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The Relevance of the NPT Process for Today's Proliferation and Disarmament Challenges¹

Why and Wherefore

This piece started as an attempt to search for the reasons why, at the first session of the preparatory committee (PrepCom) for the 2005 NPT review conference, there were hardly any substantive exchanges of opinion, and the discussions that did take place were relatively anodyne. It was further meant to consider if this phenomenon had detracted from the value of that session, and to see whether, if it had, means might be found to encourage at future sessions of the PrepCom the holding of more substantive discussions that could promote a positive outcome of the relative review conference. This inquiry led to the further question, what role a substantive discussion might play in the review process and what, in fact, should be understood by the concept of "a positive outcome". In turn, this led to a re-examination of the nature and purpose of the review process. Thus, a paper that was meant to focus on what seemed to be a straightforward phenomenon seems to have degenerated into an analysis of the philosophy that underlies the process.

The legislative history gives no clear and authoritative guidance as to what the periodic review conference should do or how it should do it. Article VII, 3 of the NPT merely speaks of "a conference of Parties to the Treaty ... in order to review the operation of this Treaty with a view to assuring that the purposes of the Preamble and the provisions of the Treaty are being realised". This rather inelegant phrase does not indicate a causal link between the act of review and the "assurance" it seeks, viz. by what steps parties can assure that the Treaty is indeed "being realised".

The concept of a periodic review of the operation of the Treaty was introduced to enable parties to the NPT to discuss in the first instance whether and how the various obligations under the Treaty were being met, particularly "with a view to" ascertaining if they were getting out of it what they had expected when they joined. At the time the NPT was drafted, in the mid nineteen sixties, this was a novel concept, devised principally, it is said, to help overcome objections of some non-nuclear members of the Eighteen Nation Disarmament Conference (ENDC) to a treaty with such widely diverging obligations. It would enable parties to reassure themselves of the effective operation of article VI, in which the Non-Nuclear-Weapon States (NNWS), who had undertaken from the start not to acquire nuclear weapons, had been promised a "level playing field", where

¹ This paper has benefited from some helpful comments by Prof. John Simpson.

the inequality between them and the nuclear haves would eventually disappear², and of the satisfactory implementation of Article IV, which stipulated that states seeking to benefit from the peaceful uses of nuclear energy would be able to profit from their “inalienable right” of access to such benefits. Taking the language of Article VII, 3 as a basis, it makes sense to assume that the device of review was meant to serve not only as a means of “finding out”, but also, if the conclusion was less than satisfactory, of putting pressure on the states capable of giving effect to those two main considerations, of nuclear disarmament and peaceful uses, viz. (in this context) on the NWS, respectively the industrial nations.³ Another logical function was to trigger debate on violations by non-nuclear-weapon states party, of their obligation not to acquire any nuclear explosive device.

At this point, it may be recalled that when, in 1967, the co-chairmen of the ENDC, the USSR and the USA, tabled their identical but separate drafts of the NPT, there were a number of members who were highly doubtful about the result of their efforts. One prominent example of a subject that came under serious criticism from non-nuclear members of the Conference was the absence from the treaty text of negative security assurances by the nuclear-weapon states (NWS). This issue was championed in particular by Nigeria, which, with strong support from Egypt, demanded that such assurances should be laid down in a binding international instrument⁴. Other states, among them notably India and Pakistan, expressed deep dissatisfaction with a draft treaty that would not give them the means to coerce the NWS to live up to their promises. Early on, India, which had also seen in the draft an unacceptable tendency to regulate international exchange of science and technology, had said that it would not join a treaty that did not ensure equal treatment of “vertical” and “horizontal” proliferation. Pakistan took the initiative of calling for the holding of an open-ended conference in the framework of the United Nations of non-nuclear-weapon states, where all prospective parties would be able to express the problems they had with the text.

What Has Been Achieved?

Since the entry into force of the NPT there have been six review conferences. It is doubtful that any of these conferences has ever resulted in so much pressure being put on states that they have felt compelled to change the way in which, and the extent to which, they implemented their obligations under the Treaty. Not only do I not believe the review process has ever managed to do so, or has done so to the extent some states may

² Upon a UK initiative, a reference was included in article VIII, 3, to the purposes of the Preamble. This had the effect, *inter alia*, of re-emphasising the promotional element in the Treaty, regarding the peaceful uses of nuclear energy, and of adding the conclusion of a comprehensive test-ban treaty as a legitimate item for consideration in the review process.

