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27

**Extending the Non-Proliferation Treaty:
Perpetuating the Global Norm**

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THE NPT NON-PROLIFERATION/NUCLEAR DISARMAMENT “BARGAIN” ON THE EVE OF THE EXTENSION CONFERENCE¹

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Introduction

The question of the non-proliferation of nuclear weapons is a priority issue in the field of disarmament and international security. In recent years the dangers of nuclear proliferation have become front-page news and world leaders have raised them repeatedly in different fora, including the United Nations. Unfortunately, proposals to address these issues in an organized and systematic manner at the UN or the Geneva Conference on Disarmament (CD) have been rejected by a number of countries.

States do not often have the opportunity to sit down and examine together issues of fundamental importance to the well-being of all. Like the UN General Assembly’s special sessions devoted to specific items or the world conferences on various topics, the April/May 1995 Review and Extension Conference of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) is one such rare occasion. But it is different from past NPT Review Conferences and other UN-sponsored conferences in that its results will have a direct impact on the question of nuclear weapons for decades to come. What is achieved in the spring of 1995 in New York—and especially what is not accomplished—will shape or re-shape the manner in which the international community approaches nuclear non-proliferation.

But let us not exaggerate. To begin with, although there are tens of thousands of nuclear weapons, they are in the hands of relatively few countries, a number much lower than some imagined in the 1950s when non-proliferation concerns moved up the list of international priorities. Then one heard the arguments about the “Nth Power”, the dangers of living in a world where there were twenty or thirty nuclear-weapon states (NWS). Happily that has not happened. Today over 170 nations are committed, in legally binding instruments such as the NPT or the Treaty of Tlatelolco, to refrain from acquiring nuclear weapons. And that is very significant.

“To go nuclear” is a decision that not too many countries want to make. In most, reason has prevailed. Canada, for example, decided to forego the nuclear option from the dawn of the nuclear age. Others, such as Sweden, remained undecided until the NPT put an end to an internal debate in the 1960s. Some, such as Germany or Japan, probably never had a real choice because

¹ A shorter version of this paper was presented in Dublin to the Royal Irish Academy on 2 December 1994. The section on a comprehensive nuclear test ban was presented at a seminar on “Non-proliferation: Latin American and Caribbean points of view,” held in Cancun, Mexico, on 11-13 January 1995 and will appear, in a modified form, in the UN periodical *Disarmament* under the title “The CTBT Negotiations at a Crossroads”.

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of constitutional constraints.

Instead of multiplying the nuclear players, what has occurred is an incredible nuclear arms build-up in five countries, especially the United States and the former Soviet Union. Initially that build-up was uncontrolled; later, after the SALT agreements of the 1970s, it was more orderly and almost predictable. And a central element of the nuclear-arms race was the testing of weapons and weapons systems.

The aim of this paper is to offer some views on the 1995 NPT Conference in light of recent developments in the field of nuclear disarmament. The point of departure is the fact that the NWS have not lived up to their part of the bargain, i.e. their nuclear disarmament obligations under the Treaty. Their non-compliance with the purposes of the preamble and the provisions of Article VI is easy to document. What is more difficult is to assess how this unfortunate situation will affect the 1995 Conference and the future of the nuclear non-proliferation regime.

This paper is divided into four parts: the first describes current efforts to conclude a comprehensive nuclear test ban treaty (CTBT); the second explores the attitude of NWS towards nuclear weapons; the third offers an account of how this attitude was made evident at last year's UN General Assembly; and the fourth and final part contains some thoughts on the choice the Parties will have to make at the NPT Conference in New York.

A CTBT: A Priority Goal Within our Reach?

For over thirty years the international community has been advocating a complete cessation of nuclear testing. The item has been a priority in the disarmament debates and negotiations both in the UN General Assembly and the CD. In 1963, with the Partial Test Ban Treaty (PTBT), the then Soviet Union, the United Kingdom and the United States put an end to their nuclear tests in the atmosphere and under water and committed themselves not to carry them out in outer space. But underground tests were not banned, although there was the undertaking to seek "to achieve the discontinuance of all test explosions of nuclear weapons for all time" and the determination "to continue negotiations to this end".

France, which began testing in 1960, and China, which would do so in 1964, never signed the PTBT. However, with their recent adherence to the NPT, they have assumed, as had the other three NWS, the commitment contained in its Article VI "to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control." And the phrase "cessation of the nuclear arms race at an early date" means nothing less than the complete cessation of nuclear tests, i.e., a comprehensive nuclear test ban treaty (CTBT).

For almost four decades a CTBT has in fact been considered as the *sine qua non* condition to halt and reverse the qualitative nuclear arms race. It is true that there have been bilateral agreements between the Soviet Union and the United States limiting the size of their tests. It is also true that in the late 1970s there were trilateral negotiations on this issue among the Soviet Union, the United Kingdom and the United States. But the fact is that testing has continued and that in 1995 there is still no CTBT. The five NWS have not concluded a treaty "at an early date" and for thirty years the CD was not even able to initiate negotiations on this priority question.

In 1993, however, things began to evolve in a positive manner. As a result of several unilateral

steps, especially by the Russian Federation and the United States, the way was opened for the multilateral negotiation of a CTBT, a negotiation that would involve the international community as a whole and not just, as in the past, two, three or five countries.

On 10 August 1993 the CD agreed to direct its Nuclear Test Ban *ad hoc* Committee “to negotiate intensively a universal and multilaterally and effectively verifiable comprehensive nuclear test ban treaty, which would contribute effectively to the prevention of the proliferation of nuclear weapons in all its aspects, to the process of nuclear disarmament and therefore to the enhancement of international peace and security.”

In its resolution 48/70 of 16 December 1993, the UN General Assembly unanimously endorsed the CD’s decision and the negotiations began in January of 1994. The Ad Hoc Committee worked during the CD’s annual session (January to September) and also held an intersessional meeting from 28 November to 16 December. At the beginning of February of 1995 it continued its work.

The *ad hoc* Committee established two working groups: one on verification and another on legal and institutional issues. As a result of its work in 1994 the Committee put together a rolling text which is contained in an appendix to its annual report (document CD/1273/Rev.1). That rolling text runs about one hundred, single-spaced pages and contains the proposals put forward by various delegations during the discussions. Rather than a working paper it is a kind of preliminary inventory of ideas that will have to be streamlined. It also includes many counter-proposals and innumerable brackets.

The main outstanding issues

The main questions to be resolved are those regarding the scope of the prohibition, the verification system and the entry into force of the future treaty.

