

1995 – 2000: Progress Reviewed

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The indefinite extension of the Non-Proliferation Treaty (NPT) in 1995 was far from unconditional. As many observers and participants have noted,¹ the decision documents (Principles and Objectives for Nuclear Non-proliferation and Disarmament, Strengthening the Review Process for the Treaty and the Resolution on the Middle East) were vital to both the extension decision itself and the fact that it was taken without a vote. If the contents of the Principles and Objectives document had not been agreed, then the 1995 conference would have had to proceed to a vote — for which there was no agreed procedure. Taking the extension decision without a vote was, at the time, considered to be absolutely necessary in order to avoid a hostile debate resulting in bitter divisions and perhaps in the end no real decision on extension.

Now, just before the first Review Conference since the indefinite extension of the NPT and following three Preparatory Committees (PrepComs), the question needs to be asked: Have the hopes contained within those documents that were the conditions for indefinite extension been fulfilled?

This paper, somewhat tongue-in-cheek and borrowing the idea from *The Economist*, marks progress against the Principles and Objectives out of ten so as to assist attempts to review the NPT since 1995.

Universality

Universal adherence to the Treaty on the Non-Proliferation of Nuclear Weapons is an urgent priority. All States not yet party to the Treaty are called upon to accede at the earliest date, particularly those States that operate unsafeguarded nuclear facilities.

Since 1995 some progress has been made on universality. There are now 187 states party to the NPT. However, the three states of most concern (India, Israel and Pakistan) are still outside the Treaty and, worse, two of them have exploded nuclear weapons and proclaimed themselves fully fledged nuclear powers. Israel is now the only country in the Middle East not party to the Treaty. From this perspective, progress made on universality — although better in terms of numbers — has in reality become more difficult to achieve fully.

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- 10/10 to the states that have joined the Treaty since 1995 and to all those who encouraged them.
- 3/10 for the Treaty as a whole (shared mark) due to the increased entrenchment of India and Pakistan against joining the Treaty and no revision of attitudes towards the Treaty in Israel.

Non-Proliferation

Every effort should be made to implement the Treaty in all its aspects to prevent the proliferation of nuclear weapons and other nuclear explosive devices, without hampering the peaceful uses of nuclear energy by States Parties to the Treaty.

The efforts to prevent horizontal nuclear weapons proliferation have suffered a number of setbacks in recent years. The implementation of the Agreed Framework in North Korea has had its problems and the 1998 missile test by North Korea over Japan has served to further increase tensions in North-East Asia. The lack of UNSCOM on-site inspections in Iraq since mid-1998 has caused erosion of international confidence in the belief that Iraq is not pursuing a nuclear weapons capability. Perhaps the most immediate blow to the sanguine belief that non-proliferation efforts were working was the 1998 nuclear weapons testing by India and Pakistan. The tests may be causing a number of countries to reassess their approach to nuclear weapons, to nuclear disarmament and to non-proliferation efforts.

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- 0/10 to India and Pakistan for coming out of their nuclear closet and setting back the prospects for a nuclear-weapon-free world.
- 2/10 to the states on the Security Council for failing to resolve the issue of UNSCOM.
- 0/10 to Iraq for failing to comply with its obligations under UNSCOM.
- 6/10 for the partners of KEDO for continuing to attempt to solve the impasse over North Korea's nuclear activities.
- 0/10 to North Korea for its missile tests and violating its safeguards agreement.

Nuclear Disarmament

Nuclear disarmament is substantially facilitated by the easing of international tension and the strengthening of trust between States which have prevailed following the end of the Cold War. The undertakings with regard to nuclear disarmament as set out in the Treaty on the Non-Proliferation of Nuclear Weapons should thus be fulfilled with determination. In this regard the nuclear-weapon States reaffirm their commitment, as stated in article VI, to pursue in good faith negotiations on effective measures relating to nuclear disarmament.

Since 1995, when hopes were still high following the end of the Cold War, relationships have deteriorated rapidly between the United States and both the Russian Federation and China. Although there is certainly no new Cold War, it is not unrealistic to worry about increased military spending, the possible collapse of the ABM Treaty and a difficult period within these very important relationships.

