

Cambridge University Press

978-0-521-12710-3 - Nuclear Non-Proliferation: An Agenda for the 1990s

Edited by John Simpson

Excerpt

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Introduction

There are few more evocative sights than an old film clip of an atmospheric nuclear explosion. There is a flash which turns night into day, an orange globe of fire and then an expanding, brown cauldron of smoke against a back drop of diagonal white lines produced by the exhausts of sampling rockets. The cloud gradually forms a mushroom shape as it rises thousands of feet into the air, taking its radioactive debris with it. Yet those who have witnessed such an explosion at short range tell us that its visual impact is minor compared to actually experiencing its effects: the heat on the back of the neck; the X-ray picture of the bones of hands placed over the eyes to protect them from the flash; the shock of the blast and the overall impression of awesome and uncontrollable forces having been unleashed.

It is an old film clip because the United States, United Kingdom and USSR agreed to stop testing nuclear devices above ground in 1963, France followed their lead in 1974 and China has recently done the same. Nuclear testing now goes on underground and out of sight and its very lack of physical and political visibility has reduced pressures to stop it entirely.

Concerns over nuclear non-proliferation have been ameliorated in a similar fashion by the fact that almost a quarter of a century has elapsed since the last nuclear weapon state, China, exploded its first nuclear device. Yet the threat of the spread of nuclear weapons to additional states, a problem that has been termed horizontal proliferation, may prove just as significant for the future of global security as vertical proliferation, the continued competitive development and expansion of nuclear weapon arsenals by the nuclear weapon states.

This threat of horizontal proliferation, coupled with the fear of the catastrophic consequences of the use of nuclear weapons, provides the

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impetus behind this volume. Its more specific objective is to help to ensure that no additional states acquire nuclear weapons. A central role in this process is played by those international arrangements designed to deter nuclear proliferation, often termed collectively the non-proliferation regime, and in particular the Treaty on the Non-Proliferation of Nuclear Weapons (NPT).

The NPT was signed in 1968 and came into force in 1970. It comprises eleven articles, of which only the first seven are substantive (see Appendix 1 for full text). The first two involve promises by nuclear weapon states not to transfer their weapons to any other state or to assist non-nuclear weapon states to acquire nuclear weapons and commitments by non-nuclear weapon states not to seek these weapons. The third requires all non-nuclear weapon state parties to the Treaty to subject their national nuclear activities to IAEA safeguards and requires all parties to make acceptance of such safeguards a condition of export. The fourth guarantees non-nuclear weapon states access to nuclear energy for peaceful purposes, while the fifth outlines procedures to gain access to the nuclear weapon states' nuclear explosives for civil engineering purposes. The sixth is an undertaking by the nuclear weapon states to negotiate disarmament agreements 'in good faith', whilst the seventh guarantees the right of all parties to negotiate regional nuclear free zone treaties. The eighth lays out general procedures for amending the Treaty and holding conferences every five years to review its operation. The ninth deals with signature and ratification, the tenth with withdrawal from the Treaty and the last with the authenticity of texts. In addition, the tenth also states that:

Twenty-Five Years after the entry into force of the Treaty, a Conference shall be convened to decide whether the Treaty shall continue in force indefinitely, or shall be extended for an additional fixed period or periods. This decision shall be taken by a majority of the Parties to the Treaty.

The first conference convened under the terms of Article 8 to review the operations of the NPT met in Geneva in 1975. This succeeded in agreeing a final declaration and consensus document on the operation of the Treaty, although considerable conflict occurred between the superpowers and certain Third World states over nuclear disarmament. At the next conference in 1980, however, a consensus document of this type could not be agreed and the conference broke up in disarray. Several explanations were offered for this failure, including lack of detailed preparation, the legacy of the negotiations among suppliers in the mid-1970s for a

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more restrictive trading regime, the hostile influence of states such as India that had stayed outside the NPT and the lack of progress in super-power disarmament negotiations, particularly upon a Comprehensive Test Ban Treaty (CTBT).