1. The scope of the ban

What will a CTBT ban? Each Party to the PTBT undertakes to prohibit “any nuclear weapon test explosion, or any other nuclear explosion, at any place under its jurisdiction or control...in the atmosphere; beyond its limits, including outer space; or under water, including territorial waters or high seas.”

It is therefore to be expected that a CTBT will broaden that prohibition so as to cover underground tests and thus achieve a complete nuclear test ban. Over the past decades, however, the technology related to nuclear testing has evolved to such a level that, for some NWS, “nuclear weapon test explosions,” i.e. testing in the traditional way, are no longer an indispensable activity to their current objectives regarding nuclear weapons.

Quite obviously a CTBT will not ban nuclear weapons. And what NWS seek is the way to maintain them in a good state without testing them in the traditional manner. But they have no intention to close down the test sites or to allow others to inspect them. What is more, they wish to continue obtaining, through other means, the benefits and data that testing once provided them with. And here is where the discussion could heat up because of the differences, on the one hand, among the NWS themselves and between them and the rest of the international community, on the other.

The decision to suspend testing could codify the present asymmetry that exists among the NWS in the nuclear field. It is as if someone from another planet had the power to tell them “Stay as

you are.” All five were very active in the nuclear field but some were more advanced than others. If they are forced to remain at the level they were in, some will be in a more comfortable position than others. And in 1995 two of the five NWS enjoy such a position.

In defining the scope of the prohibition account will have to be taken of various activities related to nuclear testing. To begin with, will a CTBT ban the so-called peaceful nuclear explosions (PNEs)? Some countries, including China, have proposed to exclude such explosions.

One must bear in mind here that over the last thirty years serious doubts have emerged regarding some peaceful uses of nuclear energy. What once seemed to hold the key for the assured supply of cheap energy, now has many detractors. The 1990s are not the 1950s when the “atoms for peace” plan gave rise to the International Atomic Energy Agency (IAEA). Some countries have abandoned or cut back their projects in this area. For a time PNEs also enjoyed much popularity. The NPT, for example, devotes an entire article to them. But today it is generally felt that PNEs should be banned together with nuclear weapon tests. And the basic reason for this is that it is not yet possible—and perhaps never will be—to distinguish between an explosion for military purposes and one for peaceful purposes. One should stress, however, that this opinion is not unanimous.

On the other hand, there is a series of activities and techniques that NWS have been developing and would perhaps wish to preserve. Hydrodynamic experiments is one example. Hydronuclear experiments is another. There is also inertial confinement fusion, other sources of radiation, high-yield non-nuclear explosions, high-temperature and highpressure experiments and computer modelling. These activities serve to understand better the effects both of a nuclear device and the material of its components. It will simply not be possible to ban some of them, while the prohibition of others will not be easily or cost-effectively verifiable.³

If one seeks to prohibit a given activity, it would be logical to prohibit also all activities related to it. Let us suppose, for example, that one wishes to ban any clinical test of a certain type of drug—not the drug itself, but the scientific experiments of that drug. It would be logical, in the first place, to identify the sites—clinics or laboratories—where the experiments with that drug had been carried out and, secondly, destroy the equipment used in those experiments. In other words, one should ban everything related to those experiments. That would be logical. But in the case of nuclear tests, that is not the guiding logic. Some NWS wish to repeat in a CTBT what was agreed in the PTBT, i.e., a ban only of the explosion itself.

2. The verification system

The fundamental problem with the verification of multilateral disarmament agreements lies in the fact that there are very few countries that have the necessary methods and techniques. The so-called “national means” of verification is a euphemism used to describe systems of satellite observation, espionage and other methods developed over decades by the principal military powers. It would not be an exaggeration to say that both the Russian Federation and the United States (and perhaps some other country as well) could verify unilaterally a CTBT. Even international organizations that have their own verification systems have accepted to be supplied with information obtained unilaterally by a third party. In this regard, there is the very instructive

³ These activities and techniques are discussed in detail in Eric Arnett (editor), *Implementing the Comprehensive Test Ban: New Aspects of Definition, Organization and Verification (SIPRI Research Report No.8)* (Oxford University Press, 1994).

example of the relationship between the United States and the IAEA in the case of the Democratic People's Republic of Korea.

It is thus to be expected that every now and then proposals are made—such as the one by France in 1978—to supply the UN (or some other institution) with the means (including satellites) to verify disarmament agreements. Those attempts have floundered because of the opposition of countries, such as the Russian Federation and the United States, that already have adequate “national means.” As a result, each multilateral disarmament agreement has required its own verification system. Some agreements, such as the PTBT, do not have a verification system. Others, such as the 1972 Biological Weapons Convention did not include verification machinery because of Cold War suspicions but now the Parties are in the process of establishing it. This is due to the example of the 1993 Chemical Weapons Convention (CWC), an instrument that contains what is undoubtedly the most complete and complicated verification system of any disarmament agreement. It is natural, therefore, that many countries insist in reproducing in a CTBT something similar to what was agreed in the CWC regarding verification. One should take care, however, not to be overly ambitious. First, one is dealing with the verification of two, very different activities. And second, the example of the preparatory process of what will become the Organization for the Prohibition of Chemical Weapons is not very encouraging.

In 1994 the *ad hoc* Committee in Geneva examined in depth the various technologies available to detect and identify a nuclear explosion. The future multilateral verification system will obviously be based mainly on the network of seismic stations that a group of experts has been developing for almost twenty years under the auspices of the CD itself. As a complement to this system, other techniques will be used, such as atmospheric (radionuclides) and hydroacoustic monitoring and perhaps infrasound and satellite observation as well. On-site inspections (routine and special) are also bound to play an important role.

What is being discussed, perhaps in too much detail, is the possible synergy or combination of the various verification techniques. It will also be necessary to ensure the impartial collection and analysis of the scientific data, the seriousness of the corresponding political fora and the transparency of any system of consultation aimed at allaying suspicions and dissipating doubts. Finally, one will also have to take into account the cost of the verification system and how it will be shared among the Parties.

In the past, discussions of CTBT verification were one of the major sources of disagreement which in the end derailed the negotiations. The delegations in Geneva should therefore explore the possibility of agreeing at once on the general provisions of a verification system, leaving the elaboration of the technical details for the period between the CTBT's signature and its entry into force.

