

The Nuclear Non-Proliferation Treaty
Lessons for the Future

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Disarmament and arms control are not new. In 1139 at the Second Lateran Council Pope Innocent II outlawed the crossbow, declared it to be “hateful to God and unfit for Christians.” The crossbow was later overtaken in effectiveness by the English longbow. The crossbow and the longbow were then eclipsed by the destructive firepower of the cannon. The Church also banned the rifle when it appeared, but military technology continued to develop over the centuries, and diplomacy and arms-control efforts could not keep pace.

This changed with the advent of the atomic bomb in 1945. For the first time, humanity possessed a weapon with which it could destroy itself. Disarmament efforts gradually gained momentum, and over time a web of international treaties and agreements have been constructed that has inhibited the spread of nuclear, chemical and biological weapons and limited their deployment. There's no question that these efforts have changed the course of history.

The United Nations Security Council in 1992 declared proliferation of nuclear weapons to be a “threat to peace.” Prime Minister Tony Blair of Great Britain, President Jacques Chirac of France, and Chancellor Gerhard Schröder of Germany stated in a joint op-ed article supporting U.S. ratification of the comprehensive nuclear test ban treaty in October, 1999 “as we look to the next century, our greatest concern is proliferation of weapons of mass destruction, and chiefly nuclear proliferation. We have to face the stark truth that nuclear proliferation remains the major threat to world safety in the twenty-first

century.” International Atomic Energy Agency Director General Mohamed El-Baradei, who spoke eloquently here earlier this month said last year with respect to nuclear proliferation and the possibility of terrorist acquisition of nuclear weapons, “we are actually having a race against time... the danger is so imminent . . . not only with regard to countries acquiring nuclear weapons, but also terrorists getting their hands on some of the nuclear materials--uranium or plutonium.

When President John F. Kennedy was about to take office he asked the outgoing secretary of state Christian Herter which nations would be next to acquire nuclear weapons. Herter replied that Israel and India would be next. Kennedy tried especially hard to prevent the Israeli bomb, reasoning that if the United States could not restrain its ally Israel, how could it say no to Germany? And a German bomb would have been a serious provocation to the Soviet Union and opened the door to very dangerous consequences.

President Kennedy truly feared that nuclear weapons would sweep all over the world. In the early 1960s some studies predicted there would be 25 to 30 nuclear weapon states, with nuclear arms integrated into their arsenals by the end of the 1970s. Today more than 40 countries have the capability to build and produce nuclear weapons. In a world with nuclear weapons so widespread, every conflict would run the risk of going nuclear and it would be impossible to keep nuclear arms out of the hands of terrorist organizations.

Fortunately, most of the countries that have the capability have not chosen to pursue a nuclear weapons program. In 1960, after the first French nuclear weapon test in the Sahara, banner headlines in French newspapers declared “Vive La France” and “Vive

de Gaulle.” Yet, by the time of the first Indian explosion in 1974, the test was performed in secret, India received worldwide condemnation, and New Delhi hastened to explain that this had been a “peaceful test.” What had intervened were the negotiation in 1968 and the entry into force in 1970 of the Nuclear Non-proliferation Treaty. The NPT converted a state’s acquisition of nuclear weapons from an act of national pride in 1960 to an act contrary to the practices of the civilized world in 1970.

In fact, there has been very little actual nuclear weapon proliferation since the entry into force of the NPT in 1970, far from what President Kennedy had feared. Beyond the five nuclear weapon states recognized by the NPT (the United States, Britain, France, Russia, and China), Israel and India were already far along in their programs by 1970. The only additional states to acquire and maintain nuclear weapons since that time have been Pakistan and probably North Korea. Central to this situation is the international norm of behavior against nuclear weapons proliferation established by the NPT.

Certainly since the end of the Cold War the NPT--because of the broad international cooperation it requires and the controls that it places on the spread and the numbers of nuclear weapons--has been and remains the principal bulwark against nuclear proliferation and nuclear terrorism. However, it is important to understand that the NPT rests on a central bargain: no more nuclear weapon proliferation in exchange for commitments by the five NPT nuclear weapon states to share peaceful nuclear technology and to engage in disarmament negotiations aimed at the eventual elimination of their nuclear arsenals.

For understandable political reasons, maintaining both ends of this central bargain is vitally important to the long-term viability of the NPT. If most of the world is to remain committed to not having nuclear weapons, those states that are allowed to have them under the NPT--at least for the foreseeable future--must take seriously their nuclear disarmament commitments to preserve the political balance underlying the treaty.

It was clear in 1968 when the NPT was signed, as it was in 1970 and every five years afterwards at the Five Year Review Conferences mandated by the NPT, what the NPT nonnuclear states took to be the essence of this nuclear disarmament commitment set forth in Article VI of the Treaty. It entails a treaty prohibiting nuclear weapon tests (a comprehensive test ban treaty, or CTBT); a legal commitment by the NPT nuclear weapon states never to attack NPT nonnuclear states with nuclear weapons (called a “negative security assurance,” or NSA); a treaty prohibiting the further production of nuclear explosive or fissionable material (a Fissile Material Cut-off Treaty, or FMCT); and drastic reductions in the numbers of nuclear weapons in existence worldwide so that nuclear weapons become downgraded in political value and no longer serve as the distinguishing factor between states considered as “great powers” and other states.

