

The NPT Regime: External and Internal Challenges

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Introduction

I would like to begin by saluting the Carnegie Endowment for its efforts over so many years on behalf of the NPT's worthy goals of nuclear disarmament and non-proliferation. These annual Carnegie conferences have become somewhat of an institution in themselves and have traditionally begun the annual calendar of events in this important field. They have helped both to forge a global community of informed citizens that are equipped to address these challenges and to sensitize that community to the perils and pitfalls in our work to achieve these solemn goals.

I know that non-governmental organizations played important roles in helping to achieve an indefinite extension of the NPT in 1995. I expect they will now continue their efforts to ensure the full implementation of the package of decisions that led to that historic achievement. There is a moral responsibility on behalf of civil society.

As we draw closer to the third Preparatory Committee meeting in April -- and the 5-year NPT Review Conference in the year 2000 -- the NGO community will continue to play an important role in ensuring a higher standard of accountability by the States parties throughout the treaty's newly strengthened review and evaluation process.

Many of you may know that the results of the second meeting of the Preparatory Committee were, I am afraid, inauspicious. Deep differences continue to divide the non-nuclear-weapon States parties from the nuclear-weapon States parties, especially over the implementation of article VI of the Treaty relating to nuclear disarmament.

It was particularly discouraging that there were considerable differences in the interpretation of the package of decisions that was adopted at the 1995 NPT Review and Extension Conference. The delay in finalizing the office-holders of the conference is also disconcerting. And last year's nuclear tests have led many observers to express concerns over the future of the treaty and the stability of its associated regime.

The third session of the Preparatory Committee is expected to finalize the preparations for the 2000 NPT Review Conference. Its results will provide clues as to whether the NPT will emerge from that conference in stronger or weaker form. It is thus essential that agreement on the outstanding issues, substantive and procedural ones, will be reached in April and that States parties will bring with them the requisite flexibility and willingness to compromise.

As we approach the third session, I believe that it is important to recall that with the decision in May 1995 to strengthen the review process for the NPT, States parties had underlined their willingness to accept greater accountability of their actions and to ensure that the undertakings contained in the Treaty and in the decisions adopted at the Review and Extension Conference will have greater prospects of being achieved. The success of the Conference will ultimately depend on the evolution of fresh consensual approaches transcending political divisions and the abandonment of rigid postures or complacent attitudes over the "done deal" of the treaty's indefinite extension.

The State of the Regime

The theme of this year's Carnegie Conference is, "Repairing the Regime." It implies that the NPT regime is broken -- for as the American adage goes, "If it ain't broke, don't fix it."

Much of the recent public discussion about the NPT has been focused on the threats arising from outside the treaty -- or what might be called "external threats." As a result, threats arising from within that regime itself -- some of them coming from certain birth defects of the NPT -- have been glossed over.

So let me now address the general state of the nuclear regime. Given the slings and arrows that some commentators and public officials have aimed at the regime in the wake of the eleven declared nuclear detonations in South Asia last May, I will attempt to address the impact of these tests on the regime, and to discuss in a somewhat broader perspective the challenges and new possibilities that lie ahead.

In the immediate aftermath of the South Asia tests, some observers drew the hasty and erroneous conclusion that the regime has been crippled by these tests. The truth, however, is that the regime has in many respects fared quite well, even under these trying circumstances.

First, I believe the regime is continuing to demonstrate its vitality in the world community today. The recent tests have not inspired parties to abandon the NPT and its associated regime. The tests surely did not interfere with Brazil's decision to join the treaty last year. The treaty is about as close to full universal membership as is possible -- its norms represent global norms. Neither the NPT nor the IAEA's safeguards system can be blamed for the decisions by two non-parties to test nuclear weapons.

Inherent weaknesses in the NPT -- such as the asymmetry of obligations between nuclear-weapon states and the non-nuclear-weapon states -- are a legitimate grievance of those within the treaty, but not those outside it. As for past weaknesses in safeguards, they have also been addressed by a strengthened safeguards protocol, one that has already been signed by 35 countries, including all of the European Union, the United States, and most recently, China.

Viewed globally, compliance with the NPT has been commendable, despite certain significant instances where various state parties have engaged in -- or are still engaging in -- activities that are inconsistent with their treaty obligations. The general norms of the regime -- including those with respect to export controls and the basic requirement for full-scope IAEA safeguards as a condition for nuclear commerce -- are increasingly being integrated into the domestic laws and regulations of NPT parties, which now number 187.