3. Entry into force

As with the question of verification, the provision regarding the entry into force could complicate the conclusion of a CTBT. In theory, a CTBT, like any other multilateral disarmament agreement, should be universal. In practice, however, it would directly affect very few countries. The vast majority of States are already committed—in the NPT or in regional arrangements such as the Treaty of Tlatelolco—not to carry out nuclear tests. Only the five NWS and the three non-NPT, threshold countries (India, Israel and Pakistan) would finally undertake not to test.

The five NWS want a CTBT to enter into force simultaneously not only among themselves and India, Israel and Pakistan but also for all those other countries which, notwithstanding the restrictions imposed upon them by the NPT or other similar treaties, have a recognized nuclear capability or are, according to some NWS, “potential proliferators.” If a CTBT’s entry into force is conditioned in this way, it could be years before it actually entered into force. The same could occur if a formula is chosen that is similar to that of the CWC, whose entry into force requires 65 ratifications and is presently gaining less than one per month since it was opened for signature.

The significance of a CTBT

Until the 1970s nuclear testing was the one clear indication that a country had acquired a nuclear-weapon capability. Today that is no longer the case. One can manufacture a relatively reliable device without first having to test it. Testing only becomes important if one wants to continue to improve bomb designs or go into the production of large numbers of weapons. Their price tag is such that their quality, Le., their reliability, must be confirmed through testing before beginning their production.

Aside from the five States that have been testing for decades, it seems difficult to identify another nation that would want to test today. The example of India is clear: it tested a so-called peaceful nuclear device in 1974. If testing is so important, why has it not conducted additional tests?

Testing certainly played (and, in some cases, still plays) a major role in the improvement of nuclear arsenals (their miniaturization and precision) and related nuclear-weapon technologies such as computer simulation. And because of the latter, among other reasons, the Russian Federation and the United States have decided to halt testing in what we already have described as the traditional way. Thus their unilateral moratoria and their call for a CTBT.

What is occurring now with regard to nuclear testing is not very different from what has been happening in the disarmament field for years: the technologically more advanced nations reach a point where they can discard a certain weapon or weapon-related activity and then they move to ban that weapon or activity for the rest of the world through a multilateral treaty. This was the case with bacteriological (biological) and toxin weapons in the late 1960s and chemical weapons after the Gulf War demonstrated to the U.S. military that a large army (the “fourth largest in the world,” we were told), even one purportedly equipped with weapons of mass destruction, was no match for high-tech conventional weapons. The United States concluded that it did not need chemical weapons and the corollary was obvious: no one else should have them. In 1991, after years of foot dragging, the United States suddenly proposed that the CD conclude quickly the CWC negotiations, and this was achieved in less than one year.

The Example of 1963

By the early 1960s the Soviet Union, the United Kingdom and the United States had perfected underground testing to such a degree that they were able to stop testing in the atmosphere and quickly codified such a move in the PTBT. This Treaty was preceded by a moratorium which, in turn, was followed by several series of tests, primarily atmospheric in the case of the Soviet Union, from 1961 to 1963. In other words, on the eve of the PTBT there was evidence of good political intentions (Le., the moratoria), as well as the need to satisfy the technical demands of the military through one last round of explosions before “closing the door” on atmospheric tests. Moreover, the U.S. Senate only agreed to ratify the PTBT on condition that the United States

pursue an “aggressive” underground testing program, maintain modern nuclear laboratory facilities and the required personnel, and preserve an “atmospheric-testing capability.”

France and China have not signed the PTBT and for years continued testing in the atmosphere. However, once they too acquired an underground-testing capability, they declared that they would abide by the PTBT’s provisions.

Current efforts

In the early 1990s the pattern is being repeated. The more advanced NWS are ready to ban traditional underground testing. They insist, however, on maintaining both an “underground-testing capability” in case they wish to renew testing and the possibility of very low-yield tests (hydronuclear) and other testing-related activities. For their part, China and France appear to need a few more underground tests in order to miniaturize their arsenals and to acquire a computer simulation capability, respectively. China is proceeding with its program whereas France will only decide whether or not to resume testing after its national elections in May of 1995. These facts certainly do not point to the early conclusion of a CTBT.

What has happened since 1993 when the Russian Federation and the United States decided to suspend their tests and undertake the negotiation of a CTBT? They first had to decide where and with whom to negotiate it. It was thought that perhaps it would be better if the five NWS drew up a first draft. This had been done with the PTBT and the NPT and this is how they had worked at the end of the 1970s when the Soviet Union, the United Kingdom and the United States engaged in trilateral negotiations.

The first round of consultations by the Administration of President Clinton convinced the United States that among the NWS there was a clear preference to negotiate a CTBT multilaterally from the beginning. One would thus avoid the impression of a treaty “imposed by the NWS,” and the CD in Geneva was chosen. Thus the decision of 10 August 1993. But the NWS also agreed to hold parallel meetings to the CD to seek agreements among themselves regarding the main provisions of a CTBT. These consultations continued through the year of 1994 but their results have not been made known. The reason for this is probably that important agreements have yet to be reached.

In 1994 it became evident that there were varying degrees of enthusiasm among the NWS regarding the urgency of a CTBT. The Russian Federation and the United States advocated its prompt conclusion. However, they soon found themselves involved in a process of consultations that was to move at a rhythm much slower than expected because of the attitude assumed by the other three NWS, especially China and France. China, in fact, has continued with its testing program and has submitted proposals that tend to complicate the negotiations in Geneva. For example, aside from suggesting that PNEs be excluded from a CTBT, it has insisted that the treaty include a provision on the non-first use of nuclear weapons and security assurances banning the use or threat of use of nuclear weapons against states that do not have them.

For its part, France has had to tiptoe through the negotiations in view of its ambiguous position: although it has maintained the unilateral moratorium decreed by President Mitterrand and has decided to participate in the negotiations in Geneva, Prime Minister Balladur’s Government has yet to take a decision regarding whether or not to continue testing. In the meantime, the 1995 budget includes funds in case it is decided to renew testing, but that decision will only be taken after next May’s elections.

The case of the United Kingdom is unique among the NWS in that, unintentionally, it is observing a de facto moratorium since it has been carrying out its tests at installations in the United States whose government has decreed a unilateral moratorium.

The state of the consultations among the NWS could have been altered radically had the Russian Federation and the United States taken some joint initiative during 1994. But they did not do so, perhaps because they failed to reach an agreement or because they did not want “to break” with the other NWS. The search for a presumed “solidarity” among the five can have its drawbacks. And now, in early 1995, the domestic situation both in the Russian Federation and the United States has changed substantially. Instead of exercising decisive and timely leadership, Washington and Moscow find themselves moving along the negotiations at a pace set by the other NWS.

