

The Future of the Non-Proliferation Regime After the Indian and Pakistani Nuclear Tests

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Ladies and gentlemen. I am delighted to speak today about a topic that has been very much on my mind in recent months, the future of the nuclear non-proliferation regime and of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) in particular.

I think one of most concise summaries of the NPT can be found on the web site of the U.S. Arms Control and Disarmament Agency, which describes the treaty as follows:

"The Nuclear Non-Proliferation Treaty (NPT) is the cornerstone of international efforts to prevent the spread of nuclear weapons and promote arms control and disarmament, to achieve and maintain an effective international safeguards system, and to promote peaceful cooperation in nuclear energy."

One does not need a crystal ball to predict that international peace and security cannot afford to see this treaty fail. This is the only treaty, after all, that legally constrains both horizontal and vertical proliferation of nuclear weapons which can destroy our planet. It is the only multilateral treaty committing the five nuclear-weapon-states to nuclear disarmament. And it is probably not an exaggeration to say that in many respects the future of mankind may rest with the readiness of all the parties to this treaty to live up fully to its obligations in all its aspects.

Predicting the future, however, is no easy business, especially the future of the NPT. The

elaborate preparations for the recent nuclear tests in South Asia, for example, evidently eluded even the world's most expensive and sophisticated intelligence systems. Numerous other developments could occur overnight which would have a substantial impact on the future of this treaty.

While neither India nor Pakistan is a state party to the NPT, the tests were nevertheless a blow to the prevailing global norms of disarmament and nonproliferation that lie at the heart of that treaty. On June 30, UN Secretary-General Kofi Annan stated that: "The international community was rightly shocked and disturbed by the tipping of the balance on which the nuclear non-proliferation regime rests. Decades of international effort aimed at nuclear disarmament and non-proliferation suffered a serious setback."

Reflecting on over a half century of nuclear weapons development in the US and elsewhere, President Clinton observed on May 28 that: "I cannot believe that we are about to start the 21st century by having the Indian subcontinent repeat the worst mistakes of the 20th century, when we know it is not necessary to peace, to security, to prosperity, to national greatness or personal fulfillment."

The question before us today -- the future of the NPT and its associated regime -- will of course be determined far less by words than by deeds. Allow me therefore to review briefly the treaty's balance sheet with respect to concrete accomplishments and setbacks.

On the Plus Side

Since it was extended indefinitely in 1995, nine more States have become parties to the NPT. Last month, Brazil became the 187th country to join. This was truly a historic development, not just because of the prominent role of Brazil as a leading country in South America and throughout the developing world, but because it brings the treaty closer to full universality.

The fact that Brazil took this step despite the attacks on the treaty and its fundamental principles that we have heard from South Asia is particularly encouraging. Brazil's action is even more encouraging given that it has officially acknowledged, like South Africa, that it once had a program to acquire nuclear weapons but abandoned that program in favor of more effective policies to advance its national security. The actions by Brazil and South Africa help to disabuse us all from drawing hasty, ill-informed conclusions about proliferation being either "inevitable" or "irreversible."

As for the health of the treaty itself, a good baseline for measuring its progress is found in examining the track record of its members in living up to the "Principles and Objectives for Nuclear Non-Proliferation and Disarmament," one of three fundamental decisions taken in 1995 that led to the indefinite extension of the treaty. The states parties undertook a formal commitment to pursue these goals and not necessarily in sequential order.

One key objective was the completion of negotiations on "a universal and internationally and effectively verifiable Comprehensive Nuclear Test Ban [CTBT] no later than 1996." This deadline was not only met, but as of today this treaty has been signed by 150 States and ratified by 21 States, including two nuclear-weapon States -- France and the United Kingdom. Given that 10 of the 44 required States have ratified the treaty, we are already a quarter of the way to bringing this treaty into force and I expect that this number will rise significantly in the year ahead. Work is proceeding, meanwhile, on establishing an extensive system to verify compliance.

According to Article XIV of the CTBT, if the treaty has not entered into force three years after the anniversary of its opening for signature, then the depositary -- the Secretary-General -- shall, at the request of a majority of its parties, convene a meeting of the parties in order to consider and decide by consensus what measures may be undertaken to facilitate the treaty's early entry into force. My Department will be actively involved in arranging for such a meeting, which may take place in the fall of next year. A timely ratification by the United States would help enormously in bringing this long-anticipated treaty into force.

