The nuclear security discourse: Proliferation vs disarmament concerns

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The nuclear security discourse: Proliferation vs disarmament concerns

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The phrase ‘proliferation concern’ tags its subject – circumstances, a government, a policy, a capability – as a threat to the nuclear non-proliferation 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 while 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; U.S.; emerging powers; South Africa

Introduction

The phrase ‘proliferation concern’ tags its subject – circumstances, a government, a policy, a capability – as a threat to the nuclear non-proliferation 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. 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 Non-proliferation of Nuclear Weapons (NPT) and other non-proliferation agreements, and espousing nuclear non-proliferation as a key principle in its foreign policy, the term ‘proliferation concern’ is still applied to South Africa. South Africa’s sensitivity with respect to this phrase highlights the resistance of emerging powers to this dimension of US policy after the Cold War. One can also question the impact of this discourse on achieving the goals of nuclear non-proliferation and disarmament.

Exaggerating the proliferation threat after the Cold War

Nuclear proliferation, that is, the diffusion of nuclear weapons’ capability to new states, has existed as a threat since the birth of the atomic age. However, during the Cold War it

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was perceived as a threat of a less compelling nature than the mutually assured destruction inherent in the deterrence policy that entailed a perpetual build-up of nuclear arms stockpiles by the two former superpowers, the US and the Soviet Union.

The end of the Cold War led to what the Pentagon called a ‘threat blank’. Proliferation of weapons of mass destruction (WMD) 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’. The administration of the senior George Bush included non-proliferation of WMD in its new national security strategy, made public on 2 August 1990 – the day that Iraq invaded Kuwait.

In the words of President Bill Clinton’s first secretary of state, Warren Christopher, five years later, the threat of weapons of mass destruction had become ‘the principal direct threat to the survival of the US and our key allies’. US Central Intelligence Agency Director James Woolsey stated prosaically: ‘We have slain a large [Soviet] dragon. But we live now in a jungle filled with a bewildering variety of poisonous snakes’. Basic reciprocity logic, namely that, if nuclear weapons are militarily and politically perceived to be useful by some, others will want them too, fuels fears of proliferation. These fears result in attempts to limit the diffusion of capability to produce nuclear weapons or crude variants thereof. However, as James Clapper, head of the US Defense Intelligence Agency, 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’. The perceived threat 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’ in this context. 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).

The focus on ‘rogue states’ was again sharpened by President G. W. Bush when he called Iran, Iraq and North Korea ‘the Axis of Evil’ in his January 2002 State of the Union address. Later that year, the nuclear crises with both 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 determination. We cannot defend America and our friends by hoping for the best’. It called for pre-emptive – 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. Yet by being able to refer to new proliferating countries, they were able to shift the narrative from nuclear disarmament back to nuclear proliferation.
This has resulted in the maintenance of the status quo with respect to nuclear disarmament since the mid-1990s, with further impetus provided by the events of 11 September 2001 and the subsequent ‘War on Terror’ declared by G. W. Bush. Paolo Cotta-Ramusino noted, for example, in 2008: ‘The “war on terror” had created a mentality that makes disarmament impossible’. 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.

The other nuclear weapon states were quick to follow the US lead. For example, the UK must 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’. The UK prides itself on being an active driver of several US-initiated international counter-proliferation efforts, for example, the Proliferation Security Initiative, UN Security Council (UNSC) Resolution 1540 and the Global Initiative to Combat Nuclear Terrorism co-chaired by the US and Russia, to be discussed below.

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 established nuclear weapon states defend themselves by stating that the causes of proliferation have nothing (or not much) to do with the existence of their own nuclear arsenals. For instance, Linton Brooks, while head of the US National Nuclear Security Administration, 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’. 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 non-proliferation regime is at best a misguided way to think about the problems confronting us’. Such defensive reactions by the US made the already existing grievances of the non-nuclear weapon states only more extensive, as discussed below.

