

What Next for the NPT?

Facing the Moment of Truth : by Roland Timerbaev

For over 30 years, the Nuclear Non-Proliferation Treaty (NPT) has been the center and foundation of an interlocking network of agreements, organizations and international arrangements. They were designed to slow down, if not effectively bring to an end, the further spread of nuclear weapons. The regime was intended to include all the nations of the world — those that had nuclear weapons and those that might wish to acquire them in future.

Though this goal has never been fully achieved, the NPT, over the years, has been a reasonable success. If there had been no NPT, the total number of nuclear-weapon States (NWS) might have reached 30 or 40 by now. But today we have only eight, with one or two still trying to reach nuclear-weapon status. Since the conclusion of the NPT many more countries have given up nuclear weapon programs than have started them. There are fewer nuclear weapons in the world and fewer States with nuclear weapons programs than there were twenty or thirty years ago.

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The single most significant factor in producing this result has been the global non-proliferation legal norm established by the NPT, as well as the incentives for remaining non-nuclear States that the NPT helped initiate and provide. So, NPT achievements are indisputable. The treaty has gained an almost universal adherence. Only three nations

have chosen not to join it — India, Pakistan and Israel — and one State, North Korea, has decided to withdraw from the treaty.

This unquestionable success could never have been achieved without long-term cooperation among many States, and primarily between the United States and the Russian Federation. Both nations, as co-chairs of the Eighteen-Nation Disarmament Committee, initiated, back in the 1960s, the negotiation of the NPT, and, with the support of many other countries, the treaty was successfully concluded.

Since then, the international treaty regime has been consistently improved, updated and extended. To name only a few additional non-proliferation measures, one should mention the IAEA comprehensive system of safeguards (INFCIRC/153); the Zangger Committee; the Nuclear Suppliers Group (NSG); the Tlatelolco, Rarotonga, Bangkok and Pelindaba Treaties establishing nuclear-weapon-free zones in their respective regions of the world; the Brazil-Argentina Agency for Accounting and Control of Nuclear Materials (ABACC); and the IAEA additional protocol to comprehensive safeguards agreements of 1997 (INFCIRC/540).

Among the most recent additions to the regime are the global partnership against the spread of weapons and materials of mass destruction agreed among the G-8 nations in 2002; the US-led Proliferation Security Initiative (PSI) to interdict illegal transfers of weapons and materials; the Security Council Resolution 1540(2004) requiring States to increase security for weapons and materials and enact stricter export controls and laws to criminalize proliferation activities by individuals and corporations; the Global Threat Reduction Initiative (GTRI), jointly coordinated by the United States and Russia, which seeks to identify and secure dangerous materials at nuclear research reactors in many States.

of their commitments under Article VI, including the conclusion of the CTBT. In addition, the conference adopted a decision, co-sponsored by the NPT depositories — Russia, United Kingdom, and the US — calling for the establishment in the region of the Middle East of a zone free of any weapons of mass destruction.

At the 2000 Review Conference, the countries of the so-called New Agenda Coalition (Brazil, Egypt, Ireland, New Zealand, Mexico, South Africa, and Sweden) succeeded in getting, also by consensus, the agreement of all the NWS to implement the so-called “thirteen steps”, which were aimed at making systematic and progressive efforts to implement Article VI. Again, number one among these steps was to be “the early entry into force of the Comprehensive Nuclear-Test Ban Treaty”.

As a result, the last two Review Conferences have been concluded on an optimistic note, with consensus decisions, well-intended promises and pledges and renewed hopes for more productive efforts in implementing the provisions of the NPT, thus contributing to the strengthening of the regime. Even testing by India and Pakistan of nuclear explosive devices in May 1998 has not shaken the universal belief in the regime’s viability.

Against this background and with the recent record described above, what may we face in 2005? Would the next Review Conference continue to give the assurance of the continued robustness of the treaty regime or, on the contrary, may we have to witness the beginning of its disintegration?

It is a hard question to answer at this point in time. Usually, delegations arrive at Review Conferences with their extreme positions and start haggling until the time when such conferences reach “the moment of truth”, which happens at the very end. This, however, belongs to the domain of diplomatic tactics. In reality, whether or not the 2005 conference is to adopt a formal final document, would not affect very much the present very distressing situation with regard to the actual status of the treaty’s implementation and of the non-proliferation regime as such.

The NPT regime may survive as a livable international legal and practically applied norm only if it is consistently adhered to and supported by *all* its members — both the NWS and NNWS — and if the remaining non-member States are included in the regime in some way and in a capacity that would be generally acceptable. One of the most important goals in assuring the survivability of the regime is the intent of the NWS to lessen their reliance on nuclear weapons as a prime factor of their foreign policy objectives and practices. This is one of the most pressing requirements included among the “thirteen steps” adopted by the 2000 Review Conference and pursued by NNWS during the 2005 preparatory process.

In more concrete terms, what, in my opinion, could be done to assure the successive outcome of the 2005 Review Conference and the further strengthening of the international non-proliferation regime?

The *sine qua non* condition is an *even-handed* and *balanced* approach by the NPT States to reviewing the operation of the treaty in its totality in order to help achieve its *universal* compliance. Some of the needed steps to assure an orderly and generally accommodating conduct of the Conference are discussed here.



First NPT Review Conference, Geneva, 5 May 1975. Partial view of the presiding table. Left to right: Dr. Sigvard Eklund, DG of the IAEA; UN Secretary General Kurt Waldheim; and Mrs. Inga Thorsson (Sweden), President of the Conference.

❶ First and foremost, there must be a positive movement towards the earliest entry into force of the CTBT. Only 33 of the 44 states, whose ratification is needed for the CTBT to become effective, have ratified it. While it is hardly realistic to expect the US Senate, in its present composition, to give by two-thirds majority its advice and consent to the treaty ratification in the near future, the reaffirmation by the US Administration of its support for the treaty would be very helpful in reassuring the international community as to where the United States stands vis-à-vis the nuclear test ban. The leadership of the China has on many occasions announced its intention to obtain the ratification of the CTBT, and the approaching Review Conference is the appropriate time for fulfilling this pledge. Pending such time as the CTBT legally enters into force, a moratorium on nuclear-weapon-test explosions should be newly reaffirmed.

❷ Next, it would be highly important for all the NWS to jointly or independently proclaim their serious intention to diminish the role of the nuclear factor in their security and foreign policies. This should be accompanied by

