulties concern finances, not British scruples about Chinese involvement in nuclear weapons proliferation.

11. Perhaps the most egregious British affront to the principles of the NPT was underlined in late October of this year. In evidence at the Sizewell inquiry it was revealed that Britain has been refusing to admit safeguards inspectors to some areas of the Sellafield/Windscale site, on the basis that these areas involve not only civil but military nuclear activities. The fundamental premise of the NPT is the separation of civil nuclear activities from military, a point made forcibly in a vehement editorial in the *New Scientist*, 25 October 1984: "The government must come clean. Either the Sellafield reprocessing line is a military facility or it is not. If it is not military, Euratom and the International Atomic Energy Agency should receive copies of the designs by express post, together with an invitation to inspect the plant at their earliest convenience. If the bomb makers want more reprocessing done in future, let them build a new plant, at Chapelcross say, instead of having the work done for them on the sly." Needless to say there has been no official British government response to this demand.

12. The terms of the Non-Proliferation Treaty provide for a review conference every five years, to assess the status of the Treaty. The 1975 review conference was acrimonious and inconclusive; the 1980 review conference broke up in disarray, without even achieving agreement on a final statement. The third review conference will take place in Geneva in September next year. The first meeting of the Preparatory Committee for the 1985 conference took place in April 1984, the second in September 1984; the third and final meeting is scheduled for April 1985, by which time official government policies and conference postures will be hardening into rigidity. Notwithstanding recent confident, self-congratulatory pronouncements by the British government, the NPT is in trouble. If

the two previous conferences are an accurate guide, next year's conference may see the final collapse of the Treaty. If the Treaty collapses the result will almost certainly be a global nuclear free-for-all: nuclear technology and materials sold to all comers, ever-feeblter "safeguards" against its use for nuclear weapons, and the possibility of these weapons in the hands of virtually anyone. If this desperate state of affairs does unhappily come to pass, a major part of the blame will lie with the nuclear hypocrisy of the British government.

(c) Walt Patterson 1984-2009