Although the Obama administration has used a different tone and even admitted that there is a link between nuclear non-proliferation and nuclear disarmament, President Obama has continued to use the same rhetoric of proliferation concern and counter-proliferation initiatives as Presidents George Bush (Senior), Clinton and G. W. Bush, 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. However, 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 or steal one. Our efforts to contain these dangers are centered on a global non-proliferation regime, but as more people and nations break the rules, we could reach the point where the center cannot hold.
Obama calls nuclear terrorism ‘the most immediate and extreme threat to global security’.20

**Internationalising harsher US non-proliferation/counter-proliferation policy**

As a result of this change in threat perception and the new focus on rogue states and nuclear terrorists (especially after 9/11), the US placed even greater emphasis on non-proliferation after the Cold War, both rhetorically and through driving a number of international counter-proliferation initiatives. The Nunn–Lugar programme that emanated from the Soviet Nuclear Threat Reduction Act of 1991 aimed at improving nuclear safety and reducing the proliferation risks in the USSR, and was supported by the administration of George Bush (Senior). In this period references were often made to so-called ‘loose nukes’.21 President Clinton, as well, 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 US plans to advance a wide-ranging non-proliferation agenda and concrete steps to contain the spread of fissile material, such as an international convention to stop the production of fissile material.23

Partly as a result of the North Korean nuclear crisis in 1993, the concept ‘counter-proliferation’ was introduced into US policy parlance for the first time when Clinton’s Secretary of Defense Les Aspin launched the Counterproliferation Initiative, on 7 December 1993. The initiative was meant to be a non-nuclear instrument in the event that non-proliferation 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 carried out a counter-proliferation attack with cruise missiles against Sudan; in Operation Desert Fox against Iraq in December 1998, the US and the UK went so far as to fight a short air war in the name of non-proliferation.

The non-proliferation policy of G. W. Bush was summed up in the US National Strategy to Combat Weapons of Mass Destruction of December 2002. Interestingly, the chapter on counter-proliferation in that document precedes the one on non-proliferation and calls for more robust tools to stop proliferation around the world, including interdiction.

After the preventive war launched on the false pretext of weapons of mass destruction held by Saddam Hussein in 2003, two other ‘proliferators’ came into the spotlight: Libya and Pakistan, more particularly the A. Q. Khan network. As a result of these crises, President G. W. 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 would be accomplished by interdicting suspicious shipments at sea and in the air or on land. Network states endorse PSI interdiction principles that include information sharing, commitment to strengthening their national legal authorities as well as international frameworks, and taking specific actions to support interdiction efforts.25
In 2003 G. W. Bush also called on the UNSC ‘to adopt a new anti-proliferation resolution’, which would ‘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’. The outcome was UNSC Resolution 1540 (2004), which was adopted under Chapter VII of the United Nations Charter. It imposes binding obligations on all member states ‘to prevent the proliferation of nuclear, chemical and biological weapons, and their means of delivery’, to non-state actors, including establishment of appropriate legislation and domestic controls over related materials.

Yet the Bush administration’s counter-proliferation 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 uranium enrichment and reprocessing technology to acquire this equipment, and also proposed that the International Atomic Energy Agency (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.

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 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. Mohamed 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’.

President Obama picked up on the policy to strengthen counter-proliferation by launching a new international effort ‘to secure all vulnerable nuclear material around the world within four years’. 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’. Also following in G. W. Bush’s footsteps, Obama has extended 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 require them to conclude the IAEA Additional Protocol as a condition of cooperation as well as to forego possession of sensitive nuclear facilities, such as enrichment and reprocessing capabilities. An example is Jordan. 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’.

President Obama organised the first of the two-yearly nuclear security summits, starting in April 2010 in Washington, DC and 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 for use of 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. However, 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. Obama will host another summit in 2016. The internationalisation of counter-proliferation, now under the guise of nuclear security, has never had such momentum, but not all states are happy with these harsher measures.

Reactions by the rest of the world to the US emphasis on non-proliferation after the Cold War

The emphasis by the US on non-proliferation has been criticised by many non-nuclear weapon states. At each of the five-yearly NPT Review Conferences after the Cold War, they have made two criticisms. First of all, they have objected that the emphasis on non-proliferation threatens their right under Article IV of the NPT to obtain a civilian nuclear programme, including enrichment and reprocessing facilities. Secondly, they find that the US overemphasises the goal of non-proliferation and underemphasises the other main pillar of the NPT, namely nuclear disarmament. An Indian general’s statement in 1998, when the US criticised 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’. In short, the overall feeling of many non-nuclear weapon states is that the existing discriminatory nature of the nuclear non-proliferation and disarmament regime inherent in the NPT has become even more pronounced after the Cold War.