³ In fact, at an early point in the negotiations it seems that some Western states would have been ready to use the outcome of the review, i.e. the conclusion to what extent the NPT was turning out to serve their national security interests, as the basis for a decision whether or not to remain a party to the Treaty. It was the same states, which, ostensibly for the same reasons, argued against concluding the Treaty for an indefinite duration. In this way, at least initially, a link was created between review and extension.

⁴ It may be recalled here in passing that these two states, together with the other six non-aligned members of the ENDC, had submitted a joint memorandum in which they expressed the conviction that a treaty on non-proliferation could not be an end in itself but only a means to an end, namely nuclear disarmament.

have hoped it would be able to, but I do not think the concept of review was intended to have that effect. There is no indication that it was ever the intention, particularly of the three nuclear-weapon states that were members of the ENDC at the time the NPT was elaborated, to see the review as a means of bringing about the implementation of the Treaty against the will of one or more of its parties, particularly their own.

The issue of nuclear non-proliferation is closely connected with the security of nations, and this security, to most states is not a negotiable commodity. It would have been unrealistic on the part of those drafting the Treaty to seriously expect that delegations at a review conference would ever be able to prevail upon a nuclear-weapon state to change its security policy so as to bring it more closely in line with the views of other parties as to the way the Treaty, and particularly article VI, should be implemented. One may speculate whether the state in question might be persuaded to change its policy even if dissatisfaction with the way it implements the Treaty were to prompt some parties to threaten with withdrawal. While in such a case a realignment of the state's policy might be essential to the Treaty's continuing viability and might be seen, therefore, as also being in its own interest – albeit perhaps indirectly - there is no precedent for the expectation that even this consideration would suffice to convince the state to adjust its actions to the wider good.⁵

The conclusion cannot be avoided, therefore, that even though in the past attempts have been made to use the review process as an instrument of change, it has not only failed to work as such, but it was not intended to be used for that purpose. Attempts to use review conferences to this end are likely to remain unproductive.

What Can Be Achieved?

So, what is there left for the review process to do and what has it done so far? It has admirably served several purposes. It has provided a welcome opportunity for debate and a means to keep parties aware of issues that might not otherwise find serious multilateral discussion. Review conferences provide the only practical venue where all parties can advance their views on the way the Treaty is operating, since the other major venue of this kind, the First Committee of the UN General Assembly, usually has too wide an agenda to allow for in-depth exchanges exclusively on NPT issues. Review conferences have helped promote wide international support for such concepts as strengthened IAEA safeguards and full-scope safeguards for nuclear exports. Review conferences also function as a useful safety valve for comment and criticism. They give an opportunity to warn of frustration with a sense of inadequate implementation. In that respect, they may even be able to generate a modest amount of pressure towards better

⁵ . On the other hand, the awareness that expecting otherwise would be unrealistic may not deter states that are so unhappy with the way the Treaty is implemented that they actually contemplate withdrawing from it. Such states might well reason that, for better or for worse, the offending country initially entered into the obligations of the Treaty in pursuance of its security policy and has therefore made the Treaty part of that policy which it is expected to continue observing in good faith. Accordingly, they would feel justified in rejecting claims that specific elements to which the Treaty refers as conducive to its purposes, such as the conclusion of a comprehensive test ban, no longer fit that state's current security policy, as contrary to its good-faith observance of the Treaty, and thus consider the state as being in violation of its obligations.

and more desirable ways of implementing. The question is really how the best possible use can be made of its ability to do so.

