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Promoting Nuclear Nonproliferation: A Chinese View

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ABSTRACT

This short article addresses recent Chinese Attitude toward nuclear nonproliferation. In particular, it discusses China's policies and efforts on nuclear export control, stance toward fissile cut-off treaty, consistent call for complete prohibition and thorough destruction of nuclear weapons and, unconditional provision of both positive and negative security assurances, etc.

Proliferation of weapons of mass destruction and their means of delivery has been regarded as a major threat to international peace and security. In this regard the international community has made great effort to combat proliferation by permanently extending the NPT Treaty, negotiating and concluding the CTBT Treaty, and making the CWC Treaty enter into force, etc.

It goes without saying that the Chinese side has contributed significantly to strengthening international nonproliferation regimes. China has supported Nuclear Nonproliferation Treaty's indefinite extension. China worked with other parties to achieve a Comprehensive Nuclear Test Ban and was the second to sign the CTBT. China signed and ratified the Chemical Weapons Convention, helping to strengthen CWC's worldwide authority.

Remarkably China has much strengthened its nuclear export control, publishing its regulations on such control and joining the Zangger Committee. China has also made it clear that it will promote a ban on the production of fissile materials for nuclear weapons or other nuclear explosive devices. China has called for a deeper nuclear disarmament leading to the complete prohibition and through destruction of all nuclear weapons, considering that nuclear disarmament can well encourage nuclear nonproliferation. In particular, China deems it important to provide both positive and negative security assurances, both unconditionally. This short paper will address below these issues.

NUCLEAR EXPORT CONTROL

In general China has three objectives toward nuclear issues: i) advancing nuclear disarmament; ii) preventing nuclear proliferation, and iii) promoting peaceful use of nuclear energy. Due to the dual-useable nature of nuclear materials, China has set the following three principles regarding nuclear export: i) what China exports shall be used for peaceful purposes only; ii) it should also receive safeguards of IAEA; iii) it should not be transferred to a third country without China's prior approval.

In the past two years China has made a series of commitment to strengthening nuclear export control. On May 11, 1996, China's Ministry of Foreign Affairs indicated that China would refrain from providing assistance to nuclear facilities beyond the safeguards of IAEA, clearly attaching importance to safeguards. In May 1997 China's State Council

promulgated the "Circular on Strict Implementation of China's Nuclear Export Policy", providing that the nuclear materials, nuclear equipment and related technology, as well as non-nuclear materials for reactors, and nuclear-related dual-use equipment, materials and relevant technology on China's export control list must not be supplied to or used in nuclear facilities not under IAEA safeguards.

On August 1, 1997, Chinese State Council reviewed and approved in principle the Decree No. 230, "PRC Regulations on the Control of Nuclear Exports", and the attached control list of nuclear export, identical to Zangger Committee's trigger list (Part I of INFCIRC 254). On September 10, State Council published the Decree No. 230. Five days later, Ministry of Foreign Affairs announced that China had decided to join Zangger Committee. On October 16, China officially joined Zangger Committee. On that occasion, China committed that by mid-1998 it shall complete its regulations on export control of nuclear-related dual-use items, with control list to be the same as Part II of INFCIRC 254 on dual-use items.

It is worth mentioning that the Regulations¹

- Provide that nuclear export of China is monopolized by units earmarked by the State Council. No other or individual is allowed to engage in such export. A licensing system is applied to the nuclear export by the State, i.e., one should apply for an export license for all the items and their technologies on the "Nuclear Export Control List" .
- Provide that the China Atomic Energy Authority (CAEA) shall examine nuclear export applications. If the approved application involves nuclear materials, it shall be referred to the Commission of Science, Technology and Industry for National Defense (COSTIND) for re-examination; if it involves other materials, it shall be referred to the MOFTEC for re-examination. Any nuclear export which has a bearing on state security, social and public interests or foreign policy, the Ministry of Foreign Affairs should be consulted; when necessary, such export should be further reported to the State Council for approval. After approval, the MOFTEC will issue an export license.
- Provide that if the recipient government should violate its commitment made under these Regulations, or if there is an imminent danger of nuclear proliferation, the department concerned of the Chinese Government has the right to suspend such export.
- Provide that any violation of the Regulations is liable to punishment by law.