The most outspoken group within the UN has been the Non-Aligned Movement (NAM). Partly overlapping is the group of Arab states that criticises 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, other emerging states like Brazil, South Africa and Turkey have become more outspoken in their criticism of US non-proliferation and disarmament policy.

Before the 1995 NPT Review and Extension Conference, there was a heated debate among the non-nuclear weapon states on how to extend the NPT. Many of them originally preferred limited extensions, for example, of 5, 10 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 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 Non-proliferation 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’. Negotiations on the Comprehensive Test Ban Treaty were completed and it was adopted in 1996, but as of mid 2014 it has yet to enter 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 the US lead. Little 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.40 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’.41 The NAC referred to the tension between non-proliferation and disarmament: ‘The nuclear weapons states should acknowledge that disarmament and non-proliferation are mutually reinforcing processes: what does not exist cannot proliferate’.42 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’.43

On top of these lingering frustrations with respect to the lack of nuclear disarmament, the G. W. Bush administration added the harsher non-proliferation measures outlined above, such as the idea of preventive attacks, the Proliferation Security Initiative, UNSC 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, emphasising more and more the threat of proliferation and adding additional non-proliferation burdens for the rest of the world, did not run in parallel with significant steps toward nuclear disarmament by the nuclear weapon states. Ambassador Roberto Abdenur of Brazil, a country that does not agree with making the IAEA Additional Protocol obligatory, articulated this point in addressing the US in 2004: ‘We believe firmly it is not enough to have an increasingly stricter and narrow non-proliferation (agreement) without balanced movement, parallel movement, in the area of nuclear disarmament’.44 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 fuel programme that does not fall under IAEA safeguards. Interestingly, Brazil has voted in the UNSC against economic sanctions on Iran at least once. Together with Turkey, it also negotiated a nuclear fuel swap with Iran in 2010 that would see Iran’s stockpiles of enriched uranium exported elsewhere to be turned into fuel rods for medical use and then returned to Iran. The US opposed this deal on the basis that it undermined the UN process and the consensus in the UNSC for additional sanctions that it had been lobbying for.45 The deal ultimately collapsed; however, the effort to broker the deal outside the US’s 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 the US counter-proliferation discourse normalises and institutionalises the US categorisations of states based on US interests rather than on the principles of non-proliferation and disarmament. William Potter refers to this as the US notion of good and bad proliferators.46 Among 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’.47 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. 

This distinction between good and bad proliferators has consequences for nuclear disarmament too. As Cotta-Ramusino noted in 2008, ‘[t]he concept of “civilised” countries against “uncivilised” ones works against disarmament’.48 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 flared 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’.49 At the conference, an action plan with 60 steps was agreed upon.

As argued above, President Obama switched gears in US policy to a certain extent, especially with respect to the (rhetorical) goal of nuclear elimination. However, the day-to-day practice of maintaining a huge (modernised) nuclear weapons arsenal and at the same time professing a harsh non-proliferation policy did not change. One can indeed argue that the nuclear security summits initiated by President Obama are another extension of the US counter-proliferation logic.

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 non-proliferation and disarmament bodies (e.g. at the 1995 NPT Review and Extension Conference), with a sense of authority and moral high ground that comes with having had nuclear weapons and then given them up. However, the South African government opted to keep an undisclosed amount of HEU, an estimated 600 kg, left over from South Africa’s weapons programme.50 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 open its option to restart a uranium enrichment programme. It has in fact declared its uranium deposits a strategic mineral and regards enrichment of uranium to fall 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 possibly restart uranium enrichment in the future is not aligned to the US post-Cold War non-proliferation policy.
and more recently its nuclear security agenda.\(^1\) 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 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 one of only a few countries to prosecute these cases and produce 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 on this matter at the US Council on Foreign Relations: ‘When news came out that Iran and Korea got equipment from [the 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 non-proliferation? … 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.’\(^2\)

In terms of the second ‘concern’, the 2007 security breach at Pelindaba, a nuclear research facility in South Africa, 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.\(^3\) 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 South African government maintains) but terrorists wanting to access the HEU stocks.\(^4\) Although the US government offered to secure Pelindaba, the South African government declined and instead worked with the IAEA.\(^5\) 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’\(^6\).