Moreover, the internal debates within their respective bureaucracies at times seem to reveal a lack of firm commitment to achieve a CTBT. And some of the proposals they have put forward in Geneva reflect little seriousness. Such is the case of the U.S. suggestion to allow the NWS to “get out of the CTBT” after ten years if they so decide unilaterally. (Ed. note: The US withdrew this position at the end of January 1995.) Finally, the domestic political calendar in those two countries has begun to affect the atmosphere in Geneva.

All of the foregoing has had an impact on the work of the Ad Hoc Committee. It is true that in 1994 not only was there much activity, especially at the expert level in the Working Group on verification, but also many proposals were compiled. But it is equally true that after a year of efforts the Committee still does not have a working paper—a rolling text—setting out clearly the various options or alternatives for each of the principal outstanding questions.

It was precisely to avoid such a situation that the Committee’s Chairman announced in March 1994 that around June (once the first round of discussions had concluded) he would submit his own rolling text for consideration by the Committee in order to facilitate the negotiations. As that date approached, a half-dozen delegations of the European Union suggested privately to the Chairman that the submission of such a text would perhaps be premature. The basic reason for that appeal was not that they themselves wanted to slow down the Committee’s work but rather the rejection of the Chairman’s proposal by the two NWS members of the Union. They simply would refuse to consider any text put forward by the Chairman in June just as they had refused in February to take as a basis for discussion the draft treaty submitted by Sweden or the very useful document prepared by Australia.

In light of the above and in order to avoid that a group of eight or ten of the 37 delegations that make up the CD would refuse even to examine his text, the Chairman decided not to present it. That group included countries from Western Europe, some from Eastern Europe and Pakistan (which perhaps was helping China). It is true that the great majority of CD members and observers had encouraged the presentation of a text “relatively clean” of brackets and alternative proposals. Furthermore, the Russian Federation and the United States had openly supported the Chairman. However, neither they nor the other countries that favoured accelerating the negotiating process—almost all members of the Group of 21, as well as Australia, Canada, Japan and some Europeans not members of the Union—spoke out publicly to counter the position of the minority group.

The negotiations proceeded from July to September and then during three weeks of intersessional meetings in November and December. There was the possibility of having more

inter-sessional meetings, but no agreement could be reached in this regard because of the attitude assumed by those delegations that months earlier had rejected the very thought of a Chairman's rolling text.

Unless something unexpected happens, the situation just described will probably continue at least until the middle of 1995. As was apparent during the negotiation in the UN General Assembly of what was to become resolution 49/70 of 15 December 1994, the vast majority of nations, including the Russian Federation and the United States, want to accelerate (and even set a date to conclude) the CTBT negotiations. But there is a very small group of countries, including China and France, that, although they do not have anything against "continuing to negotiate intensively" during 1995, they are not sure that they want to conclude those negotiations at an early date. And, for the reasons already mentioned, the international community in general and the Russian Federation and the United States in particular seemed resigned to "continue negotiating" knowing full well that the conclusion of a CTBT will go on being postponed.

The lack of a CTBT will affect negatively the work of the NPT Review and Extension Conference to be held in the spring of 1995. Towards the middle of the year, however, an important change could come about if the new French Government decides to suspend permanently its nuclear tests and conclude a CTBT. This could change substantially the present situation of the negotiations in Geneva. And it is an irony of history that in 1995 the conclusion of a CTBT could ultimately depend on the attitude of France.

The Nuclear-Weapon States and their Nuclear Arsenals

At first nuclear testing was chaotic, haphazard and very unfriendly to the environment. The enormous mushroom clouds of the late 1940s and 1950s embodied the power and the terror which the nuclear age inspired around the globe. Those atmospheric tests also became the focus of a broad-based, worldwide movement to ban nuclear weapons. That movement has continued for decades with its ups and downs. The intensity of the Cold War seemed at times to wear it down. The move to underground testing, after the 1963 Partial Test Ban Treaty (PTBT), also reduced the visibility of the nuclear threat. For some, it was out of sight, out of mind.

Others persisted and the fear of the nuclear menace and its proliferation moved individuals, communities and nations to do what they could. Cities, towns, neighbourhoods and even single homes were declared nuclear-free. After 1959 Antarctica was to remain totally de-militarized and in Latin America and the Caribbean the Treaty of Tlatelolco was concluded in 1967, banning nuclear weapons from the area and securing a formal, legally binding commitment from the NWS not to use or threaten to use nuclear weapons against the States of the region. The Treaty of Rarotonga followed in 1985, covering the South Pacific region, and Africa will soon gain its own nuclear-free status.

In 1968 the NPT was concluded. Non-nuclear-weapon states (NNWS) Party to it promised to remain just that—non-nuclear. In return the Treaty encourages the transfer of nuclear technology for civilian purposes, including the benefits to be derived from peaceful nuclear explosions (PNEs). More importantly, the nuclear-weapon states (NWS) — the USSR, UK and USA, at first, and China and France in recent years — agreed to move toward nuclear disarmament, including both quantitative and qualitative measures. A comprehensive test ban treaty (CTBT) has long been considered the most important of such measures.

Unlike other multilateral treaties, the NPT is not of indefinite duration. Many of the principal countries to whom it was addressed (Germany, Italy, Japan and Switzerland) insisted on a short duration, a kind of trial period, as well as review conferences, in order to ensure that the NWS would disarm before rendering permanent their own non-nuclear-weapon status. Thus the provisions of Articles X.2 and VIII.3 and thus the 1995 Review and Extension Conference.

Why are NWS so reluctant to begin a process of genuine nuclear disarmament? It is largely due to the inertia of old habits, habits developed over decades. But in part it is also because of the fear of losing their status, a status they would deny others. In fact it might be said that the last to proliferate —the last to “go nuclear”— became an ardent proponent of horizontal non-proliferation. This was true of the US after 1945, then the USSR, then the UK after 1952, then France and finally China.

NWS are wrong on both counts. Initially, they attempted to rationalize their possession of nuclear weapons because of the Cold War. Now that the Cold War is over, they speak of unforeseen threats. They say they need them “just in case”. But why are their so-called national security needs more important than those of others? Why do they insist, as adults to children, that the rest of the world “Do as I say, not as I do”?

