

Appendix B

Ambassador Sha Zukang on the Non-Proliferation Regime

Ambassador Sha Zukang, director-general of the Department of Arms Control and Disarmament at China's Ministry of Foreign Affairs, discussed China's non-proliferation policy and its views on the current state of the non-proliferation regime at the Seventh Carnegie International Non-Proliferation Conference on January 12, 1999, in Washington, D.C. An edited version of Ambassador Sha's address follows.

The good momentum of the international non-proliferation efforts maintained since the end of the cold war was severely interrupted by the Indian and Pakistani nuclear tests last May. How to repair and consolidate the damaged international non-proliferation regime is a pressing task facing us today. Whether we can cope with it effectively will have far-reaching impacts on the future development of the international situation. I would like to share with you some of my thoughts on this issue from the nuclear, biological, chemical, and missile perspectives.

The nuclear non-proliferation regime was the hardest hit by the Indian and Pakistani nuclear tests. It is of vital importance that further proliferation of nuclear weapons be prevented. To this end, first and foremost, we must exert all our efforts to stop and reverse the nuclear development programs of India and Pakistan. The Indian and Pakistani nuclear tests have presented the international community with both a challenge and an opportunity. In a sense, these events have become a litmus test of the effectiveness of the international non-proliferation regime. If the international community could take effective measures to stop or even to reverse the two countries' nuclear development programs, the authority and vitality

of the international nuclear non-proliferation regime would be immeasurably enhanced.

To achieve this, two things are important. First, the international community should have sufficient patience and perseverance, and should not lose hope because of the lack of progress in the short run. Second, the international community, especially the major powers, must achieve consensus and take concerted action on this matter. A robust international non-proliferation regime is in the interests of all countries. If any country seeks to exploit the South Asian situation to obtain unilateral short-term political, economic, or strategic benefits at the expense of other countries and international solidarity, and in total disregard for the serious consequences the South Asian nuclear testing has had on the international non-proliferation regime, it can only further undermine the already badly damaged international non-proliferation regime, and, in the end, the long-term interests of that country will also be jeopardized. It is a direct violation of UN Security Council Resolution 1172 to negotiate, or even to discuss, with India on India's so-called minimum nuclear deterrence capability. It is also unhelpful to support publicly India's permanent membership in the UN Security Council soon after its nuclear tests. It is obvious that these actions will not help in repairing the damage caused by the South Asian nuclear tests to the international nuclear non-proliferation regime.

Secondly, the international nuclear non-proliferation regime should be replenished. At present, this includes three main aspects. First is the Comprehensive Nuclear Test-Ban Treaty (CTBT). All states concerned should sign and ratify the treaty as soon as possible, so that it can enter into force at an early date. China is accelerating its preparatory work and will submit the treaty to the People's Congress for ratification in the first part of this year, with the hope that the ratification procedures can be completed before September 1999. Second is the Fissile Material Cut-off Treaty (FMCT). Negotiation should start as soon as possible. All states should make the necessary efforts and demonstrate the necessary political will to conclude a good treaty at an early date, one which guarantees the adherence of all states capable of producing nuclear materials. The third aspect is to strengthen nuclear export control. China joined the Zangger Committee in October 1997, and has promulgated the regulations on Nuclear Export Control and on the Export Control

of Nuclear Dual-Use Items and Related Technologies. For historical reasons, China has not joined the Nuclear Suppliers Group so far, but we support its non-proliferation objectives and have actually incorporated both of its control lists, in their entirety, into China's own national regulations. In this connection, we have noted with concern that after the Indian nuclear tests, some Nuclear Suppliers Group members have taken a more proactive stand on issues of nuclear cooperation with India. We hope that these countries could be more cautious in this area.

Thirdly, the nuclear disarmament process should be accelerated. The fundamental solution to nuclear proliferation lies with complete nuclear disarmament. We do not believe there exists a cause and effect relationship between the present lack of progress in nuclear disarmament and the Indian nuclear testing, as claimed by the Indian government. But, at the same time, we fully recognize that an accelerated pace of nuclear disarmament will certainly be conducive to consolidating the international non-proliferation regime. The United States and the Russian Federation are duty-bound to take the lead in nuclear disarmament. We hope that START II could be effective and implemented, and the negotiation on START III initiated, as soon as possible. On such basis, the two countries should further reduce their nuclear arsenals so as to prepare the ground for other nuclear-weapon states to join in the process.

Last but not least, the role of nuclear weapons should be further diminished. The nuclear-deterrence policy based on the first-use of nuclear weapons highlights the discriminatory nature of the existing nuclear non-proliferation regime, which does not help to strengthen the international nuclear non-proliferation regime or to dissipate the misconception of countries like India that the possession of nuclear weapons is a shortcut to the status of a world power. We are pleased to note that Germany and Canada have advocated that the North Atlantic Treaty Organization should abandon its policy of first use of nuclear weapons. We hope that positive results could come out of the on-going debates within NATO on this matter.

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Compared with the nuclear non-proliferation regime, the international regime against the proliferation of chemical and biological weapons, which is based on the Chemical Weapons Convention

(CWC) and the Biological Weapons Convention (BWC), is more justified and less discriminatory, but it is by no means problem-free.