Both the United Kingdom and France have worked hard to carry out genuine disarmament measures, and the United Kingdom has gone further with transparency measures on fissile materials. The Russian Federation's failure to ratify START II has certainly set back the bilateral process but the recent attempts by the United States deserve credit for trying to overcome this obstacle.

However, in terms of renewing their commitment to pursue in good faith negotiations on effective measures relating to nuclear disarmament, an increasing number of non-nuclear-weapon states (NNWS) are sceptical. There has been increased tension between the United States and the Russian Federation over a host of issues such as NATO expansion, missile defences, nuclear technology transfer, Kosovo and Chechnya. Between the United States and China accusations of nuclear espionage, missile defences, Taiwan and Kosovo have formed part of a backdrop to an increasingly competitive relationship. China has continued on its path of nuclear modernization, increasing its nuclear weapons capability — at a time perhaps when regional instabilities would otherwise suggest caution — although it is still the only nuclear-weapon state (NWS) to espouse a no use (against NNWS) and a no first use (against NWS) policy.

Overall, despite attempts to revive the START process and the unilateral reductions by the United Kingdom and France, the commitment by the NWS to nuclear disarmament looks very shaky. Testimony to that observation includes statements by the NWS in the Conference on Disarmament (CD), in the First Committee and to their national audiences on the need for continuing strong nuclear "deterrent" capabilities and responses to proposed deployment of missile defences.

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- 3/10 to the NWS overall for clinging on to the thinking that nuclear weapons are necessary for defence and thus sending the wrong signals to potential proliferators and also thus increasing scepticism among the NNWS supporters of the NPT.
- 3/10 to NATO NNWS and other allies for failing to seize the opportunity to let go of Cold War doctrines of nuclear reliance.
- 8/10 to the United Kingdom and France for taking courageous and hard-to-reverse steps in nuclear weapons reductions, transparency measures and closure of some nuclear facilities.
- 9/10 to the New Agenda Coalition states and supporters for attempting to push nuclear disarmament along.

The achievement of the following measures is important in the full realization and effective implementation of article VI, including the programme of action as reflected below:

(a) The completing by the Conference on Disarmament of the negotiations on a universal and internationally and effectively verifiable Comprehensive Test-Ban Treaty no later than 1996. Pending the entry into force of a Comprehensive Test-Ban Treaty, the nuclear-weapon States should exercise utmost restraint;

Hours following the 1995 extension decision for the NPT and the agreement that the NWS should exercise utmost restraint, China conducted another nuclear explosion. Months later France broke its moratorium to conduct a series of nuclear tests. Despite the CD completing negotiations for the Comprehensive Test-Ban Treaty (CTBT) in 1996, the entry into force of the Treaty has been jinxed from its beginning. Because of the requirement for all nuclear-capable states to ratify the Treaty before it could enter into force, India felt enabled to exercise its veto in the CD in an attempt to block its passage to the General Assembly. The Treaty was laid before the General Assembly by “friends of the Comprehensive Test-Ban Treaty” but over three years later, despite ratification by France and the United Kingdom and a significant number of NNWS, the Treaty has yet to enter into force. Even worse, just following a special conference to discuss the lack of ratifications, the United States Senate voted not to ratify. The damage that this decision will cause has yet to be assessed but it certainly will not strengthen the case for signature and ratification in wavering states.

The 1998 tests by India and Pakistan have been a severe blow to an embryonic yet deeply supported regime. Just when nuclear weapons were beginning to lose their hold over military planners (if not over politicians) in the NWS, India and Pakistan demonstrated that countries outside a regime can severely weaken it. Ironically, India was the very first proponent of a CTBT and trust in India’s disarmament credentials has almost entirely died out within governmental and non-governmental arenas. Any disarmament proposal now put forward by India sounds with a hollow ring.

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- 0/10 to India and Pakistan for failing to support both the principle and the practice of banning nuclear tests for all time.
- 10/10 to France and the United Kingdom and all the other ratifying states for early ratification of the CTBT.
- 0/10 to the United States for failing to obtain the Senate ratification vote.
- 5/10 to China and the Russian Federation — although they have not yet achieved ratification, they have stated that they will be still attempting to ratify despite the United States Senate vote.