As for the norm against testing, it is noteworthy that last year's tests have been condemned by diverse multilateral institutions on no less than 25 occasions, institutions which together represent virtually all inhabited regions on Earth. Prospects also remain good for obtaining the necessary signatures on the Comprehensive Test Ban Treaty -- I hope this will happen this year and that the treaty will enter into force as soon as possible thereafter. There is widespread support indeed throughout the world for the norm against nuclear testing.

As for the objective of complete nuclear disarmament, this too has been endorsed by virtually all countries -- including not just the five nuclear-weapon states, but also the three non-NPT states which have either tested nuclear devices or have nuclear-weapons capability. That objective is certainly not achieved by more states crossing the nuclear threshold.

This brings me to my second point about the overall health of the regime -- namely, that one has to acknowledge that there are threats from within the regime as well as from outside it. This might seem somewhat paradoxical, given all the public attention that has been devoted to the recent nuclear tests by non-members of the regime.

Threats from Outside the Regime

After all, these external threats to the regime are real. The tests in South Asia do indeed pose threats to the global norms of both non-proliferation and disarmament, primarily through their potential demonstration effect. If countries are perceived to derive certain benefits from ignoring such fundamental global norms, the risk could grow that others will either follow suit or seek various forms of compensation for continued participation in the regime. This is admittedly a hypothetical danger but one that nevertheless deserves to be taken seriously. It is a danger, incidentally, that applies to the goals of both non-proliferation and nuclear disarmament.

Other such external threats include criticisms of the NPT by non-parties which are preventing the treaty from achieving full universality. Moreover, the fact that certain NPT parties are engaging in civil nuclear cooperation in South Asia without any requirement for full-scope IAEA safeguards may -- over time -- unleash commercial pressures to abandon that responsible global standard. It is also worth noting that this is not the only region in which nuclear weapons have been acquired or detonated in the name of disarmament and world peace.

Consider for a moment some of the official statements made after past nuclear detonations over the last 54 years. The US Secretary of War Henry Stimson issued a statement on 6 August 1945 -- the day of the Hiroshima bombing -- indicating that *“Every effort is being bent toward assuring that this weapon and the new field of science that stands behind it will be employed wisely in the interests of the security of peace-loving nations and the well-being of the world.”*

I also recall the official statement by President Charles De Gaulle after the first French nuclear test on 13 February 1960, in which he declared the event would place France in -- and I am now quoting -- *“an even better position to further its action toward the conclusion of agreements among the atomic powers with a view to achieving nuclear disarmament.”*

On 16 October 1964, the Chinese government -- whose leaders had long condemned nuclear weapons as a “paper tiger” -- issued a statement following its first nuclear test stressing that *“China is developing nuclear weapons not because we believe in the omnipotence of nuclear weapons . . . [but] to break the nuclear monopoly of the nuclear powers and to eliminate nuclear weapons.”*

We have all heard similar statements coming from South Asia about the value of nuclear weapons for purposes of both deterrence and disarmament, about how each new nuclear nation can be trusted, about how all the new weapons are products of native genius, and other such remarks which echo these voices of the past.

Yet the recent nuclear tests are indeed, as Secretary-General Kofi Annan stated to the Security Council last June, *“unquestionably disturbing developments with far-reaching consequences for the region and for the international community.”* They amount to eleven steps backward in history -- they symbolize a retreat by the rulers of a significant fraction of humanity from a collective global effort to devalue and delegitimize nuclear weapons, and they come at a time when so many compelling human needs in this region remain unfulfilled.

The possession of nuclear weapons does not level North/South disparities. Only economic development and reform of the international economic system can do that. The prospect of nuclear war also does little to inspire investor confidence in any region of the globe.

Nor do such weapons automatically confer great power status, enhanced national security, or electoral popularity. Nuclear weapons are not the proverbial “great equalizer” -- they are instead the “great destabilizer.” That is the lesson for all nuclear weapon states -- real, putative, or potential.

Neither the continued possession of nuclear weapons by those within the NPT, nor these acquisitions by states outside the NPT, serve the cause of international peace and security.

Yet despite my concerns over these external threats to the regime, I am -- as I said before -- equally if not more concerned about certain trends and tendencies that may be emerging from inside the regime.