Certainly, the rancorous discussions at three or four of the first five review conferences seem to have done little to advance the actual implementation of the issues in contention. This phenomenon was noted already at the first review conference, in 1975, when many delegates expressed frustration over the slow pace with which effect was given to articles IV and VI of the Treaty, and large differences surfaced over ways in which that pace could be increased. At that conference, in the face of strenuous objections from the three depositary states, the only nuclear-weapon states which at that point were parties to the Treaty (the USSR, the UK and the USA), groups of mostly non-aligned delegations sponsored several variations of the idea of incorporating into the nuclear non-proliferation system a 'time-bound framework' of disarmament-related measures. Their proposals were among a range of draft resolutions relating to nuclear disarmament, the cessation of nuclear tests, the establishment of nuclear-weapon-free zones, negative security assurances, and the withdrawal of nuclear weapons from the territories of non-nuclear-weapon states, as well as to the promotion of the peaceful uses of nuclear energy. Two aspects of this move deserve special mention. One is that, given the lack of agreement on any of these draft resolutions in the form in which they were submitted, the majority of delegations expressed a preference for the incorporation of the principal elements of the various texts into an over-all final document of the review conference. This became the norm for all later review conferences. The other is the fact that three of the draft resolutions aimed at the adoption of additional protocols to the Treaty, which would have become part and parcel thereof. One of these, initiated by Mexico and co-sponsored by 19 non-nuclear-weapon states, would have bound the three nuclear-weapon states that were also the depositary states of the NPT to take specific steps towards the conclusion of a comprehensive test-ban treaty, as and when further states became parties to the Treaty. The additional protocol that was the subject of the second draft resolution, also initiated by Mexico and cosponsored by 18 non-nuclear-weapon states, would similarly have obliged the depositary states to make specific reductions in their nuclear arsenals and delivery vehicles as and when further states joined the Treaty. The third protocol was proposed in a draft resolution introduced by Romania and co-sponsored by ten non-nuclear-weapon states. It called for negative and positive security assurances for non-nuclear-weapon states parties to the Treaty and for the establishment of new nuclear-weapon-free zones. To all intents and purposes, such additional protocols would serve as amendments to the Treaty, but their incorporation would not have been subject to the cumbersome amendment procedure foreseen in article VII, 2 of the Treaty. While there was no agreement on any of the proposed resolutions, those proposing additional protocols met with particularly stiff opposition, on the part of the three nuclear-weapon states not only, but also on the part of their friends and allies.

In the end the President, who did not wish to see the very first review conference fail over problems that might find solutions at a later stage, proposed that the Drafting Committee consolidate the views expressed in the various draft resolutions together with other important views that had not been submitted in written form. When time pressure prevented the Committee from completing this job, the President herself used the various

texts to draft her own compromise language which, for want of alternatives and after long nocturnal negotiations with the delegations principally involved, became the contents of a 'Final Declaration' which the conference adopted by consensus. A number of delegations, however, while stating that they did not object to the consensus, made oral or written 'interpretative statements' containing comments views and reservations on the text of the Declaration. The most extensive of these interpretative statements was submitted by Mexico on behalf of the 'Group of 77' developing countries to put on record that this Group had agreed not to oppose the consensus on condition that the full text of their interpretative statements as well as the texts of the resolutions that contained proposals for additional protocols should be part of the final document of the conference.

At the review conference of 1980, when the review process had more or less found an appropriate format, its methodology and functions were topics of intensive discussion. There was no further attempt to use the device of additional protocols. A number of non-aligned and developing nations stated that they remained determined to use the review process to advance the cause of the Treaty, but their attempts to do so through binding resolutions remained fruitless. This conference produced little except confrontation and it was obvious early on that there would be no agreed Final Declaration. This failure was ascribed largely to disappointment among delegations about the scant results of recent intensive rounds of disarmament negotiations between the nuclear powers, which only shortly before had been expected to make substantial progress in several areas, notably the conclusion of a comprehensive nuclear test ban.⁶

At the review conference of 1985 that situation had not materially improved and expectations for a more positive outcome were not high. There was a widespread feeling, however, that two failures in a row could have a negative effect for the future of the NPT and might set a dangerous precedent, especially since the conference that had to decide on the extension of the Treaty was only ten years away. In the end, by the effective use of what observers saw as a rare combination of diplomatic flair, dedication and substantive insight among the members of the bureau and through the efficient involvement of several 'Friends of the President', the President was able to bring the gavel down on a Final Declaration adopted by consensus. It was only possible to achieve that consensus, however, by "agreeing to disagree" on a point of particular sensitivity, i.e. the issue of priority of a multilateral comprehensive nuclear test-ban treaty. In this context, the Final Declaration cites the conference "except for certain States" as regretting that there had still not been a CTBT, while the "certain States", i.e. the UK and the USA, were quoted as saying that although they were committed to "the goal" of a CTBT, they considered

⁶ It is worth noting that a number of non-aligned delegations participating in the work of the Preparatory Committee to the review conference of 1980, of whom a growing number had begun to accede to the Treaty, sought to use that venue to draft an outline for a Final Declaration, ostensibly to save the time of the conference itself and make it easier to adopt a consensus Final Declaration. The two western nuclear-weapon states, however, together with their allies, insisted that the sessions of the Preparatory Committee should not be used to discuss substance, except insofar as this was unavoidable in the course of the preparations (e.g. in deciding what the subjects should be of the documentation the conference would ask to be prepared). The initiative was therefore set aside, until it was introduced again as part of the decisions adopted in 1995.

deep and verifiable reductions in existing arsenals of nuclear weapons as the highest priority.