By a quirk of fate, the international community finds itself negotiating a CTBT on the eve of the NPT Review and Extension Conference. The link which was built into the NPT between its twenty-five-year duration and nuclear disarmament measures (article VI), a link which many have always recognized, is now more obvious and stronger than ever. To be sure, some countries are currently in a state of denial. They argue that there is no such link and that each step—the NPT’s indefinite and unconditional extension and the conclusion of a CTBT —should be considered on its own merits. They insist that one should not be “held hostage” by the other.

The fact is that there is such a link. The negotiating history of the NPT proves this. Moreover, the NPT has indeed been held hostage. However, those responsible for this situation are not the advocates of a CTBT and nuclear disarmament but NWS themselves by continuing to increase and refine their nuclear arsenals. And it is ironic that they should be the most enthusiastic supporters of the NPT’s indefinite and unconditional extension.

Some will say that in recent years there has been much progress in the field of nuclear disarmament. Some will even recite a litany of measures taken, especially by the Russian Federation and the United States. They will add that, although the total number of nuclear warheads is today still greater than it was in 1970 (when the NPT entered into force), their actual firepower (kilotons) is much smaller. But it is not a simple question of numbers. It is rather how NWS view nuclear weapons and how NNWS view NWS.

The real issue is far more important and goes to the very heart of the question of the kind of world we want our children and grandchildren to live in. Are we ready to accept a world where nuclear weapons are a permanent feature or do we want their existence to have been a momentary phase in history? Do we seek a nuclear-weapon-free world or will we accept for the foreseeable future the permanence of the five so-called recognized nuclear-weapon States and a host of potential others?

The situation regarding the non-proliferation of nuclear weapons is today rather complicated. The technology for their manufacture has been improving and what was once the monopoly of one, later two, three and eventually five nations has now become accessible to many. What you

invent today to enhance your security has a tendency to reappear later elsewhere as a threat. The development of new and more sophisticated weapons and weapons systems has a way of boomeranging. They seem to offer security until they are developed by others. The cycle then repeats itself.

Some tend to forget that the world was once a nuclear-weapon-free zone. And the goal should be to return to that status as soon as possible. How did it happen that seemingly rational human beings would end up justifying the acquisition, the use and continued development of these weapons of mass destruction?

In the mid-1940s U.S. efforts to build an atomic bomb were viewed in the context of the crusade against the Axis Powers. By the summer of 1945, however, the war had ended in Europe and was about to end in the Pacific. Nonetheless the bomb was tested in July and used in August. At that moment the relationship to the “ultimate weapon” changed in the US and elsewhere. Incredible as it seems, the bomb became acceptable to leaders in many nations. The Cold War would only serve to obfuscate the moral argument. But, what would they have said had Nazi Germany and not the United States acquired the bomb first? Probably, “an evil weapon in evil hands”. One need only recall the West’s reaction to the Soviet Union’s first test in 1949. In short, there was no legal or moral justification for acquiring and using atomic bombs then, and there is none today.

Two hundred years ago the world faced a similar moral dilemma. The odious institution of slavery, though upheld and defended by many, came under increasing attacks and by the end of the nineteenth century it had been abolished almost everywhere. Today no one would dare to defend it; it seems so foreign to our shared values. But slavery was upheld by politicians, just as there are those today who defend the possession of nuclear weapons and their possible use.

It is necessary, therefore, for the entire international community to recommit itself today to the elimination of nuclear weapons. This would have been a lot easier years ago. Today one must contend with a growing variety of situations: first, there are the five NWS; then we have three de facto NWS (Belarus, Kazakhstan and the Ukraine); one ex-NWS (South Africa); three so-called threshold states (India, Israel and Pakistan); two that are no longer considered threshold states (Argentina and Brazil); and a number of countries that have the technology, the fissile material and the financial resources to “go nuclear” in a matter of months.

The NWS must set the example and pave the way towards nuclear disarmament. They should put forward a comprehensive nuclear disarmament program. They should begin by committing themselves to the complete elimination of nuclear weapons by a given date. Then they should identify and take, again within a specific time-frame, concrete steps to reduce the nuclear threat. Finally, they should identify those disarmament measures which they could take unilaterally, bilaterally, with other NWS and multilaterally within a given period or periods (five or ten years, for example). This would have a most beneficial effect on the way the NNWS view the relationship of NWS with their nuclear arsenals.

There will be some who will argue that nuclear disarmament is a very complicated matter and that NWS cannot pursue it in a time-bound framework. To be sure, the nuclear arms race and build-up did not follow a script. But it often responded to specific goals that had to be met by a certain date. The efforts to build the first bomb in the 1940s are one example of this. The move from atomic to hydrogen bombs is another. The same occurred with the development of delivery vehicles as demonstrated by the history of the evolution of missile technology. In short, if

countries developed their nuclear arsenals by earmarking resources for specific projects to be completed by, or at least planned for, a given date, it does not seem unreasonable to ask them to do the same when they build-down and dismantle their nuclear arsenals.

Nuclear Disarmament Issues at the 49th UN General Assembly

At last year's UN General Assembly proposals were put forward on these very issues: step-by-step reduction of the nuclear threat and measures aimed at the elimination of nuclear weapons. But the resolutions on these and other related questions were opposed by some NWS and a number of countries belonging to the Eastern European and Western European and Others groups.

The First Committee: Round One

During the First Committee's debates a number of questions were raised relating to nuclear weapons. Attention focused on several proposals, including the step-by-step reduction of the nuclear threat (contained in document A/C.1/49/L.25/Rev.1), the elimination of nuclear weapons (L.33/Rev.I), the annual resolution calling on the CD to commence negotiations on a draft convention prohibiting the use of nuclear weapons under any circumstance (L.31) and, in particular, the request for an advisory opinion from the International Court of Justice (ICJ) on the legality of the threat or use of nuclear weapons (L.36).

Draft L.25/Rev.1 was aimed at providing some ideas for discussing a framework for a build-down of nuclear arsenals. Its contents had been the subject of consultations conducted months earlier by the organization, Parliamentarians for Global Action. In introducing the revised draft 18 November, the delegation of Mexico stated that "it constitutes a modest attempt to advance multilateral consultations on the process of nuclear disarmament" (NC.1/49IPV.24).

When L.25/Rev.1 was put to a vote in the First Committee, 24 countries opposed it, including three NWS (France, the United Kingdom, and the United States). The Russian Federation abstained and China did not take part in the vote. Three weeks later that pattern was repeated in the vote in Plenary.