With respect to chemical weapons, the relationship between CWC and the Australia Group is a thorny issue. CWC, a treaty which was concluded after extended multilateral negotiations, and has as many as 121 state parties, contains clear provisions on the export of sensitive chemicals, accompanied with long schedules. We do not deny the right of any country to stipulate stricter export controls than those required by CWC, and to establish small groups for that purpose. However, the existence of the Australia Group has resulted in discrepancies in the legal provisions of different countries, which has created a *de facto* split legal system within the CWC state parties. This inevitably causes confusion and affects the normal international trade of chemicals. This problem is compounded by the seemingly irresistible inclination of certain countries to impose their own standards or even their own domestic legislation onto other countries, thus giving rise to unnecessary international disputes. All this has seriously undermined the authority of the CWC. As far as I can see, there are only two ways to rectify this situation: to dissolve the Australia Group or to amend the CWC to bring it in line with the requirements of the Australia Group. Anyway, there must be a single standard rather than two.

The faithful implementation of the existing international treaties is the prerequisite for the strengthening of the non-proliferation regime. CWC has been in force for almost two years, but a certain country has still not submitted its complete declarations, as required by the Convention, and has even passed its own national legislation which openly contravenes the provisions of the Convention. Such a practice of putting one's national legislation above the international law and refusing to fulfill one's obligations under an international treaty cannot but cause concern.

With respect to biological weapons, the negotiation on a protocol aimed at strengthening the BWC has entered its final stage. The establishment of any verification system should be guided by the principles of fairness, appropriateness, and effectiveness. Otherwise, verification weakens rather than strengthens the non-proliferation regime. In this connection, there are many lessons to be drawn from the weapons inspections in Iraq. We must have a realistic estimate of the role of verification. The purpose of verification is to deter

potential violators from violating its obligations. At the same time, we should be realistic enough to see that no verification regime, however perfect or complete, can provide a 100-percent guarantee that no violations could happen. Therefore, verification measures should be appropriate and feasible. If they are too intrusive and affect the legitimate security or economic interest of the state parties, or are too costly and impossible to sustain in the long run, they will not be able to get widespread support, and in the end the universality of the treaties will be undermined, which in turn will be detrimental to the strengthening of the non-proliferation regime.

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Devoid of any legal basis in international law, missile non-proliferation is the most underdeveloped part of the entire international non-proliferation regime. As the founders of the Missile Technology Control Regime (MTCR) admitted, MTCR is just a time-winning device. Its purpose is to delay missile proliferation rather than to provide a comprehensive solution to this problem. Even this limited role was somehow diminished by the regime's lack of objective criteria, and the double standard applied by certain MTCR members in implementing requirements of the regime. Recent developments have shown that the risk of missile proliferation is increasing. It is time for the international community to take a collective look at the missile proliferation issue, including MTCR, and to explore better ways to combat this danger.

One cannot discuss missile proliferation without mentioning theater missile defense (TMD). We are deeply concerned about certain countries' efforts to develop advanced TMD or even national missile defense (NMD), for the following reasons:

First, the development of advanced TMD or even NMD will have negative impacts on regional or even global strategic stability. Like nuclear weapons, missiles can proliferate both horizontally and vertically. If a country, in addition to its offensive power, seeks to develop advanced TMD or even NMD in an attempt to attain absolute security and unilateral strategic advantage for itself, other countries will be forced to develop more advanced offensive missiles. This will give rise to a new round of arms race which will be in no one's interest. To avoid such a situation, it is extremely important to maintain and strengthen the Anti-Ballistic Missile Treaty (ABM).

During the cold war, the ABM Treaty was one of the cornerstones of the strategic stability between the United States and the former Soviet Union, which made it possible for the two countries to make deep cuts in their respective nuclear arsenals. After the cold war, with the world moving rapidly toward multipolarity, the significance of the ABM Treaty has increased rather than decreased. Some scholars have put forward the idea of making the ABM Treaty a multilateral treaty. I think this is an idea worthy of our serious consideration.

Secondly, transferring TMD systems to other countries or regions or developing them jointly with other countries will inevitably result in the proliferation of missile technology. Missile and antimissile technologies are related. Many of the technologies used in antimissile systems are easily applicable in offensive missiles. This is one of the main reasons why China stands against the cooperation between the United States and Japan to develop TMD and opposes any transfer of TMD systems to Taiwan. We hope that the U.S. government would take a more cautious and responsible attitude on this matter. China's opposition to U.S. transfers of TMD to Taiwan is also based on another major concern, namely, its adverse impact on China's reunification. TMD in Taiwan will give the pro-independence forces in Taiwan a false sense of security, which may incite them to reckless moves. This can only lead to instability across the Taiwan Strait or even in the entire northeast Asian region.

In conclusion, I wish to emphasize that the proliferation problem cannot be solved without taking the large international environment into consideration. It is important that a fair and just new world order be established whereby all states treat each other with equality. The big and powerful should not bully the small and the weak. And all disputes should be solved peacefully, without resort to the use or threat of force. This is the most effective way to remove the fundamental motivations of countries to acquire weapons of mass destruction, and the best approach to non-proliferation.