The lack of consensus displayed during this second Review Conference led many observers to fear that the non-proliferation regime was starting to crumble, despite the slow rise in the number of states party to the NPT. This gave the third Review Conference in 1985 special significance, as a second failure to agree a consensus document or the withdrawal of one or more parties would have marked a further decline in the regime. In addition, although controversy over the trading regime had subsided over the previous five years, superpower arms control negotiations had only just been restarted, while the United States refused to engage in negotiations on a CTBT as it argued that reductions in nuclear warheads had a higher priority.

The experience of the 1980 Review Conference led to major efforts being made by the United States and other countries to lobby capitals in advance of the 1985 Conference and to ensure that effective preparations were made for it. Many delegations came to the 1985 conference determined to agree a consensus document even if compromises had to be accepted. The result was agreement on a document which offered a detailed review of the state of the Treaty and regime, even though procedural problems and disagreements between Iran and Iraq made a final consensus difficult to achieve.

The next NPT Review Conference will be held in 1990 and the period between Review Conferences has tended to see foreign offices turn their attention to issues other than non-proliferation. Yet it is during these periods that the opportunity exists to prepare proposals for changes in the regime and to examine methods of overcoming obstacles that lie ahead. The most obvious of these is that in 1995 there is to be a conference to discuss extending the Treaty. All the guidance that exists on its nature is contained in the short paragraph quoted in full above. The 1990 Review Conference will thus be a forum where rules for handling this Extension Conference and mechanisms to resolve difficulties that might be encountered during it could be agreed well in advance of 1995.

The NPT Extension Conference is one of the few fixed points in the diplomatic calendar of the 1990s. It will have a major bearing on North-South security relations in that period and will play a significant role in their evolution over the decade. For the NPT and its linked regime are key elements in sustaining security in the Third World and its collapse would

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have catastrophic effects on global security. The initial task, however, is to identify the nature and substance of the problems likely to be encountered in 1995 and start an extended search for policy options which would be relevant to resolving them.

It was against this background that diplomats and scholars from some ten countries met in March 1986 to consider the issues likely to confront governments as they approached the Extension Conference in 1995. Considerable thought was given to the structure of both the papers prepared for this meeting and the chapters for this volume in order that the resulting product might be much more than the sum of their parts. As a consequence, the two chapters in Part 1 and the five in Part 2 represent an attempt to present a coherent picture of the likely environment in which non-proliferation policies will be operating in the 1990s. In Part 3 there are three chapters evaluating methods for strengthening the regime in the 1990s, including initiatives designed to reinforce constraints within states and amend the Treaty. Finally in Part 4 there are four chapters which examine the procedural problems likely to be encountered in 1995, the possible consequences of any degradation of membership and collapse in the NPT and the probable nature of the debates both at and surrounding the 1995 Conference.

Looking into the future is always a risky business. But unless we consciously seek to identify the problems that may face us as this century draws to a close and seek solutions to them while there is yet time for action, the world may become a much more insecure and dangerous place. After superpower nuclear war, nuclear proliferation is one of the major threats to the future of mankind. It is hoped that this preliminary reconnaissance into the agenda of issues in this area in the 1990s may be of some assistance to those governments, politicians, statesmen and researchers who seek to sustain the international non-proliferation regime through to the end of the century.

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Part I: Non-proliferation in the late 1980s

Overview

The non-proliferation regime in the mid-1980s comprises several elements. These include the Non-Proliferation Treaty (NPT), the safeguards system administered by the International Atomic Energy Agency (IAEA), the guidelines underpinning interstate trade in nuclear materials and technology and related national export controls, the existence of nuclear weapon free zones (NWFZs) in at least one region and the existence of a general international sentiment that in peacetime circumstances a public declaration of nuclear weapon status is unlikely to offer a net gain in security and is therefore an act of last resort. The regime itself has been moving in a universalist direction, with some 130 states having become parties to the NPT by the middle of the decade and rather more states being members of the IAEA. Several key states remain outside certain of the formal elements of the regime, however, including two of the nuclear weapon states and six others who possess nuclear facilities not covered by IAEA safeguards.