(b) The immediate commencement and early conclusion of negotiations on a non-discriminatory and universally applicable convention banning the production of fissile material for nuclear weapons or other nuclear explosive devices, in accordance with the statement of the Special Coordinator of the Conference on Disarmament and the mandate contained therein;

Since the end of the CTBT negotiations, there have been numerous attempts to begin serious negotiations in the CD on halting the production of fissile materials for weapons purposes. Despite obtaining consensus to begin the negotiations in August 1998, those negotiations had not started by the end of 1999. Perhaps in 2000 the deadlock in the CD will be broken and serious discussions on the scope and technicalities of the treaty could begin. The United Kingdom and the United States have made serious attempts to increase transparency in the amount of fissile materials each possesses for military purposes. The United States and the Russian Federation have cooperated in improved accountancy and control of fissile materials.

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- 0/10 to all those states within the CD that have sought to block the start of negotiations on fissile materials.
- 8/10 to the United Kingdom and the United States for the moves towards transparency in fissile materials.
- 7/10 to the United States and the Russian Federation for continuing efforts to improve accountancy and control of fissile materials.
- 8/10 to all those states that have made strenuous efforts to overcome the blocks and find common ground (they know who they are).

(c) The determined pursuit by the nuclear-weapon States of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons, and by all States of general and complete disarmament under strict and effective international control.

The continuing failure to obtain ratification by the Russian Duma has stymied the bilateral nuclear arms reduction process. However, in 1999 Presidents Clinton and Yeltsin agreed to begin discussions on a follow-on treaty, START III. The unilateral reductions by France and the United Kingdom have signalled an openness to joining multilateral nuclear disarmament negotiations, with the United Kingdom openly stating such a desire. China, however, is still undergoing a programme of modernizing and increasing its nuclear forces and the Russian Federation is considering redeploying withdrawn tactical nuclear weapons. There are still tens of thousands of nuclear weapons left and there seems to be little real attempt to reduce these numbers dramatically.

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- 2/10 to the Russian Federation for not yet having ratified START II.
- 3/10 to the United States for lack of leadership and for pursuing a new ballistic missile defence strategy.
- 6/10 to the United Kingdom and France for unilateral reductions.
- 0/10 to China for continuing to modernize and not capping its arsenal.

Nuclear-Weapon-Free Zones

The conviction that the establishment of internationally recognized nuclear-weapon-free zones, on the basis of arrangements freely arrived at among the States of the region concerned,

enhances global and regional peace and security is reaffirmed. The development of nuclear-weapon-free zones, especially in regions of tension, such as in the Middle East, as well as the establishment of zones free of weapons of mass destruction, should be encouraged as a matter of priority, taking into account the specific characteristics of each region. The establishment of additional nuclear-weapon-free zones by the time of the Review Conference in the year 2000 would be welcome. The cooperation of all the nuclear-weapon States and their respect and support for the relevant protocols is necessary for the maximum effectiveness of such nuclear-weapon-free zones and the relevant protocols.

The 1995 South-East Asian nuclear-weapon-free zone (NWFZ) (Bangkok Treaty) and the 1996 African NWFZ (Pelindaba Treaty) have been milestones in the attempts to codify the status of zones without nuclear weapons. In place now is a network of NWFZs in the Southern Hemisphere and there are attempts to further consolidate this state of affairs and declare a nuclear-weapon-free Southern Hemisphere.

Five Central Asian states — Kazakhstan, Uzbekistan, Turkmenistan, Kyrgyzstan and Tajikistan — are negotiating a NWFZ agreement for their region. Negotiations have been in progress since 1997 and given the physical location of the region such a treaty would have significant meaning for regional security.

There has, however, been no real progress on a NWFZ or a zone free of weapons of mass destruction in the Middle East. This is primarily due to such little progress in the Middle East peace process over the last few years.