France voted against the draft because, among other things, it is an "attempt to continue to single out the nuclear Powers in order to make them bear the sole responsibility for disarmament" and because new agreements in the nuclear disarmament field "would be facilitated by ... an unconditional extension" of the NPT.

The United States voted against the draft because it ignored the "real progress ... in recent years" in nuclear disarmament and because it "seeks to establish a target list of nuclear arms-control and disarmament measures to be accomplished within a set time frame."

At the 49th session of the UN General Assembly, the idea of a specific draft resolution on the elimination of nuclear weapons was first suggested by the delegation of India. On the basis of the joint communiques of Prime Minister Rao with President Yeltsin and President Clinton, respectively, the Indian proposal sought a commitment to the goal of the elimination of nuclear weapons. But it was eventually withdrawn.

Suddenly, two weeks into the First Committee's session, the delegation of Japan received instructions from its capital to put forward a draft entitled "Nuclear disarmament with a view to the ultimate elimination of nuclear weapons." The text of the draft which was finally voted upon, however, was couched in terms of the NPT and thus was less objectionable to some NWS

(L.33/Rev.1). Only eight countries abstained, including France, the United Kingdom and the United States. China and the Russian Federation voted in favour.

The draft resolution calling for a convention prohibiting the use of nuclear weapons (L.31) received 24 votes against in the First Committee. They were almost the same countries that opposed the step-by-step resolution, including the three Western NWS. The Russian Federation abstained and China voted in favour.

But the draft resolution that caused the most commotion among the NWS at the 49th General Assembly was the one requesting an advisory opinion from the ICJ on the legality of the threat or use of nuclear weapons (L.36). For years there has been much discussion regarding the legality of nuclear weapons. Three decades ago the UN General Assembly began addressing this question and has been considering it ever since. In 1993 the World Health Organization requested an advisory opinion from the ICJ on the legality of the use of such weapons given their health and environmental effects. And in 1994, the UN General Assembly adopted a proposal requesting another opinion from the Court on the broader question, “Is the threat or use of nuclear weapons in any circumstance permitted under international law”?

In 1993 the Non-Aligned Movement (NAM) had circulated an identical draft but it was finally withdrawn as a result of the pressure exerted by several NWS. At the NAM Ministerial meetings in June and September 1994, however, it was decided to raise the question again.

In light of those decisions, Indonesia once more introduced the draft on behalf of the NAM at the 49th General Assembly. And again there was dissension within the ranks of the NAM. Benin, Cote d’Ivoire, Malta, Morocco, Senegal and others stated that they would “disassociate” themselves from the NAM position and thus from draft L.36. And, when the draft was about to be put to the vote on Thursday, November 17th, Senegal proposed that it be postponed “in order to enable delegations to continue consultations.” Morocco and Benin supported the proposal which was really aimed at giving some NWS extra time for applying bilateral pressure.

At the First Committee’s meeting on Friday, November 18th, Senegal announced that it could not support draft L.36 and Morocco moved that “no action be taken” on it. In accordance with the Assembly’s rules of procedure, two delegations were allowed to speak in favour (Germany and Hungary) and two against (Indonesia and Colombia) and then the motion by Morocco was put to a vote. It was rejected by 67 votes to 45, with 15 abstentions.

The First Committee then proceeded to vote on draft L.36. The previous day the United States had announced its opposition to the draft since “it would be inappropriate to ask the Court for an advisory opinion on such an abstract, hypothetical and essentially political matter” (pV.22). The Russian Federation made the same point. France went further by describing the request as “tantamount to questioning the inalienable right of any State or group of States to remain sovereign, as long as they comply with international law, in the choice of their means of defence.” The United Kingdom stressed that it could “distract attention from the destabilizing accumulation of conventional arms and from clandestine programmes aimed at acquiring weapons of mass destruction and developing delivery systems” (PV.24).

Draft L.36 was adopted by 77 votes to 33, with 21 abstentions. The supporters were all developing countries except for New Zealand .. Those voting against it were developed countries except for Benin, Malta, Republic of Korea and Senegal. Morocco did not participate in the vote and the abstentions included both developing and developed countries.

The First Committee's draft resolutions were then sent to the Plenary of the General Assembly.

An Afternoon in December

On the afternoon of 15 December 1994 the Plenary of the UN General Assembly considered and took action on all the disarmament and international security items which the First Committee had examined from mid-October to late November. The meeting lasted about four hours, from 3:25 to 7:20 p.m.

What occurred that day in the Plenary with regard to the various draft resolutions on nuclear disarmament issues was a replay of what had happened in the First Committee and revealed the extent to which some NWS felt uncomfortable with the turn of events. Over the last few years there has been an intense debate regarding the disarmament agenda in this post-Cold War era. Many European countries and their allies, including four of the five NWS, have sought to raise issues relating to conventional weapons (the UN arms register and antipersonnel land-mines, for example). The non-aligned nations, for their part, while not denying the importance of conventional weapons, have sought to avoid altering the priorities as set forth in the 1978 Final Document of the General Assembly's first special session devoted to disarmament.

It is difficult to characterize neatly the positions of other groups of countries. Moreover, the NPT's non-nuclear-weapon Parties include a number of states that are linked-politically, militarily and economically—with one NWS or another. This makes some of them follow the doctrine of their military allies with regard to the role of nuclear weapons. Others, such as the non-NATO members of the European Union, are locked into a common foreign policy stance on several issues.⁴

1. The IAEA's Report

For the first hour and fifteen minutes of that meeting in December, the General Assembly discussed the annual report of the International Atomic Energy Agency (IAEA), an item examined directly in Plenary and which is usually completed in one day in mid-October. In 1994, however, there were month-long consultations regarding referenced to the DPRK, relations between Iraq and the IAEA and amendments by Iran. The latter were rejected through a "no action" motion by Germany. The draft resolution was latter amended and adopted (resolution 49/65).

2. "Devices" to Prevent the Adoption of Resolutions

The Plenary then examined the drafts recommended by the First Committee. As is customary, the voting usually proceeds quickly in Plenary since delegations have already discussed the drafts and explained their positions in the First Committee. However, when it came to the draft requesting the ICJ's advisory opinion on the legality of the threat or use of nuclear weapons, France re-opened the debate and moved that "no action be taken." Germany and Hungary spoke in favour of the motion and Malaysia and Indonesia against it. The Malaysian delegate noted that the "no-action motion is a desperate and obstructionist device" (A/49/PV.90).

