

Shoring Up Commitment to the Nuclear Non-Proliferation Treaty Before and After the 2000 Review Conference

Tariq Rauf
Center for Nonproliferation Studies
Monterey Institute of International Studies

MONTEREY NONPROLIFERATION STRATEGY GROUP
Discussion Paper Prepared for Strategy Session on
"Coping with Nonproliferation Crises"
Washington, DC, 3-4 November 1999

The Upcoming NPT Review Conference

The Sixth NPT Review Conference will take place at the United Nations from 24 April to 19 May 2000. This will not only be the first multilateral arms control conference of the new millennium but will also be the first of the "strengthened review process" agreed at the 1995 NPT Review and Extension Conference (NPTREC).

Three sessions of the Preparatory Committee for the 2000 review conference—held in 1997, 1998 and 1999—managed to agree only on procedure but not on substance. The fractious nature of the debates on (lack of) progress in nuclear disarmament, i.e. compliance with Article VI obligations, together with setbacks to the Comprehensive Test Ban Treaty (CTBT) ratification and entry-into-force process, discord in U.S.-Russia and U.S.-China relations, U.S. national missile defense plans, and nuclear weapon state (NWS) obstructionism regarding the implementation of the strengthened review process have cast an ominous cloud over the prospects for success at the next review conference.

In light of these negative developments, apparently fearing failure, South Africa has withdrawn from the presidency of the 2000 Review Conference—an unprecedented move, as never before has a *country* bailed out as conference president. Thus, the conference has already been orphaned, making it ever more important to have leadership from key non-nuclear weapon states (NNWS) and flexibility on the part of the NWS.

The NPT Bargain

The NPT remains a three-part bargain—nuclear nonproliferation, nuclear disarmament, and cooperation in the peaceful uses of nuclear energy under safeguards—with each part retaining equal importance. The Treaty itself does not refer to any pre-conditions for either nuclear nonproliferation or for nuclear disarmament. Each of these goals can be pursued either separately or in tandem with each other.

Nuclear Nonproliferation Concerns:

- Lack of universality of the Treaty and politically-driven responses to three proliferator states—Pakistan has been disproportionately sanctioned, India minimally sanctioned or tolerated, and Israel not only tolerated and not sanctioned but actually rewarded with technological and economic largesse.
- Activities of NWS—essentially those of the United States—i.e. stationing nuclear weapons outside national territory in allied NNWS, and so-called nuclear "sharing" and "training" involving NNWS-parties to the NPT.

- Resolution of two instances of non-compliance—verification of the complete elimination of Iraq’s nuclear weapon program, prevention of its reconstitution, and restoration of full IAEA safeguards activities and inspections; and implementation of full IAEA safeguards inspections in North Korea and disposition of discrepancies regarding its plutonium separation campaigns.

Nuclear Disarmament Concerns:

- NWS continue to thwart any attempt in all multilateral fora (be it the NPT review process, the Conference on Disarmament, the First Committee, UNDC or Special Sessions on Disarmament) to engage in multilateral negotiation of measures on nuclear disarmament;
- Since the 1995 NPTREC, elements in the U.S. Congress and the Russian Duma have opposed further nuclear arms reductions, sought to reverse previously agreed arms control measures, pursued security policies without regard for nonproliferation or arms race implications, and devalued multilateral approaches to security—the defeat of the CTBT on the floor of the U.S. Senate is the most recent manifestation of this phenomenon.

Impediments to Sharing of Civilian Nuclear Technology:

- Multilateral and national export controls have been perceived as hampering the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy;
- Unilateral policies and actions serve to undermine multilateral arrangements—this “politicization” of nuclear exports and export control arrangements is perceived as further undermining multilateral arrangements and agreements (e.g. paragraphs 9, and 14 through 17 of the decision on “principles and objectives” adopted at the 1995 NPTREC).

Weakening Commitment to the NPT

The shortcomings and faults of the applied NPT regime—together with discriminatory policies of key players in the nuclear nonproliferation arena—have contributed to the rise of a multiplicity of frustrations, irritations, opposition, dissatisfaction, and unhappiness among a cross-section of NNWS.

In a growing number of NNWS in different parts of the world, there is increased questioning about the security benefits conferred by or accrued through membership of the NPT. What is problematic for supporters of the NPT is that practically every dissatisfied NPT NNWS has different or unique motivations governing its decision matrices. Which, in turn, makes it even more difficult to suggest palliative or ameliorative measures that would meet the concerns of most or all members of the NPT.