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- 9/10 to the South-East Asian states for the Bangkok Treaty.
- 10/10 to those states that have ratified the Bangkok Treaty.
- 3/10 to the NWS for not yet adopting the Bangkok Treaty protocol but nonetheless still continuing discussions on how to achieve that goal.
- 10/10 to the African states for the Pelindaba Treaty.
- 10/10 to those states that have ratified the Pelindaba Treaty.
- 10/10 to France and China for ratifying the Pelindaba Treaty protocols.
- 6/10 to the United States, the Russian Federation, the United Kingdom and Spain for signing but not yet ratifying the Pelindaba Treaty protocols.
- 10/10 to the Central Asian states for the continuing negotiations on a Central Asian NWFZ.

Security Assurances

... further steps should be considered to assure non-nuclear-weapon States party to the Treaty against the use or threat of use of nuclear weapons. These steps could take the form of an internationally legally binding instrument.

Although there have been a number of proposals (most notably from South Africa and from China) on security assurances and no first use and although Germany and Canada made thwarted attempts to open up the issue of no first use in NATO, there has been no real progress on security assurances within the context of the NPT since 1995.

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0/10 for progress.

7/10 for efforts by South Africa, Canada, Germany and China.

Safeguards

... International Atomic Energy Agency safeguards should be regularly assessed and evaluated. Decisions adopted by its Board of Governors aimed at further strengthening the effectiveness of Agency safeguards should be supported and implemented and the Agency's capability to detect undeclared nuclear activities should be increased. ... Nuclear fissile material transferred from military use to peaceful nuclear activities should, as soon as practicable, be placed under Agency safeguards in the framework of the voluntary safeguards agreements in place with the nuclear-weapon States.

Perhaps the most significant achievement since 1995 has been the adoption of an Additional Protocol for safeguards by the IAEA. The protocol, agreed in 1997, allows the Agency new powers in collecting information and will greatly enhance confidence in compliance with the NPT. States are required to be more transparent and the IAEA now has the mandate to monitor state-wide nuclear activities and not just focus on nuclear material flow at facilities. The new protocol is voluntary however and as yet very few states have ratified. The NWS have signed and approved the protocol.

In addition, the IAEA, the United States and the Russian Federation agreed upon an initiative in 1996 to address technical, legal and financial issues associated with IAEA verification of weapon-origin fissile material designated as no longer required for defence purposes. Progress on the Trilateral Initiative has been slow. A second draft of the model verification agreement that will serve as the basis for implementing the new verification role has been prepared and it is hoped that this will be useful for other NPT NWS in the future. There have been a number of technical developments such as the building of a prototype verification system for plutonium and discussions on the methods to be applied at storage facilities.

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9/10 to the IAEA for learning lessons from the past and for developing and steering through a path-breaking approach to safeguards and verification.

- 10/10 to all those states that have ratified the Additional Protocol.
- 0/10 to all those states that have not yet ratified.
- 6/10 to the NWS for the increased transparency and cooperation with the Additional Protocol.
- 4/10 to the United States, the Russian Federation and the IAEA for the Trilateral Initiative since much more could have been achieved.

Conclusion

Overall the report card is mixed. While there have been some serious attempts to fulfil the 1995 Principles and Objectives document, the trends have been down since 1997. At the core of concerns lies the continuing dependency on nuclear weapons by the NWS and the nuclear weapons tests by India and Pakistan. Despite constructive steps such as the additional protocol to safeguards agreements with the IAEA and the codification of two more NWFZs and the development of another, there is a sense that the United States and the Russian Federation have lost any enthusiasm that they might once have had for nuclear disarmament. The core bargain of the NPT is that the NWS will negotiate in good faith, and the Principles and Objectives document agreed in 1995 further underscored the need to move towards the elimination of nuclear weapons. If the NWS are backing away from that and if the world cannot be sure that other states won't follow Iraq, India and Pakistan and clandestinely develop nuclear weapons, then the very framework of the NPT could begin to crumble and the proliferation of nuclear weapons could then become a terrifying reality for the twenty-first century.

Note

- ¹ See, for example, Jayantha Dhanapala, "The NPT Review Process: Identifying New Ideas to Strengthen the Regime", *UNIDIR Newsletter*, No. 37, March 1998, pp. 9–14.