Another objective from the 1995 Review and Extension Conference was 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." The achievement of this objective is crucial, both with respect to putting a cap on the possible expansion of existing nuclear arsenals but also as an instrument of nonproliferation. Like the CTBT, the fissile material treaty has both a nuclear disarmament and a nonproliferation dimension.

On August 11th, the Conference on Disarmament (CD) established an Ad Hoc Committee to negotiate a "non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices." Negotiations will be difficult indeed, especially over the issue of the disposition of existing stocks of unsafeguarded nuclear materials.

Last March, the CD also established an Ad Hoc Committee on Negative Security Assurances focused on measures to prohibit the use or threat of use of nuclear weapons against non-nuclear-weapon states. The CD was unable, however, to set up ad hoc committees on either nuclear disarmament or on the prevention of an arms race in outer space.

A third objective from the 1995 conference was 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 best I can say on the positive side about this third objective is the support I see growing

worldwide for the goal of nuclear disarmament ever since the 1995 treaty extension.

I see this support in initiatives like the Eight-Nation Declaration announced last June by the foreign ministers of Egypt, Ireland, Mexico, New Zealand, Slovenia, Brazil, Sweden, South Africa. The declaration urged the nuclear-weapon states to undertake "a clear commitment to the speedy, final and total elimination of their nuclear weapons and nuclear weapons capability," to abandon the hair-trigger alert status of their nuclear arsenals, and to make binding commitments both with respect to no-first-use and negative security assurances. Late last month, the Declaration was introduced in the First Committee of the General Assembly in the form of a draft resolution and it now has over 30 co-sponsors. My impression is that the nuclear-weapon states would prefer to leave key provisions of this resolution for deliberation among those states themselves.

I also see this support for disarmament in the "Middle Powers Initiative," a campaign established by a network of international citizen organizations to encourage leaders of nuclear-weapon States to take immediate practical steps to implement their nuclear disarmament obligations.

I see this support for disarmament in the reports published by the international Canberra Commission -- on which I was honored to serve in 1996 -- and by many organizations in the United States, including the Stimson Center and the National Academy of Sciences.

I see the strong and continuing support for nuclear disarmament throughout the developing world, as repeatedly emphasized in the communiqués of the meetings of the Non-Aligned Movement at Cartagena and more recently at Durban. Though occasionally one may hear assertions at these and other conferences that the South Asian tests will advance the cause of disarmament, neither evidence nor logic supports such claims.

For their part, the nuclear-weapon States -- most recently in the forum of the NPT preparatory committee meetings and in unilateral declarations made by some of these States -- have been revealing more data about their stockpiles and their associated nuclear materials. This is certainly evident with respect to the results of the Strategic Defence Review recently announced by the UK government, a review which also marked some progress on the issues of de-alerting and preserving the goal of nuclear disarmament. It is also seen in several decisions made in recent years at the US Department of Energy to increase the transparency of the US nuclear weapons complex, and in positive steps that France has announced with respect to the dismantling of its land-based nuclear missiles and the de-alerting of its nuclear forces.

And at their summit in Helsinki in April of 1997, Presidents Yeltsin and Clinton declared their commitment to begin deeper nuclear reductions pursuant to negotiations on START III, which will occur after START II enters into force. Last September, the Russian Federation and the

United States each agreed to remove 50 metric tons of plutonium from their weapons programmes and to dispose of that material so that it cannot be used again for weapons. Progress is also continuing with respect to the trilateral initiative – a two-year effort by the US, the Russian Federation, and the IAEA to resolve technical problems associated with the IAEA's development of an ability to verify that classified forms of plutonium will not be used in nuclear weapon programs.

On various occasions, all of the nuclear-weapon States have stated their intention to pursue the ultimate objective of nuclear disarmament, a stance that is balanced only by the unwillingness of these states to define the term "ultimate."

It is also positive news that implementation of the START I Treaty is running ahead of schedule and that the world now has thousands less strategic warheads deployed than it had just a few years ago. If the US and the Russian Federation reach their goal of reducing their nuclear stockpiles to a ceiling of 2,000-2,500 deployed strategic weapons for both parties by the end of 2007, this would represent a 30-45 percent reduction in the number of total deployed strategic warheads permitted under START II, a 60-65 percent reduction in the number of total deployed warheads permitted under START I, and an 80 percent reduction below Cold War levels, according to ACDA's calculations. I should note, however, that this summary only addresses "deployed" weapons, not those that are kept as a "hedge" or on reserve.