A common assessment of the state of the regime as the decade moves towards its close is one of cautious optimism. Although technical options for the manufacture of nuclear weapons appear to be slowly increasing, a fragile yet visible international consensus on the undesirability of doing so has been sustained. In addition, detailed analysis appears to suggest that states with technical options to move to overt nuclear weapon status have little political or military incentive to do so. Yet public controversy still remains over the alleged unequal nature of the regime, stemming from disagreements over whether its prime aim is to prevent additional states acquiring nuclear weapons or is to assist in achieving a world in which they have been totally eliminated.

The two chapters which follow reflect this cautious optimism. Mohamed Shaker offers an authoritative account of events at the 1985 NPT Review

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Conference. In contrast to its predecessor in 1980, this conference was able to agree a consensus final document. He identifies a number of factors that accounted for this and describes the issues which dominated the debates. Although the document upon which the conference reached agreement contained many substantive points, its main significance was probably the manner in which the consensus was obtained. The fact that all the states assembled in Geneva were prepared to compromise their positions was a sign of the value they placed upon the NPT and its related regime, as well as an indication of their common desire to signal to the world that support for the regime was stronger in 1985 than in 1980.

Although a failure to reach consensus at a review conference is an indicator of a weakening of the non-proliferation regime, the emergence of new nuclear weapon states would be an even greater blow to it. Jozef Goldblat and Peter Lomas analyse this latter possibility in their chapter, basing themselves on information on known and planned unsafeguarded facilities for producing fissionable materials and possible motives for the states possessing such facilities to acquire nuclear weapons. Their conclusion is that while each case is different and heavily dependent on the individual regional context, only a radical change in a state's security position is likely to cause it to convert options into overt capabilities.

The message from the present to the future is that a series of international structures and processes exist to dissuade states from proliferating, but that there are major political disagreements over their objectives and functioning. A consensus to sustain this regime has been difficult to obtain and its strength is not easy to gauge. States contemplating proliferation are likely to do so for localised rather than global and universalist motives, however, and a major challenge confronting the international regime will be how it can deal with these regional and particularist challenges.

I The legacy of the 1985 Nuclear Non-Proliferation Treaty Review Conference: the president's reflections

Mohamed Ibrahim Shaker

INTRODUCTION

A few months before the Third Review Conference of the parties to the Non-Proliferation Treaty (NPT) convened in Geneva on 27 August 1985 the prospects for a successful conclusion of its deliberations were not considered to be very bright by many analysts. Progress on disarmament, more particularly nuclear disarmament, had been negligible since the convening of the Second NPT Review Conference in 1980 and it had been this issue which had led to an impasse at that conference over the adoption of a Final Declaration. The fear of a recurrence of the same result in 1985 led the Treaty's three nuclear-weapon state depository governments to consider whether there was any need for a Final Declaration to be part of the 1985 review of the operation of the Treaty. This idea gained little support, however, and an overwhelming majority of delegates came to Geneva intent on negotiating such a declaration.

In these inauspicious circumstances, the prospective president of the conference was occasionally asked by some of his colleagues, once his candidature was known, why he sought such a responsible position in a conference which was doomed to experience the same fate as its predecessor. He was concerned about the prospects of failure, but was not pessimistic. As the start of the conference neared, a number of factors gave him cause for optimism and as the conference proceeded it became clear that they were greatly assisting the smooth review of the operation of the Treaty. These factors were: the ongoing Geneva negotiations on nuclear and space arms and the November Geneva summit; the good preparatory work undertaken by the parties to the Treaty; the organisation and procedural aspects of the conference itself; and the determination by all parties to prevent the 1985 conference repeating the failure of the 1980 one.