The whole process of China's strengthening of nuclear export control apparently created an impact on China-U.S. relations as well. On October 29 last year, the two Governments issued a joint statement during the Jiang-Clinton summit in Washington, D.C., indicating that the two countries have respectively taken necessary steps to implement the 1985 China-U.S. Agreement for Nuclear Cooperation. In the word of President Clinton, this is a "win-win-win" result as it benefits the U.S. effort of promoting nonproliferation,

¹ Statement by Ambassador Li Changhe of the Chinese Permanent Mission in Vienna at the Meeting of the Zangger Committee, October 16, 1997.

opportunity of U.S. nuclear business in China, and environmental protection. For the part of China, it made the certification of the 1985 nuclear agreement a major substance of the summit meeting, and consequently, built a constructive mood for the success of the summit and state visit to the U.S.

On January 12, 1998, the U.S. President Clinton signed the formal certification and reports required by U.S. law to implement the China-U.S. Agreement for Peaceful Nuclear Cooperation, declaring that China had met the "nuclear nonproliferation requirements and conditions necessary under U.S. law to engage in peaceful nuclear cooperation with U.S. industry".² If the approval process in the U.S. Congress goes smoothly, the Agreement will become effective this year.

Symbolically, the certification of the Agreement demonstrates the U.S. policy of engaging China is achieving concrete results, in seeking cooperation from China on arms control and nonproliferation. While China secures probably one of the best sources of nuclear energy for civilian use, in terms of advanced technology especially high safety standard, it also provides the U.S. nuclear industry access to lucrative Chinese market of nuclear energy development. Nevertheless, one has to be cautious as to how much the U.S. nuclear companies can share of the Chinese market -- probably at a level of billions of U.S. dollars out of dozens of billions of U.S. dollars worth of market.

FISSILE CUT-OFF TREATY

After CTBT a FissBan is commonly expected as the next step of nuclear arms control and nonproliferation. On October 4, 1994 China issued a joint statement with the U.S., stating:

"[The two countries], in support of their shared interest in preventing the proliferation of nuclear weapons, have agreed to work together to promote the earliest possible achievement of a multilateral, non-discriminatory, and effectively verifiable convention banning the production of fissile materials for nuclear weapons or other nuclear explosive devices."³

By signing the joint statement, it is recognized that a fissile cut-off treaty provides a vehicle for working to halt the production of fissile materials for nuclear weapons or other nuclear explosive devices in key threshold states. China also expressed at the 49th United Nations General Assembly its support to negotiation of fissile cut-off treaty.

The negotiation of a fissile cut-off treaty, however, has still not commenced at Conference on Disarmament in Geneva, for reasons as priority of agenda and linkage of FissBan to time-bound nuclear disarmament etc. In spite of this, China consistently supports the FissBan effort, and has formulated some of its policies on this issue:

- The Treaty shall have universality. All nuclear capable states should join it.
- The scope of the treaty shall be defined by the purpose of production of fissile

² Statement by the Press Secretary on China Nuclear Certification, January 15, 1998; "US, China close to nuclear co-operation", *China Daily*, February 6, 1998, p.4.

³ Joint Statement of the United States and the People's Republic of China on Stopping the Production of Fissile Materials for Nuclear Weapons, Washington, October 4, 1994.

materials. Such purposes include military weapons use, other military use (for instance use as providing nuclear power), and civilian use. The FissBan shall restrict production of fissile materials for nuclear weapons use only.

- The negotiation of the treaty shall be carried out on a fair, reasonable basis. The right of signatories, particularly those of developing countries, on utilizing nuclear energy for peaceful purpose and hence developing their economy, shall be fully respected.
- The treaty's verification should be in accordance with the scope of the treaty, and reasonable, effective, and practical. Intrusiveness shall be as low as possible in order to avoid abuse of the treaty. The cost-effectiveness shall also be taken into consideration so that the signatories can bear the financial responsibility in regard to verification.

It is hoped that a new momentum of negotiating the fissile cut-off treaty can be built in the near future.