It is important to note that these problems are not easily amenable to routine, simple or symbolic solutions; what is required is both a fundamental re-examination of the security benefits of the NPT regime for states (both NWS and NNWS), and that these states place global regime interests over narrowly defined national or domestic interests. The leadership from the NWS

required for such action is not visible, and any leadership from the NNWS is routinely squashed by the NWS. And policy nonproliferation think-tanks often ignore nuclear disarmament.

Reasons for Dissatisfaction

- lack of universality: Egypt and League of Arab States; Japan
- inadequate level of nuclear disarmament: Mexico, Malaysia, Indonesia, and others
- inadequate level of peaceful nuclear cooperation: Iran
- nuclear proliferation by India and Pakistan: Iran, Japan
- frustration regarding UN and/or U.S. (and/or NATO) actions: Iraq, FRY (Yugoslavia)
- the PRC's nuclear modernization/expansion (responding to deployed U.S. missile defenses): Taiwan; Japan
- lack of interest in regime, financial costs of IAEA membership: some African states
- collapse of Agreed Framework, external pressure, etc.: DPRK
- reaction to DPRK activities: RoK
- withdrawal or suspension of membership under pressure from India: Bhutan, Maldives, Nepal

Motivations for Dissatisfaction with the NPT

Lack of universality:

Middle East—since the 1995 NPTREC, all states in the region except for Israel have acceded to the NPT. Only Iraq was found to be in non-compliance with the Treaty. The League of Arab States, with Egypt's leadership, has long focused on Israel's nuclear capabilities in NPT fora. Prior to the 1995 NPTREC, Egypt publicly questioned the wisdom of its commitment to the NPT, if Israel remained outside. At the 1995 NPTREC the Arab League was not prepared to support indefinite extension of the Treaty without some commitments on Israel. Thus, through the mechanism of the Middle East (ME) Resolution—the text of which was cleared by both Washington and Tel Aviv—the Arab League did not stand in the way of indefinite extension. Since then, Egypt and other Arab states in Africa have also signed on to the Pelindaba Treaty, the NWS have signed its protocol on security assurances, but the African NWFZ still remains to enter into force.

The ME Resolution has been the focus of heated debate at all three sessions of the PrepCom—indeed the 1998 PrepCom collapsed due to U.S. objections to compromise language (coordinated by Canada), and the 1999 PrepCom witnessed intense debate until its final hours when Egypt conceded, not wanting to be blamed for the failure of the last PrepCom. There seems to be murmuring out of Cairo regarding the value of the NPT.

On the other hand, the United States has preferred to play a high stakes game, believing that Egypt was only bluffing and its salient posture on the matter had more to do with preserving its failing leadership in the Arab League and with domestic considerations, than with real dissatisfaction

with the NPT. However, the United States continues to ignore or underplay the force of domestic factors in Egypt and other states.

While Egypt will continue to play hardball with the ME Resolution, it will not withdraw from the NPT either before or after the 2000 Review Conference. But might it give a time-bound notice of considering withdrawal from the NPT if the United States does not bring pressure on Israel on the nuclear issue?

Japan—The nuclear tests by India and Pakistan, and the tepid response of the international community together with seeming tacit recognition by some of the NWS, has particularly perturbed several advanced industrial NNWS. In particular, Japan—which of late has marginally raised its previously non-existent profile on nuclear disarmament—has begun to question whether it should remain within the fold of the NPT. It might be recalled that Japan was late in ratifying the NPT, concluding IAEA safeguards, and supporting indefinite extension in 1995. In the past, various political figures have raised the issue of nuclear weapons for Japan, but such calls were quickly stifled. Since May 1998 responsible officials have also begun to question the utility of the NPT. In mid-October, a vice-minister of defense called for an open debate on nuclear weapons, and was forced to resign.

Given developments in the Korean Peninsula, and in mainland China and in Taiwan, together with perceptions of the acceptance of two new nuclear weapon states and stalemate in nuclear disarmament, it is possible that the voices in favor of nuclear weapons might become louder and be heard. On the other hand, anti-nuclear sentiments run deep in Japan, and recent nuclear accidents at Monju and Tokai-mura might yet dampen such aspirations.

Since Japan has the wherewithal for producing nuclear weapons, only a political decision stands in the way. A resurgent Japan that can say “no” to the United States on a variety of issues may indeed reconsider its NPT obligations, if new NWS are recognized, or if the NWS start a new arms race. However, this would be a factor in the 2000-2005 timeframe.