All in all South Africa is in good standing with its non-proliferation obligations.\(^7\) The US approach to non-proliferation through the exaggeration 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, has not been met with enthusiasm by the South African government. South Africa argues that ‘WMD terrorism should not be a pretext for removing rights’ \(^8\). Pretoria has also stated that ‘[t]he 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’.\(^9\)

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 that opened for signature
in 2005. It expressed resistance to making the IAEA Additional Protocol the new legal standard of safeguards in the IAEA and the NSG, despite the fact that it had signed the 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 in the case of most NAM members, South Africa sees added pressure by US non-proliferation policies and its nuclear security agenda in the context of the UNSC permanent five members’ reluctance to abide by their Article VI obligations to undertake nuclear disarmament. 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?’

Ambassador Minty also asserted in 2006 at an international symposium on HEU that addressing threats to collective security cannot 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’. 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:

While recognising the importance for nuclear security of minimising the use of HEU on a voluntary basis, and to use 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 civilian and military stocks if it is to be of any benefit. Furthermore, we remain convinced that the minimisation of HEU should be addressed within the context of the long outstanding negotiations on a fissile material treaty.

South Africa is also cautious that the US-driven nuclear security agenda takes non-proliferation outside the NPT framework and NPT-linked institutions and forums, such as the IAEA. In particular, the US has waged its campaigns for counter-proliferation 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 non-proliferation regime:

The nuclear non-proliferation 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.

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. 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 attaches to these proliferation proofing efforts inasmuch as the US is still importing most of its isotopes from Canada, which uses HEU imported from the US in its production. It was in this respect that South Africa’s minister of international relations and cooperation stated at the 2013 IAEA nuclear security conference that South Africa will continue to produce isotopes from LEU and HEU.64

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 the US, and indeed all nuclear weapon states’ interests.

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 G. W. Bush, President Obama continues to emphasise nuclear security, which, despite seeming obviously sensible, ignores the one-sided nature of US policy. The US requires limitations on Article IV rights of non-nuclear weapon states while exaggerating a ‘threat’ that the US and other nuclear weapons states can use to justify perpetual postponement of their commitment to abide by their end of the NPT bargain: nuclear disarmament to global zero. Employing the phrase ‘proliferation concern’ securitisises 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 achieved by forging a link between nuclear security and non-proliferation in such a way that countries that do not meet US standards of nuclear security by default become ‘proliferation concerns’ themselves. This 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 state’s obligations under the NPT while making disarmament by nuclear weapons states voluntary. Nuclear security, in other words, delinks disarmament and non-proliferation obligations.

Furthermore, NAM member 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’.65 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.
Notes

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 Hall S et al. (eds) Modernity: An Introduction to Modern Societies. Chichester: 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, that is, what is accepted and expected as normal or commonsensical in an issue-area. We use the term ‘narrative’ in a similar way, that is, 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: Weldes J et al. (eds) Cultures of Insecurity: States, Communities and the Production of Danger. Mineapolis, MN: University of Minnesota Press, 1999; Lal P, ‘Deconstructing security discourse in past national security strategies’, 6 May 2006, http://ssrn.com/abstract=2218586 or http://dx.doi.org/10.2139/ssrn.2218586; Millichen J, ‘The study of discourse in international relations: A critique of research and methods’, European Journal of International Relations, 5, June 1999, pp. 225–54; Buzan B, O Wæver & J de Wilde, Security: A New Framework for Analysis. Boulder, CO: 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.


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


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 I 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.


15. Ibid.

19. Speech delivered by President Barack Obama in Prague, Czech Republic, 5 April 2009.
23. Address by President Bill Clinton to the UN General Assembly, Remarks to the 49th Session of the United Nations General Assembly, 26 September 1994.
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://nuclearexploration.belfercenter.org/files/nuclearmatters/files/list_of_2014_nss_joint_statement_commitments_by_country_2.pdf
40. Slovenia withdrew soon after under pressure of the US and Sweden withdrew in 2013, resulting in public outcry in Sweden. 
42. Amorim C (and others), ‘What does not exist, cannot proliferate’, International Herald Tribune, 2 May 2005.
48. Butler N, Notes of the remarks presented by Paolo Cotta-Ramusino at the Rotblat Centenary celebration.
51. See also Burgess SF, ‘South Africa from the perspective of WMD supply networks: Indications and warning implications’, Strategic Insights, VI/5 (August 2007).
54. 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, while 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.