There have also been substantial reductions in non-strategic nuclear forces that had once been deployed both on land and at sea.

Moreover, it is encouraging that the parties to the ABM Treaty have managed so far to keep the legal taboo on the deployment of strategic national missile defense systems, a development that would open up two new arms races (missiles and nuclear weapons), thereby creating new threats to the international nonproliferation regime with the NPT at its core.

Another positive, even historic development has been the denuclearization of Belarus, Kazakhstan, and Ukraine, which was finally achieved in 1996 with the total removal of nuclear weapons from their territories.

We must also chalk up in the plus column the adoption by the IAEA in May 1997 of a model Additional Protocol that will substantially strengthen the implementation of full-scope safeguards under the NPT. Late last September, the 15 members of the European Union agreed to abide by these new controls, a positive step indeed in building further international support for such controls.

The 1995 conference also gave strong support for the creation of nuclear-weapon-free zones as well as zones free of all weapons of mass destruction. The conference agreed to a

resolution to establish such a zone in the Middle East, and called specifically upon the nuclear-weapon States to "exert their utmost efforts" for the early establishment of such a zone. An impressive effort is also now underway to establish a nuclear-weapons-free zone in Central Asia, an effort supported by the UN Department of Disarmament Affairs. This follows the remarkable Pelindaba Treaty, which in 1996 established a nuclear-weapons-free zone covering the entire continent of Africa. A year later, the Bangkok Treaty established a Southeast Asian NWFZ. Mongolia has also pioneered the concept of a nuclear-weapon-free zone covering a single state.

This progress -- together with the further consolidation of the Treaties of Tlatelolco and Rarotonga (covering South America and the South Pacific respectively) -- is clear evidence of the health and vitality of the nuclear-weapons-free zone concept that is both recognized and encouraged in the NPT. These are all steps that are also fully consistent with the Principles and Objectives agreed in 1995.

On the Negative Side

After reviewing the developments I have just surveyed, one could not possibly justify writing an epitaph for the NPT. Quite to the contrary, the treaty has weathered its various storms as well or better than could be expected, considering the enormity of the challenges it faces. There are, however, many storm clouds -- and even a few icebergs of titanic proportions -- on the horizon that justify some considerable concern over the future of this treaty. These are dangers that must surely shake the complacency that appears to have taken root in many governments after the indefinite extension of the NPT in 1995.

Please recall for a moment the CTBT objective identified at the 1995 NPT conference -- yes, the CTBT has been negotiated, but there are major challenges ahead before we can all celebrate its entry into force.

First, we all look forward to India and Pakistan adhering to the treaty without conditions, as the world community has demanded in virtually every forum this issue has been raised, including the UN Security Council -- indeed, the Prime Ministers of both countries have indicated their intentions to sign the treaty. Second, three nuclear-weapon States have still not ratified this treaty, while some insist on conducting subcritical nuclear tests, an activity that might find some tenuous legal justification yet that nevertheless remains inconsistent with the basic spirit of that agreement, surely with its disarmament objective. Third, there will no doubt be difficult negotiations ahead on verification measures.

The disarmament and nonproliferation goals of this treaty were also not advanced by various official statements from governments in South Asia to the effect that the nuclear weapons in the region simply do not need to be tested any more, both because of the past tests and thanks to high-speed computer simulation capabilities. Yet few serious observers could

possibly argue that the world would be a safer place if there were now to be a global proliferation of stockpile stewardship programs.

As for the second objective of the 1995 conference -- the ban on fissile material production -- this too faces a rocky road ahead, as States will struggle over the difficult issue of the treatment of stockpiled unsafeguarded nuclear materials. It is also worth noting that the proposed treaty will not cut off the production of all weapons-usable nuclear materials -- it actually permits the production of such materials so long as they are under safeguards. Though much ink has been spilled on the problem of disposing of the hundreds of tons of special nuclear material recovered from dismantled warheads of the nuclear-weapon States, the plutonium and highly-enriched uranium in civilian nuclear programs pose their own threats to nonproliferation and disarmament objectives that should not be forgotten. Any significant quantity of "loose" fissile nuclear material in international commerce constitutes a loose nuke, regardless of the flag it bears or its safeguards status.