NUCLEAR DISARMAMENT

Ever since China possessed nuclear weapons China has called for complete prohibition and thorough destruction of nuclear weapons worldwide. China holds that countries with largest and finest nuclear and conventional arsenals have special and foremost responsibility in arms control and disarmament, and, nuclear disarmament is the corresponding responsibility of nuclear weapons states versus the obligation of non-nuclear weapons states as not to acquire nuclear weapons. China considers that the two nuclear weapons superpowers should implement their bilateral nuclear disarmament agreements reached, and commit to further drastically reducing their nuclear armaments.

At the Helsinki summit in March 1997, the U.S. and Russian governments addressed an accelerated process of START II ratification. They even had discussed the possibility of START III.⁴ Questions have been raised as to whether China will join the nuclear disarmament, and even further, to discharge nuclear materials from dismantled nuclear weapons.

As a nuclear weapons state, China has a responsibility of nuclear disarmament. However, this has to be addressed in a multilateral framework. Though China's nuclear weapons program has been veiled for purpose of deterrence, it is understood that its arsenal is measured by hundreds of weapons, from sources in the West. With this as background, the following aspects have to be considered in addressing China's possibility of participation in a multilateral nuclear disarmament process:

- The expected START III level of deployed strategic nuclear warhead is still too high to attract medium nuclear weapons states to join;

⁴ In the U.S.-Russian "Joint Statement on Parameters on Future Reductions in Nuclear Forces", signed on March 21, 1997 in Helsinki, the two sides agreed that the START III negotiation will include four basic components including a limit of 2,000-2,500 deployed strategic nuclear warheads for each side by the end of 2007.

- Those stockpiled nuclear warheads of nuclear superpowers have to be addressed as well;
- The fissile materials from dismantled nuclear weapons of the U.S. and Russia have to be treated as weapons unusable;
- National missile defense and highly capable theater missile defense undermine the credibility of nuclear deterrence of medium nuclear weapons states and discourage their interest in participating in multilateral process;
- All nuclear weapons states, especially those major nuclear weapons states, shall commit to no-first-use of nuclear weapons.

SECURITY ASSURANCES

China has adopted a no-first-use policy from the day it tested its first nuclear weapon. The unconditional negative security assurance was complemented by a positive assurance on April 5, 1995, when China issued "National Statement on Security Assurances"⁵:

- China undertakes not to be the first to use nuclear weapons at any time or under any circumstances;
- China undertakes not to use or threaten to use nuclear weapons against non-nuclear weapons states or nuclear-weapon-free zones at any time or under any circumstances;
- As a permanent member of the Security Council of the United Nations, China undertakes to take action within the council in order that the council take appropriate measures to provide, in accordance with the Charter of the United Nations, necessary assistance to any non-nuclear weapons state that comes under attack with nuclear weapons, and impose strict and effective sanctions on the attacking state.

China considers that unconditional positive and negative security assurances conducive to nuclear nonproliferation, and strongly calls for the early conclusion of an international convention on no-first-use of nuclear weapons as well as an international legal instrument on assuring the non-nuclear weapons states and nuclear-weapon-free zones against the use or threat of use of nuclear weapons.

This call has not been responded from the largest nuclear weapons state, on the ground of necessity of maintaining extended nuclear deterrence. Putting aside the controversy of the extended deterrence policy, it was reported that the U.S. recently adopted new targeting guidelines for nuclear arms, allowing to broaden targeting scope against China. This certainly upsets China and brings concern over the recently built "constructive strategic partnership" between the two countries.⁶ Washington's move is not constructive to seek broader cooperation in nonproliferation.

⁵ "National statement on security assurances issued", *China Daily*, April 6, 1995, p.1.

⁶ "Clinton issues guidelines on nuclear arms strategy", *China Daily*, December 8, 1997, p.12; "China criticizes US for 'nuclear deterrent' policy", *China Daily*, December 10, 1997, p.1.

CONCLUSION

At an age when nuclear proliferation becomes one of the main concern of international security, China has much strengthened its nonproliferation stance. It has much tightened domestic control of nuclear export, and joined Zangger Committee to better control dual-use nuclear-related items. It has committed to a negotiation of ban on production of fissile materials for weapons purposes. China has also called for total elimination of nuclear weapons and a no-first-use position before the thorough destruction is fulfilled. All these help strengthen international effort of halting the proliferation.