At the 1995 NPT Review and Extension Conference, which voted to make the NPT permanent, these nuclear disarmament commitments were recorded in a document agreed to by all NPT parties, including the five nuclear weapon states. This agreement, the “Statement of Principles and Objectives of Nuclear Non-Proliferation and Disarmament,” was the political condition for making the treaty’s nonproliferation obligations permanent. It called for a comprehensive test ban treaty by 1996, repeated the other disarmament obligations mentioned above, and added several additional

objectives such as a commitment to more nuclear weapon free zones and improved NPT verification. There would have been no permanent extension of the NPT if these commitments had not been made by the nuclear weapon states. To ignore them is to undermine the continued political viability of the NPT.

The NPT nuclear weapon states also formally stated commitments to negative security assurances but these were not made legally binding as many parties had urged. Nevertheless, these undertakings as to nuclear weapon nonuse were essential to the indefinite extension of the NPT as the World Court recognized in 1996. To contravene them, as is done by the national policies of the United States, Russia, Britain and France, is an act inconsistent with the NPT obligations of these four states. The nonnuclear states' idea in 1995 was that if they were going to accept a legal commitment never to have nuclear weapons, the effect of making the treaty permanent, the NPT nuclear weapon states should legally commit not to attack them with such weapons.

At the Review Conference in 2000, in the Final Document agreed to by all NPT parties, the provisions of the Statement of Principles were essentially repeated and several new nuclear disarmament commitments added in what are called the Thirteen Steps. Among the items added were a commitment to a Fissile Material Cut-off Treaty by the time of the 2005 Review Conference, a moratorium on nuclear weapon tests until the CTBT has entered into force, support for the Anti-Ballistic Missile Treaty, additional commitments on the reduction of nuclear weapons both strategic and tactical, a diminishing role for nuclear weapons in the security policies of states and an “unequivocal undertaking” by the nuclear weapon states to pursue eventual nuclear

disarmament. These commitments set forth in the 2000 Final Document interpret the meaning of the NPT Article VI obligations.

Implementation of the 1995 Statement of Principles by the nuclear weapon states, particularly the United States, since that date has not been exemplary, and implementation of the additional steps approved in 2000 has been non-existent.

The Comprehensive Test Ban Treaty was signed in 1996, but the US Senate rejected it in 1999, and the current U.S. administration has stated that it does not support its ratification. However, the United Kingdom, France, and Russia have ratified the CTBT. But the treaty's entry into force will only be possible with US ratification, both because the treaty requires it and because the United States must take the lead for entry into force to happen. Britain and France also have implemented significant reductions to their nuclear weapon stockpiles. The United States plans this as well but in a reversible manner, contrary to the relevant provision of the Thirteen Steps. Negotiations on a Fissile Material Cut-off Treaty have not even begun and will obviously not be completed by the May 2005 Review Conference. There have been no new commitments to legally binding reductions of nuclear weapon systems since 1994. The United States, the United Kingdom, France, and Russia all maintain national policies reserving the right to use nuclear weapons first even against NPT nonnuclear weapon states, contrary to the 1995 negative security assurances. The United States has withdrawn from the ABM Treaty. In 1998, India and Pakistan conducted a series of nuclear weapons test, undermining the NPT from the outside.

The political value of nuclear weapons, meanwhile, remains as high as ever. North Korea has withdrawn from the NPT and, according to press reports, has built six to

eight or even ten nuclear weapons. Iran is likely pursuing a nuclear weapon program from within the NPT, to which it remains for now a signatory. The A. Q. Khan ring has been revealed amid indications that it had illegally transferred nuclear weapon technology from Pakistan to Libya, Iran, North Korea and perhaps other states. Nonproliferation could be severely undermined in Northeast Asia in response to a demonstration of North Korean nuclear weapon capability, such as by a nuclear weapon test.

In short, the NPT has never seemed weaker or its future less certain. And if the treaty should fail, it is too complex to ever be resuscitated. The nuclear nightmare world that President Kennedy feared likely would become a reality. The NPT central bargain simply must be resurrected and implemented, particularly the Test Ban, legally binding negative security assurances, the Fissile Material Cutoff and significant nuclear weapon reductions worldwide.

If the nuclear weapon states, particularly United States, took the above-mentioned positive steps to enhance the NPT central bargain, the result would be a greatly invigorated NPT and considerably enhanced world security. One of the important near-term steps necessary to prevent the NPT's undermining from within--as Iran appears to be contemplating--is to restrict access to the nuclear fuel cycle (uranium enrichment and the chemical reprocessing of spent nuclear fuel for plutonium) through some multilateral arrangement. These fuel processes are important for nuclear power but they can also be used in nuclear arms production. However, if the nuclear weapon states appear to be living up to their end of the NPT's central bargain, they will have a much better chance of

persuading nonnuclear weapon states to restrict access to the fuel cycle which until now has been guaranteed under the treaty.

To quote again the Director General: we must abandon the unworkable notion that is morally reprehensible for some countries to pursue weapons of mass destruction and acceptable for others to rely on them for security....If the world does not change course, we risk self-destruction.”