Threats From Within the Regime

The key threats arising from within the regime are in part conceptual and in part based on divergent perspectives on material interests.

Troublesome Concepts

First and foremost, the nuclear-weapon states under the NPT have a long way to go in fulfilling their commitments to the goal of nuclear disarmament. Making matters worse, there are voices within these states who favor a complete separation of the goals of non-proliferation from disarmament, a trend more noticeable since the 1995 indefinite extension of the NPT. In my opinion, the official adoption by the nuclear-weapon states of such an approach would truly cripple the regime -- substantial progress in achieving the disarmament objective is absolutely crucial to the future of the nuclear regime.

In my closing remarks as President of the NPT Review and Extension Conference in 1995, I cautioned that the “*permanence of the Treaty does not represent a permanence of unbalanced obligations, nor does it represent the permanence of nuclear apartheid between nuclear haves and have nots.*” I also noted that “*non-proliferation and disarmament can be pursued only jointly, not at each other’s expense.*”

A senior official in the US delegation to that conference, Ambassador Thomas Graham -- who has since retired -- echoed these views in New Delhi last September. In his words, “*the objective of the NPT is the elimination of nuclear weapons.*” He added that the NPT “*is the only legally binding international commitment undertaken by the Nuclear Weapon states to pursue nuclear disarmament; if the NPT dissolves, this commitment will no longer exist.*”

Ultimately, I believe that the indefinite perpetuation of this deadlock on nuclear disarmament will jeopardize the regime far more than even last year’s nuclear detonations. One cannot, of course, exclude the possibility that some additional country might follow this long and unfortunate tradition I noted above of acquiring the bomb on the basis of tributes to global nuclear disarmament and deterrence theory. Devaluing nuclear weapons as a currency of power can only be achieved by their total elimination, not by a logic that would lead to their total proliferation.

Indeed, the doctrine of nuclear deterrence continues to captivate strategic thinkers across the globe, even though -- as CNN says -- the Cold War is now history. It is a strategic concept that has now evidently found fertile ground in South Asia. Elsewhere, first-use nuclear doctrines are still being espoused by certain countries. The greater the reliance that is placed on such

postures, the harder it will be to discourage the possession or proliferation of such weapons globally. Progress in reviewing and abandoning such doctrines would surely brighten prospects for progress this year in the Ad Hoc committee on negative security assurances in the Conference on Disarmament and, thereby, correspondingly strengthen the nuclear non-proliferation regime.

Another internal threat arises less from the tests than from the various concepts that have been given new life in response to these tests, in particular suggestions that proliferation is simply “inevitable,” that “managed proliferation” should replace “non-proliferation” as a policy objective, and in certain cases, that the nuclear-weapon states should even provide technical assistance to make various types of improvements in nuclear weapons design or deployment practices by other countries. I regard such recommendations as profoundly contrary to the “*not in any way to assist*” taboo in Article I of the NPT, a norm which has served the world community well for over a quarter of this century. We cannot have any new doctrine of “proliferation for peace.”

Still other commentators see proliferation as a military problem best solved exclusively by military means. Yet if effectiveness still counts -- as it must -- as a criterion for pursuing non-proliferation and disarmament strategies, then surely we should not ignore the limitations of military force as an exclusive means of achieving such goals. Nor should we short-change the value of international cooperative approaches, including such worthy initiatives as the “cooperative threat reduction” program to improve controls over nuclear materials of the former Soviet Union.

And with specific regard to Iraq, it is important to recognize that agencies acting under UN auspices have destroyed far more weapons of mass destruction capacity than were destroyed during the Gulf War. Multilateral agreements -- supported by effective verification regimes, the prospect of severe consequences for violations, and ample mechanisms for pursuing the peaceful settlement of disputes -- will ultimately be a more valuable means of achieving the world community’s solemn nuclear non-proliferation and disarmament goals than reliance on military force alone.

Another of my concerns relates to the rising calls from certain commentators for a more explicitly discriminatory regime -- one that treats proliferation by friendly countries as a benign counterpoint to proliferation by so-called “rogue regimes.” Some of these critics ridicule the very notion of what they call a “one-size-fits-all” regime. Such formulations are not only unhelpful, but if they achieve the status of policy, they may well lead to a complete unraveling of that regime. They in essence stand for a policy of “discrimination for peace,” a stance that will only add to the risks of a nuclear-armed world.