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Legacy of the 1980s

This chapter will analyse these four major factors in turn, and then examine the major results of the conference and the lessons to be drawn out of it for the 1990 and 1995 conferences.

FACTORS CONTRIBUTING TO THE SUCCESSFUL OUTCOME OF THE REVIEW CONFERENCE

The ongoing Geneva Nuclear and Space Arms Talks and the November 1985 Geneva summit

The Geneva negotiations were initiated in March 1985 while the parties to the Treaty were engaged in preparatory work for the Review Conference. There was much hope that these negotiations would lead to some fruitful results, but in view of their complexity and the length of time needed to draft such agreements, it was not expected that concrete results would be easy to achieve in a short time. However, the superpowers appeared to be pursuing the negotiations with all seriousness and this helped to create an atmosphere of hope and expectation within the international community. The announcement of a summit meeting between the two leaders, Gorbachev and Reagan, led many of the participants at the Review Conference to believe that success in reaching a final substantive declaration would enhance the prospects for a productive summit. While far-reaching arms limitations agreements were not expected to emerge from this first summit between the two leaders, it was hoped it could lead later to some concrete results in the field of arms control and disarmament.

The preparatory phase of the conference

The 1985 conference was preceded by meetings of a preparatory committee which held three sessions. Although these meetings concentrated mainly on organisational issues and the preparation of documents for the conference, they enabled an extended exchange of views on a number of substantive issues to take place. It was apparent during the third and last session of the preparatory committee in April–May 1985 that the parties to the Treaty were very keen to undertake a constructive and objective review of its workings, free from polemics and recriminations.

The organisational aspects tackled by the preparatory committee were also very important in enabling the conference to be conducted in an orderly manner. First, it was accepted by almost all the parties present that

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The 1985 Review Conference

a Final Declaration would be the goal of the Review Conference and the general mood in the preparatory committee was very favourable not only to issuing such a declaration but also to making it a substantive one.

Second, agreement was reached on the nature of the main committees to be created during the conference. In previous review conferences there had been two main committees. Committee I had focused upon Articles I, II, III, VI and VII of the Treaty and their corresponding preambular paragraphs, as well as Security Assurances. Committee II was also responsible for reviewing Article III as well as Articles IV and V. A problem arose at the third session of the preparatory committee because the Group of Eastern European Countries wanted one of their delegates to chair a main committee rather than the drafting committee as at previous review conferences. In these two conferences the drafting committee had had a negligible role, and at the Second Review Conference it had not met at all. By contrast, the Group of 77 had provided the chairman for committee I and the Western Group and Others had chaired committee II.

After long and arduous negotiations during the last session of the preparatory committee in April 1985, it was agreed to establish three main committees, each to be chaired by a delegate from one of the three groups. Main committee I was to be responsible for reviewing Articles I, II, VI and VII, as well as Security Assurances. Main committee II was to focus on Articles III and VII. Main committee III was to deal with Articles IV and V. It was also agreed to retain a drafting committee and assign its chairmanship to a delegate from the Group of Non-aligned and Neutral States.

This agreement was reached despite pressures to leave the establishment of the three main committees and the division of labour among them for settlement by the conference itself. The president believed that the decision to settle this matter before the conference was a crucial one for its successful proceedings, for if it had been left open it would have prevented the conference from embarking upon early consideration of substantive issues. As it was, the Rules of Procedure of the conference had to be amended at an early stage in the deliberations to legitimise the establishment of the three main committees. Their creation and the decisions on the division of labour among them proved to be crucial to the efficient handling of the different agenda items at the conference.

The presidency of the conference was discussed at an early phase of the preparatory committee proceedings, and some states parties suggested that there should be an informal agreement on this matter prior to the convening of the conference. This would allow the prospective president to prepare himself thoroughly for the responsibilities of his office by becom-