While on the safeguards issue, I cannot help but note that full-scope safeguards -- another pillar of the nonproliferation regime -- has come under attack. Some countries continue, for example, to cooperate with nuclear power programs in South Asia without any requirement for full-scope safeguards. We have also learned through experience that even countries within the NPT have at times not fully complied with their safeguards obligations. These developments have ominous implications for the future of full-scope IAEA safeguards, an especially ironic development given the recent progress on strengthening these controls.

This brings us to an even more disappointing issue, the snail's pace of strategic nuclear disarmament. It is not as if there has been no progress, it is just that the world is losing patience with the pace of this progress and is, at times, doubting the basic willingness of the nuclear-weapon States to fulfill this goal, which the leaders of these States traditionally label as only an "ultimate" goal.

When close allies of the nuclear-weapon States decry this track record -- allies who have enjoyed what they once perceived to be the benefits of a "nuclear umbrella" -- then it truly becomes apparent that progress in this area has fallen well short of the public's expectations.

Even if the upbeat estimates of a successful reduction of the strategic nuclear arsenals down to a level of around 2,500 by the year 2007 are met, these numbers will still fall well short of achieving the imperative of global nuclear disarmament.

Other Faustian bargains are also being placed on the table in the name of advancing nonproliferation and disarmament goals. Some experts have recently called for the United States to base its strategic deterrent more on long-range conventional precision-strike weapons, electronic-strike weapons, and less on nuclear weapons. To some extent this is less of a proposal than a statement of an existing reality. Yet while it offers an intriguing case for

reducing nuclear stockpiles, the proposal also offers another rationale for perpetual possession of such weapons, albeit at lower levels.

Many experts favor the sensible option of taking nuclear weapons off their dangerous hair-trigger alert status, which is a fine idea if it is implemented as a step toward disarmament, as prescribed both by the Canberra Commission and the Eight-Nation Declaration. A multipolar world of ever-proliferating but de-alerted weapons would, however, be a far cry from what the negotiators of the NPT's Articles I, II, or VI had in mind.

Other writers, meanwhile, have thrown in the towel completely on nonproliferation and urge the provision of technical assistance in making bombs really safe and reliable – if they are going to proliferate anyway, the logic goes, why not at least ensure that this process will take place under conditions of regional nuclear deterrence? Proponents of the view that proliferation is inevitable tend also to favor military responses to the problem, whether in the offensive form of developing new nuclear weapons for use in counterproliferation missions, or in the defensive form of strategic national missile defense initiatives.

It is troubling that many US opponents of the ABM Treaty also oppose ratifying the CTBT. Meanwhile, first-use nuclear doctrines continue to be used today both in NATO and by the Russian Federation. Others hint of nuclear preemption or retaliation against uses of other weapons of mass destruction.

Nuclear-weapon-free zones were also emphasized in 1995 – yet longstanding difficulties of extending this concept into the Middle East contributed greatly to the disappointing conclusion of the NPT's Preparatory Committee meeting last May. Perhaps the long and slow process of building peace in that region will ultimately lay the foundation for the implementation of such a zone. Yet prolonged delay could be dangerous.

This brings me to the recent developments South Asia which together constitute a major setback for disarmament and nonproliferation. We have heard much recently about what these countries expect from the world in return for various nonproliferation commitments. Yet we should also consider carefully what the world community expects of these countries.

My staff has identified at least 22 proposals by various international entities to advance 10 separate nonproliferation and disarmament objectives in South Asia. These include calls for both countries to join the CTBT and NPT, to announce no-first-use commitments, and to participate in the talks concerning the fissile material treaty. It is interesting that of these 22 proposals, 13 of them -- including UN Security Council resolution 1172 -- explicitly urge both countries to join the NPT. These proposals also call upon both countries to implement strict nuclear export controls, a policy that both countries say they are doing already.

The recent nuclear developments in South Asia have clear implications for the global nuclear

disarmament norm. Expanding nuclear stockpiles, mounting stocks of unsafeguarded fissile nuclear material, and growing competition in the development and production of missiles with intermediate and even intercontinental ranges -- such developments unquestionably raise issues that transcend the strategic interests of any specific country or region. Non-proliferation and disarmament are now, more than ever, issues that are truly global in scope.