Not only does such a policy compromise on the principle of nuclear non-proliferation -- and serve to perpetuate the possession of nuclear weapons -- but it also opens the question which Lord Palmerston once settled when he said, “*We have no eternal allies and we have no perpetual enemies. Our interests are eternal and perpetual, and those interests it is our duty to follow.*” Under the new formulation, it appears that we would end up with perpetual enemies, ephemeral interests, and eternal proliferation.

Perhaps the least popular internal threat arises from occasional calls -- most notably from certain sections of the academic community -- for additional nuclear weapons proliferation in the name of strategic stability. To the best of my knowledge -- and to my great relief -- none of their recommendations has yet been incorporated into national policy. Signs of pending increases in military budgets around the world, however, coupled with lingering dangers of a new arms race

in strategic ballistic missile defence systems, could together be the thin end of the wedge leading both to more proliferation and dimmer prospects for disarmament.

Competing Interests

There are of course other potential threats arising from within the regime -- threats emanating less from concepts than from certain competing material interests, like the pressure to relax non-proliferation standards to pursue export opportunities, or to debase a disarmament standard in order to provide business to local industries, or to use the proliferation of conventional arms as a diplomatic instrument to pursue symbolic nuclear non-proliferation concessions. These threats are as many as they are deceptive -- since they come clothed in the seductive garb of national interest and realism.

- There will be persisting efforts inside governments to sacrifice both non-proliferation and disarmament for other tactical diplomatic objectives.
- There will be calls for the selective enforcement of non-proliferation laws.
- There will be new risks of nuclear terrorism not just from illicit nuclear trafficking around the world -- this is truly a global problem not limited to any one country or region. Other such threats may arise from the potential loss or theft of weapons-usable nuclear materials that continue to be produced, stockpiled, and transported in many countries for commercial uses.
- There will be substantial obstacles to overcome in achieving a global ban on the production of fissile nuclear materials for weapons, given the concerns by many countries over the asymmetrical distribution of such materials both inside and outside the nuclear regime. The Ad Hoc Committee on fissile materials will continue to negotiate this issue this year in the Conference on Disarmament.
- There will be continued bureaucratic resistance to greater transparency in the implementation of non-proliferation policy, particularly in these areas of export controls and sanctions.
- There will be continued efforts within the regime -- whether driven by budgetary or policy considerations -- to curtail funding of non-proliferation activities by international organizations.
- And there will no doubt continue to be weaknesses in the coordination of multilateral responses to proliferation after it occurs, particularly responses designed to raise the costs of proliferation.

Some Key Challenges Ahead in Meeting these Threats

One of the biggest challenges ahead relates to the old tradition of national sovereignty -- not sovereignty per se, just extreme variants of it. A key challenge ahead will be to resist the tendency of many countries to apply maximalist definitions of national sovereignty in interpreting their non-proliferation and disarmament commitments. A good regime requires verification, enforcement, transparency, and reciprocity.

Verification means right of access. Enforcement means predictable and effective responses to behavior that violates global norms. Transparency means greater public scrutiny of

the progress and setbacks of non-proliferation and disarmament. And reciprocity means a national will to engage in consensus building even in the face of political conflict.

Maximalist interpretations of sovereignty will hinder the achievement of all of these qualities of stable and effective regimes. And such interpretations will only contribute to the triumph of minimalist expectations about the nuclear regime.

Of equal importance will be overcoming complacency and ignorance, and here is a specific area where NGO's can make significant contributions by helping to educate the public and by providing constructive ideas and proposals for national officials to deliberate.

The NGO's can also help in broadening the political base of the nuclear regime. They can help to develop tactics and strategies to ensure that disarmament and non-proliferation are widely understood as serving the interests and ideals of all the countries that make up the regime.

I would like in conclusion to urge all who care about non-proliferation and disarmament -- and all NGO's in particular represented in this room today -- to hold firm on global standards, to spread the word about the diverse benefits for all countries from disarmament and non-proliferation, and to continue your instinctive opposition to proposals that would only spread the diseases that the regime is designed to prevent.

The building of societal resistance to nuclear weapons and their proliferation will be, in the final analysis, the ultimate bulwark protecting the international community from nuclear anarchy.