Notwithstanding intensive efforts by a number of delegations from all sides, the review conference of 1990 did not manage to end in consensus. Diverse reasons were given for its failure, including the confusion caused by the demise of the USSR and the position and the composition of the geo-political blocs that had played a major role in the review process, and the uncertainty about the consequences for nuclear disarmament of the end of the Cold War. Negative personal factors also played a part.

In different ways, the first four review conferences tried to formulate language to reflect views on the elements of the Treaty which delegates felt were not adequately implemented and the steps that were considered necessary to improve that implementation. Not surprisingly, consensus on such issues was never easy to achieve and twice had not been achieved at all. The conference of 1995 which served both to review the operation of the Treaty and to decide on its extension also did not reach consensus on a Final Declaration, but had other, extraordinarily important, achievements to its credit.

New Ground Rules

The question of the length of time for which the Treaty should be extended was a subject of great weight and controversy. The states in favour of its indefinite extension included the Western nations and most other developed countries. Member nations of the Non-Aligned Movement (NAM) tended not to share this approach because they felt that in accepting an indefinite extension they would give up a valuable means of leverage. As many put it, privately if not publicly, once the NPT was extended indefinitely, the nuclear-weapon states might no longer feel that they were under the same pressure to implement their treaty obligations. Eventually, however, the NAM accepted the indefinite extension of the Treaty as part of a package of measures that included a set of “Principles and Objectives for Nuclear Non-Proliferation and Disarmament” and a decision on “Strengthening the Review Process for the Treaty”. The fourth element of the package was a resolution on the Middle East. Without going into detail, it is fair to say that in taking these decisions the conference dealt with two sets of elements with which they had sought to deal in preceding review conferences. In the document on “Principles and Objectives” it adopted a set of benchmarks for action in implementing the Treaty. And in adopting the “Strengthening” document it approved new ground rules for the review process, devised to make this more effective in realising the purposes and provisions of the Treaty.

Again No Progress

. While the conference of 1995 ended on a positive balance, the lack of progress in the five-year period until the next review conference is still fresh in one’s memory. Contrary to the mandate it was given in 1995, the preparatory committee for the 2000 review conference was unable to agree on recommendations to that conference. The expectations for the conference were correspondingly low. Nevertheless, and to the surprise of many, the 2000 conference managed to add productively to the results of five

years before by adopting a Final Declaration that contained a ‘Programme of Action’, including ‘13 steps’, described in the Document as “practical steps for the systematic and progressive efforts to implement article VI of the Treaty ... and paragraphs 3 and 4© of the 1995 Decision on the Principles and Objectives for Nuclear Non-Proliferation and Disarmament”. The Final Document also contained a section on ‘Improving the effectiveness of the strengthened review process for the Treaty’, which added important detail to the corresponding Decision adopted at the 1975 conference, by streamlining the preparatory process.

Still More New Rules

Thus, for the second time in succession, a review conference adopted a programme of action and procedures to promote the results. Once more, the conference devised means not only to make the review process more meaningful but also in ways designed to make sure that “the purposes of the Preamble and the provisions of the Treaty [are] being realised”. It had last tried to do so in 1975, when it sought to make *de facto* changes in the Treaty through the incorporation of protocols adopted in resolutions. The actions of 1995 and 2000, which similarly meant to define and interpret the meaning of the Treaty, and which indicated how its provisions should be realised in practice (and which thus had the character of “law-making”, in the sense that a judicial court under a common-law system can “make law”) were qualitatively different. In this way, the review conferences of 1995⁷ and 2000 confirmed the ability of the review conference to take decisions that bind the parties.

Earlier, this paper claimed that review conferences cannot by their very nature influence compel states to change the way in which they implement their obligations under the Treaty. However, the states parties present at those events consciously adopted the decisions of 1995 and the ‘Plan of Action’ contained in the Final Document of 2000. Those states accepted the decisions and became bound by them (although they may, of course, vary among themselves in the ways in which they give effect to these obligations).

Consensus?