The Two Futures of the NPT

The NPT, for all these reasons, stands today at a crossroads. One road leads in the direction of nuclear weapons proliferation. This is the direction that has been chosen by two non-NPT states in South Asia that have tested nuclear explosive devices, one non-NPT state in the Middle East that is widely believed to possess a nuclear weapons capability, and the five nuclear-weapon States.

The other road leads to disarmament. There is no middle path of partial nuclear disarmament -- a world in which some countries will perpetually retain some nuclear weapons at lower levels, while other countries must forever give up that option. That route intersects back with the road to a nuclear world, for if there is partial nuclear disarmament for some, there will be partial nuclear disarmament for all.

We must also remember that the NPT was extended in 1995 only following a number of commitments made by its parties, despite various commentaries that have alleged that this extension was unconditional. The three decisions and the Middle East resolution -- all of which were accepted without a vote -- were absolutely critical to the negotiation of that indefinite extension. The parties to the treaty have every reason to believe that the terms of all -- not just some -- of these commitments will be implemented in full.

At this stage of history, we should be focusing less on what defense analysts have termed the "revolution in military affairs" and think more about how to foster a "revolution in disarmament affairs." As my statement today clearly indicates, there are many reasons for hope that such a revolution may already be well underway. One cannot look at the record of positive activities both by states and by non-governmental organizations in this field without concluding that progress has indeed been made.

On an international level, I find it interesting that the Chemical Weapons Convention and the CTBT each has an institutional infrastructure that gives permanence and continuity to the implementation of these treaties. A similar feature is now under negotiation with respect to the Biological Weapons Convention. Yet the NPT -- despite the grave threat it addresses which virtually every government on Earth has recognized -- lacks equivalent institutional resources to perform such useful functions as receiving complaints, airing grievances, monitoring progress in achieving compliance, building databases, and providing good offices for diplomatic discussions.

I have suggested before and will reiterate today that it is time for States parties to consider the possibility of electing a governing council for the NPT to act an ombudsman to receive complaints about non-compliance and difficulties which States parties may be experiencing in the treaty regime. This council should be empowered to make recommendations to the general membership and, if necessary, to the Security Council.

I also think it is time for the world community to negotiate a treaty containing binding security assurances against the use or threat of use of nuclear weapons against non-nuclear-weapon states parties to the NPT. Such a convention would complement existing legal arrangements found under various regional nuclear-weapon-free zones.

Disarmament consists of some of the most technically and politically complicated issues on the public agenda today. I can think of no better global forum for deliberating these issues – for drawing them all together and weaving them into a coherent whole – than the convening of a new Special Session on Disarmament in the General Assembly, a proposal that some nuclear-weapon states continue to resist.

Such a gathering could also address some of the underlying reasons why countries come to decide that they require nuclear weapons, other weapons of mass destruction, or excessive stockpiles of conventional arms. To address these issues fully will require some examination of the full economic and social costs of such programs, in particular the opportunity costs for society at large. According to the Brookings Institution, the United States alone spent well over \$5 trillion to develop and produce nuclear weapons, I can only wonder how American citizens might have used even a fraction of that amount, not to mention how certain international organizations could have used even a tinier fraction of those resources. Such unproductive investments, on a smaller scale of course, are made by several additional countries that continue to seek security through the pursuit of weapons of mass destruction or mountains of conventional arms.

I am here today not just to speak but to listen, for I am always open to ideas how the United Nations can play a more productive role in this field. The General Assembly's agreement to the initiative by the Secretary-General to re-establish a Department of Disarmament Affairs in the Secretariat is an enormously important step in this direction. As the Secretary-General has recently stated in his report last August on the work of the UN, "My vision of the Organization places disarmament near the centre of its mission of peace and development . . . The essential role of the United Nations in this area is one of norm-setting and of strengthening and consolidating multilateral principles for disarmament."

Though I am proud to serve as the Under-Secretary-General of this re-established department, I realize that I cannot possibly hope to achieve all the UN's global disarmament objectives without widespread support and understanding of the work of the UN, and without the advice and counsel of all who care about international peace, security, and development. You have

my very best wishes for all you can do in support of these vital objectives.

The future of the NPT and the nonproliferation regime must not be left to fate. It is, ultimately, in the hands of the peoples of the United Nations.