When its motion was rejected by 68 votes to 58, with 26 abstentions, France again took the floor to propose an oral amendment to the draft: the deletion of "urgently" from the phrase "urgently

⁴ For an analysis of the voting patterns in the General Assembly on nuclear and other disarmament items, see the author's *Votos y vetos en la Asamblea General de las Naciones Unidas* (Mexico: Fondo de Cultura Económica and Secretaría de Relaciones Exteriores, 1994), pp. 303-311.

requests” the ICJ. Indonesia, noting that it was a little late for amendments, stated that “If, for example, a country intends to come up with compromise language in good faith, this should be done prior to the action we are now taking.” Indonesia then moved that no action be taken on the French amendment.

In supporting the Indonesian motion, Malaysia recalled that the First Committee had already adopted the draft, that the Plenary had again rejected a no action proposal and urged that “no further devices be allowed to prevent the adoption of this draft resolution.”

France and the United States spoke against the Indonesian motion while Iran supported it. The motion was adopted by 61 votes to 56, with 30 abstentions.

The draft on the ICJ was then adopted by 78 votes to 43, with 38 abstentions. As shown in the Chart below, it was the only resolution where the abstentions and negative votes changed significantly between the First Committee and the Plenary. Quite obviously there had been pressure applied to a number of delegations.

On certain nuclear disarmament issues, some NWS vigorously rejected the NAM’s proposals in the General Assembly.

Chart
*Comparison of the votes in the First Committee and the Plenary
of the 49th UN General Assembly on some nuclear disarmament items*

Date	<i>First Committee</i> 14-18/11/94	<i>Plenary</i> 15/12/94
<i>Step-by-step</i>	91-24-30	111-24-33
<i>Elimination (Japan)</i>	140-0-8	163-0-8
<i>Conv. non-use</i>	98-23-3	115-24-31
<i>ICJ advisory opinion</i>		
1. <i>No action</i>	45-67-15	58-68-26
2. <i>French amend.</i>	—	61-56-30
3. <i>Resolution</i>	77-33-21	78-43-38

One might expect that perhaps the NWS would be more forthcoming within the preparatory process of the 1995 NPT Conference. But there has been very little discussion of these issues in the Preparatory Committee (PrepCom) since it first met in 1993. The NWS, supported by other nations, have been reluctant to examine the substantive questions regarding the Conference. During the first two sessions of the PrepCom they seemed content to concentrate exclusively on organizational matters, to avoid any debate on substance and to prevent non-governmental organizations (NGOs) from getting too close to their meeting room. In fact, when it comes to the NPT, some NWS and European countries prefer to distance themselves from NGOs. This attitude is very different from the one they adopt towards those NGOs concerned with human rights or environmental issues. In these matters they welcome and even encourage the active participation of NGOs in their meetings.

It was only at the third PrepCom in September of last year that we finally had an initial debate on substance. That debate, brief as it was, revealed deep differences in how NPT

Parties view the 1995 Conference. Many of those that had resisted discussing substance are the same countries that for some years now have been calling and campaigning for the indefinite and unconditional extension of the Treaty. A few of them have even proposed that the 1995 Conference first decide to extend the NPT indefinitely and later begin to discuss the substantive

questions. The logic here is unusual. They seem to be saying, “Extend first and review later” or, to put it more bluntly, “Sign now and talk later”.

The substantive discussion continued last week at the fourth and final PrepCom. It is bound to continue in the coming months and it will certainly dominate the debate at the Conference itself. The questions that should be addressed are: What are nuclear arsenals for? How do NWS relate to them? And, how does the rest of the world see that relationship?

When the NPT was concluded in 1968 no one, including the NWS, could have imagined the series of events that have transformed the international landscape since 1989. No one foresaw the end of the Cold War or the Soviet Union’s demise. When the NWS accepted the inclusion in the NPT of provisions regarding its periodic review and a conference to extend it after 25 years, they had no idea that this would take place under the present international conditions. And they are scrambling to find a cogent argument to convince the world that it is in everyone’s interest to achieve what they have described as its “indefinite and unconditional extension.”

Quite obviously, with or without the Cold War, the NPT’s extension would hardly be an issue if we already had in place a CTBT, legally-binding negative security assurances to NNWS Parties to the NPT, an international convention banning any further production of fissile materials for weapons purposes and a specific post-ST ART nuclear disarmament program. But none of this has happened and the only thing we hear are calls for an “indefinite and unconditional extension” of a Treaty which is far from perfect and is in need of a major overhaul.

The NPT should be examined carefully. Some of its provisions do not appear to pose major problems, while others do not seem to have been complied with fully. There are, however, those which are sources of major differences. These include such questions as peaceful nuclear explosions (PNEs), which the NPT permits but which a future CTBT will have to prohibit, and whether or not NWS have complied with Article VI’s nuclear disarmament measures.

Ideally, NPT Parties should review and, where necessary, revise the Treaty. But this does not seem possible. Attention and energy are focused on extending it as it is. Except for China, the NWS have urged its indefinite and unconditional extension. The European Union has stated that such a course is “in the security interests of all States”. Proponents of that position fear that the NPT will unravel if one tries to amend it or condition its extension.

However, it is not only a question of the NPT and its extension. The results of the 1995 Conference should serve both to strengthen the Treaty itself and to build a better, more genuine, truly universal and non-discriminatory nuclear non-proliferation regime. And that will not happen if one simply opts for business as usual.

States do not enter into legally binding, international instruments just for fun and should not be lackadaisical about their implementation. Countries sign a treaty because they feel that it is in their interest to do so. The question now is whether the NPT’s indefinite and unconditional extension is in the interest of its Parties. Some think it is; others do not; and still others simply do not know.

Will such an extension solve the problems of verifying compliance which the Iraqi case revealed? Will it resolve the present nebulous status of the so-called threshold nations? Will the NWS give adequate security assurances to NNWS regarding the use or threat of use of nuclear weapons? Will there be a halt to the production of fissile material for weapons purposes and what about existing, military and civilian stockpiles? Will it bring about a CTBT and ensure the conclusion of measures aimed at the elimination of nuclear weapons? In a word, will it further the vertical and horizontal non-proliferation of nuclear weapons? And, more importantly, will it change the NWS’ attitude and

relationship to those weapons of mass destruction? And here one returns to the moral and legal aspects of nuclear weapons.

As already noted, NWS are not very happy with the UN General Assembly's requests to the ICJ regarding the legality of the threat or use of nuclear weapons. And the reason seems to be the same that has led them to advocate the NPT's indefinite and unconditional extension. This reveals their true intentions regarding the permanence of nuclear weapons. While all NWS have begun to rethink the role of nuclear weapons in the post-Cold War era, the results are neither clear nor encouraging.