At this point, a brief discussion of the concept of consensus is in order.⁸ The idea that a review conference cannot be deemed to have succeeded unless it ends with the adoption of a consensus final document has always seemed to me to have more ritualistic symbolism than practical significance. This seemed all the more true since many a consensus is achieved only at the cost of compromises that tend to water down the contents of the document. This leaves one to wonder what is achieved by insistence on consensus through-tick-and-thin, and whether it is always necessary and useful, since consensus language tends to hide the real ambitions of the various sides, and as we have

⁷ Strictly speaking, the decisions of 1995 were not adopted in a ‘review conference’ but in the ‘extension conference’. If this can be deemed to make a difference, it should be that of adding to the binding nature of those measures, which were closely related to, and in a manner of speaking became part of, a binding decision provided for in the Treaty.

⁸ The role of consensus in the review process was discussed at greater length in two Issue Reviews of the Programme for Promoting Nuclear Non-Proliferation: No. 4, *NPT Review Conferences and the Role of Consensus*, of April 1995, by myself, and No. 6, *A New View of Review*, by George Bunn and me.

seen, there are states that clearly do not intend to honour undertakings that form the subject of declarations adopted by consensus. In such cases it might have been better to adopt a final text that honestly reflected the views of various groups of states than to create a document that did not reflect reality.

This, however, cannot be true for a document that is intended to contain actual undertakings, specifies courses of action or interprets or modifies the *modus operandi* laid down in earlier instruments. In such instances of “law-making” by the review conference consensus is essential and will, in the interpretation followed in the last-but-one paragraph, bind the parties. But even so, this can of course only have a practical effect to the extent that parties are willing to adhere to their commitments. And as we see currently, it may not be realistic to assume that all states will indeed do so.

It is an open question whether review conferences must always end with the adoption of an agreement to do or refrain from doing meaningful things leading to the fulfillment of the provisions of the Treaty. In some cases it is possible to adopt an anemic consensus text that will serve to convey the impression that participating parties have tried to come to an agreement, presumably because they attach value to the Treaty and do not want to weaken it by having the conference end without any result. If even this is not possible, it may deserve consideration to see whether in the light of true differences of view, with criticism of the way some states fall down on their obligations or even openly flaunt their unwillingness to live up to them, it may at times be inevitable to let the conference end without even such a declaration.

While this reflects current practice, however, it is not productive. It might be more useful if each conference could end with different sides being able to express their opposing views, so that it is clear why the conference has had to end that way. At present, the interested observer must delve into the archives to find the expressions of conflicting in working papers submitted by various states and groups of states. Arguments submitted orally are frequently not reflected in the documentation and it would be more informative if each side’s attitudes could be laid down in a document that is approved by all. In other words, the conference should somehow be able to say what the arguments were that led to the lack of agreement

The Uses Of Review

So far, each conference has done its best to achieve consensus even where it was obvious that there were disagreements so deep as to be unbridgeable. It follows from the above that whether this is truly necessary and useful depends on the answer to the question what one seeks to get out of the review process and what the process is inherently capable of providing. In that light there are at least four principal ways of using the review conference:

- a) As a forum for negotiation and ‘law-making’ to adopt common policies and ways of putting them into practice;
- b) As a means of keeping certain states, particularly nuclear-weapon states, aware of their obligations under the Treaty, at least to the extent where they feel

compelled to account for the actions they have taken or plan to take in this respect⁹;

- c) As an opportunity to comment on the way the Treaty is implemented and make the states concerned aware of hopes, wishes and criticism; or
- d) As a place where information is exchanged, mutual problems are discussed and comments are made on the operation of the Treaty.

A review conference may have elements of all four. As stated, activity a), to be effective, i.e. binding on the parties, should result in decisions adopted by consensus. The extent to which a conference that largely consists of activities b) and/or c) should end with a consensus document is optional; it should be less difficult to achieve than the one that is exclusively or mainly action-oriented. Whether activity d) is reflected in a document adopted by consensus would seem to be largely inconsequential. If the review conference seeks to adopt a given course of action or a set of procedures, as it did in 1995 and 2000, it can do so effectively only by consensus. But it does strike one as a waste of effort to move heaven and earth to adopt a final document merely to try and present the outcome of a conference as a success that will have no practical consequences beyond reflecting that parties were able to hammer out a text so meaningless that no one can object.