Lack of progress in nuclear disarmament:

Mexico—has historically been in the vanguard of NNWS pushing for nuclear disarmament and a CTBT. Indeed, the 1990 Review Conference collapsed when the United States refused to accept Mexican-sponsored compromise language favoring a CTBT; and the 1997 PrepCom nearly failed over Article VI issues. A senior Mexican official recently asserted that his country could not indefinitely accept an NPT if that meant that the NWS retained their weapons permanently, and that Mexico could jettison the NPT but still remain true to its nonproliferation credentials within the framework of the Tlatelolco Treaty. Nuclear disarmament has been one issue where Mexico has remained persistent and consistent in its efforts—it would be a grave mistake to continue to take Mexico for granted.

NAM—Within the Non-Aligned Movement (NAM), Indonesia and Malaysia have been outspoken on this matter. At the First Committee, Malaysia warned that the cavalier attitude of the NWS towards nuclear disarmament made a mockery of NNWS commitment to nonproliferation and could raise doubts about the usefulness of the NPT. Given a decline in their influence with the emergence of South Africa within the NAM, Indonesia and Malaysia might seek to be more

assertive on disarmament matters, and like Mexico could think about reducing their commitment to the NPT as they would still remain members of SEANWFZ (which has already entered into force).

Africa—With the dismantling of the South African nuclear weapon program and its accession to the NPT, the *raison d'être* from many small African states to support the NPT vanished—many of these states do not participate in NPT fora and could consider departing from the Treaty for reasons of disinterest or cost.

Reaction to NATO intervention:

In the late 1980s, the nuclear program in Yugoslavia had a weapons orientation. The nuclear reactor at Vinca has some 2 SQ (significant quantities) of fresh HEU and nearly 5kg of contained Pu in spent fuel. While the IAEA recently verified the presence of the material, a defeated and humiliated FR Yugoslavia might try to reinvigorate its nuclear weapons program.

Walkout under Indian pressure:

The Hindu nationalist (BJP) government's primary motivation for declaring India a NWS was for international recognition as a power to be reckoned with. At NPT fora, while India unlike Pakistan has never participated as an observer, it nevertheless has pursued its interest through proxies—such as Bhutan, Nepal and Maldives, which are all dependent upon India in one way or another. At the 1999 PrepCom, two of these proxies objected to references critical of India's nuclear tests.

It cannot be ruled out that as a way of signaling its new-found power, damaging the NPT regime it hates, and gaining leverage on nuclear weapon matters, India might influence its proxies to consider leaving the Treaty or putting their membership in abeyance—this could transpire in the lead-up to the 2000 or 2005 Review Conferences.

Reinforcing Commitment to the NPT

Three sets of complementary measures might contribute to improving the atmosphere and the prospects of the 2000 Review Conference.

Measures that might be considered prior to April 2000 include:

- implement agreed bilateral nuclear disarmament measures, engage in additional unilateral steps;
- initiate substantive discussion on nuclear disarmament in multilateral fora, such as the CD;
- facilitate peaceful nuclear cooperation under IAEA safeguards, as well as promoting the acceptance and implementation of strengthened safeguards in NNWS;
- reinvigorate the strengthened review process;
- enhance regime reinforcement through strengthened IAEA safeguards and technical assistance, increase IAEA safeguards budget;
- retire erstwhile cold warriors in senior foreign and defense policy sectors in NWS;

- invest in regional security architectures, especially in South Asia;
- reassure Arab League states about working to effectuate a zone free of mass destruction weapons in the Middle East.

At the Review Conference itself, states might consider:

- substantive and transparent discussion on nuclear disarmament;
- greater transparency in export controls and enhanced interaction between suppliers and recipients;
- interpretation and clarification of strengthened review process;
- interpretation and clarification of the 1995 Middle East Resolution.

Following the 2000 Review Conference, additional items could be considered for making progress:

- develop an instrument on security assurances;
- institute a “nonproliferation test” for defense policies, in particular for missile defenses, and conventional forces;
- establish an arms control mechanism in the Security Council, under the presidency of a non-permanent member, holding the P-5 veto in suspension;
- engage in substantive discussion on nuclear disarmament in the preparatory process beginning in 2002.

In sum, all efforts must be made to reinforce the security benefits of the NPT regime, while at the same time working to bring about its full implementation in all three of its dimensions, as well as universality of membership.