For decades NATO refused to commit itself to the doctrine of no first-use, arguing that it reserved the right to resort to nuclear weapons if confronted with a massive conventional attack in Europe. They had in mind the USSR. Now the Russians, who for years advocated a no first-use policy, have changed their view and have embraced NATO's doctrine. They have in mind some of their neighbours. In fact, China is the only NWS that still adheres to a no first-use policy.

In October 1993, the United States announced that it would undertake a nuclear posture review (NPR) that would incorporate policy and doctrine revisions. When the NPR was released on 22 September 1994, it left its doctrine unchanged, stating that it maintained the option of using nuclear weapons "as a last resort" in response to a non-nuclear attack. Also discouraging is the NPR's conclusion that there will be no strategic force reductions below the level of 3,500 warheads contemplated in the START II Treaty until it has been fully implemented, i.e., not before 2003. There is also concern about the statement regarding the possibility of "reconstituting" its strategic forces rapidly by uploading warheads on its Minuteman III ICBMs and Trident II SLBMs.

When asked to give negative security assurances to NNWS, the NWS cannot agree. They are willing to give such guarantees to the Parties to the Treaty of Tlatelolco but they hesitate to do the same when it comes to NPT Parties. In fact, NWS seem reluctant to grant those guarantees to all NPT States. This makes for an interesting exercise in speculation.

There is a third item on which NWS have also been less than candid: a ban on the production of fissile material for weapons purposes. For many years NWS have been producing highly enriched uranium and plutonium for both military and civilian uses. Now the United States and the Russian Federation have unilaterally ceased production because they simply have too much of this material. The next step is to call for an international ban on such production. What they are asking is that all future production be ceased, but nothing is said about existing stockpiles, including those for civilian reactors which use fissile material that can also have military applications. This has sparked an increasingly heated debate in New York and here in Geneva. Many countries wish to address the question of existing stockpiles of fissile material as well as banning its future production.

And so it happens that on the eve of the NPT's Review and Extension Conference a number of fundamental questions remain unanswered. The only clear position taken by four of the five NWS and some of their allies is on the Treaty's indefinite and unconditional extension.

What they have stated or implied with regard to other issues is not very reassuring. To be sure, their policies are not uniform on such matters as the pace of the CTBT negotiations, PNEs, the future of nuclear energy for civilian purposes, negative security assurances to NNWS and several other questions. But the overall impression that they give is that of business as usual. The Cold War may be over and, yes, the strategic nuclear competition between the Russian Federation and the United States shows signs of abating, but the relationship of NWS to their own nuclear weapons has not registered the kind of basic change that one might expect. They continue to rely

on nuclear weapons and do not seem prepared to give them up in the foreseeable future. Quite the contrary, they are looking for ways to freeze the NPT's dichotomy between the nuclear haves and the nuclear have-nots. This does not bode well for the NPT or nuclear non-proliferation in general.

Extending the NPT

Over the past few years, a number of NPT Parties, including several NWS, have been campaigning vigorously for the Treaty's indefinite and unconditional extension. Their representatives have travelled all over the world to convince Parties to support them. And they appear to have had a large degree of success. They seem to have rallied behind them the required majority of the Parties.

The non-proliferation of nuclear weapons and their delivery vehicles in all its aspects is an issue of the highest priority in the field of disarmament and international security. The establishment of a genuine, truly universal and non-discriminatory nuclear nonproliferation regime will enhance the prospects of a better and more secure world. Regional arrangements such as the 1959 Antarctic Treaty, the 1967 Treaty of Tlatelolco, the 1985 Treaty of Rarotonga and the nearly-completed instrument for Africa constitute important steps towards the attainment of a nuclear-weapon-free planet. These treaties are of a permanent nature.⁵

In contrast, the NPT entered into force in March 1970 for an initial period of twenty-five years. The transitional nature of the NPT makes it unique among disarmament treaties. It reflects the intention of the Parties to ensure the fulfilment of the purposes set out in the preamble and the effective implementation of its provisions, especially those contained in Article VI. To achieve this, the NPT provides not only for the possibility of periodic review conferences (Article VIII.3) but, more importantly, for a conference to be convened twenty-five years after its entry into force "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" (Article X.2).

Since the provisions of Article X.2 have been the object of several different and even conflicting interpretations, it would be useful to bear in mind the following when examining the options and actions available for extending the Treaty.

The Options Available

The contents of article X.2 make it clear that the Parties are not asked to decide whether or not to extend the NPT but simply for how long. There are three extension options available to them: 1) indefinite; 2) an additional fixed period; or 3) additional fixed periods. Article X.2 further provides that the decision on these options "shall be taken by a majority of the Parties to the Treaty". At first glance, therefore, the choice Parties must make appears rather straightforward. One simply musters a majority of NPT Parties in favour of one of the options and the case is closed.

The 'Consensus' Rule

The history of the NPT negotiations and of its four review conferences reveals, however, the

⁵ The contents of this and the paragraphs that follow formed the basis of a NAM working paper submitted to the fourth session of the Preparatory Committee of the 1995 NPT Conference (NPT/CONF.1995/PC.IV/4).

great importance its Parties attach not only to the effective implementation of its provisions, but to any and all decisions relating to the Treaty itself. This is borne out by the agreements reached on the convening of the review conferences and their decision-making process as contained in the rules of procedure. In fact, although the rules of procedure of the review conferences do not preclude the possibility of voting, over the past twenty years, the rule of consensus has been applied to all aspects, procedural and substantive alike, regarding the NPT.

It would thus appear that if the Parties have in the past insisted on the rule of consensus they would also wish to apply it when deciding on the extension of the NPT. This should be the point of departure of the extension decision process.

The Purpose of the 1995 Conference

In seeking to preserve and strengthen the NPT, its Parties should examine together the implementation of the Treaty's provisions and discuss how best to ensure the realization of its fundamental purposes—the non-proliferation of nuclear weapons and their ultimate elimination. And this will not be achieved through procedural debates or the presentation of differing legal interpretations regarding article X.2. To reduce the 1995 conference to a series of legal wrangles would only serve to undermine the Treaty itself.

In order that the 1995 Conference result in a strengthened NPT regime, its Parties should be convinced that its provisions will be fully realized and implemented and that it continues to serve their national security interests. The attainment of this goal is the overriding purpose of the conference. Anything less will be most unsatisfactory.