The PrepCom

This piece began by seeking reasons why the first session of the preparatory committee saw so little by way of substantive debate and whether this might have had a negative effect on the session. It further wondered how, if that lack of debate was a “bad thing”, that debate might be intensified without, one should hope, leading to the traditional unproductive confrontation. The experiences described here should provide some guidance to an answer on those points. The primary thing is, obviously, to determine what one would hope to achieve in the early stages of the review cycle. In terms of the ‘Strengthening’ document of the conference of 1995, the preparatory committee should consider “principles, objectives and ways to promote the full implementation of the Treaty ...” in order to make “recommendations thereon” to the review conference. I am convinced that events at the three sessions of the preparatory committee for the 2000 review conference have shown that this injunction cannot be followed literally, at least not in the first few sessions of the committee, the “routine” sessions, and possibly not even in the last session, by the end of which the recommendations to the conference should have been formulated.

This follows from the nature of the review. As a result of the decisions taken in 1995, committee sessions have become integral parts of the review cycle. The committee’s recommendations would logically bear on the issues that form the meat of the review – the progress parties expect to be promoted by the review - and they would obviously have to be made by consensus. But as we have seen, and as I think we must expect to happen in the future, such consensus is extremely difficult, if not outright impossible to achieve in any of the committee’s sessions. Consensus is not possible

⁹ It is especially this function which is subsumed in the concept of “Permanence with Accountability”, stressed during the Extension and Review Conference of 1995 and referred to ever since.

without compromise. Compromise is a matter of give and take and means making concessions. And concessions will not be made until the very end of the review cycle, that is, in the late stages of the review conference itself.

So, what can the preparatory committee do? Clearly, it is desirable first to get as much of the administrative preparations out of the way as possible. Next, it will be necessary as well as useful to discuss in general terms what is expected from the forthcoming review conference by way of concrete results – without, however, going as far as attempting to formulate draft recommendations. The things to be attained at the conference should be presented early on in the cycle, and a debate on such issues might be encouraged. While this would not be expected to lead to an immediate result, it would enable delegations to take one another's measure and reveal the course of action each one contemplates taking at the conference. This should facilitate eventual discussions and negotiations on elements of a Final Document of the review conference. If such exchanges lead the preparatory committee to start discussing recommendations, it would be up to the respective Chairperson to encourage this and see how far it might be carried forward. But the pace should not be forced; as we have seen in 2000, the absence of actual recommendations need not jeopardise the outcome of the conference.

In this light, the first session of the preparatory committee, of May 2002, has done all it might have been supposed to do. Delegations have had every opportunity to present their views on the operation of the Treaty, and have been able to see what problems may be ahead. The Chairman, in his impartial report, has left his successor with a valuable record of the proceedings. The positive atmosphere in which the first stage of the current review cycle started has survived, even in circumstances that do not leave much hope for early progress in nuclear disarmament.

Peroration

It has taken the NPT review process thirty years to reach its current stage of maturity. Paradoxically, this has come to pass at a time when its efficacy may no longer have the significance it might once have had. As contended earlier, the review will never have the power to shape the security policies of states. Those policies are not made at sessions of the preparatory committee or at the review conference, nor would they seem to be even materially influenced by those occasions. Five review conferences have seen intensive attempts to impel states towards full compliance with their obligations under the NPT, with scant results. But the outcomes of the extension conference of 1995 and the review conference of 2000 seemed to have changed that trend. Those events led to the adoption by consensus of a series of recommitments, of a concrete programme of action, and of benchmarks by which to judge progress in the fulfillment of those undertakings. There was every reason to expect, that obligations thus solidly confirmed would at last be realised.

Yet once again, appearances have turned out to deceive. At least one major state has led it be known that it does not intend to abide by every one of the promises to which it recently recommitted itself. By thus arrogating to itself a right of selective compliance, that state has once again shaken the belief in the effectiveness of the review process and

thereby, one may fear, of the Treaty itself. The nuclear-weapon states in particular have always stressed the importance of the NPT and the benefits all states, and in particular the non-nuclear-weapon states, derive from it.¹⁰ The unilateral refusal by one of them to honour a formal promise to take specific steps towards compliance with its obligations under the Treaty will tend to undermine the very validity of the Treaty. As the saying goes, what is good for the goose is good for the gander. If the gander chooses not to observe this truth by walking away from his promises, he should not be surprised that an avian divorce may not be far off.

¹⁰ Their own keen interest in the issue is reflected in the fact that in its present form the Treaty is based on identical drafts submitted by the USSR and the USA, two of the three depositary states. The third, the UK, has traditionally been the coordinator of the periodic efforts needed to get the review process under way and in particular of action in the General Assembly to engage the UN Secretariat in the review process.