

Fulfill and Strengthen the Bargain

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Nuclear weapons are designed to cause terror and destruction on a vastly greater scale than any conventional weapon, killing thousands in a single attack and leaving behind ecological and genetic effects that can persist indefinitely. The risk that these nuclear weapons will be used by states or terrorists by accident or design has actually increased in recent years. This threat presents an ominous challenge to humanity.

The nuclear Nonproliferation Treaty (NPT) has served as the foundation for international efforts to reduce and eventually eliminate the dangers posed by nuclear weapons. The NPT was born out of UN General Assembly debates in the 1950s and multilateral negotiations of the 1960s, but the essential bargain it established between the nuclear haves and have-nots remains as valid and essential today as when it was opened for signature 40 years ago.

In exchange for forswearing nuclear weapons, the non-nuclear-weapon states maintain their right to the peaceful use of nuclear technology under verifiable control. Just as importantly, the NPT requires the nuclear-weapon states to bring an end to the arms race and achieve disarmament and bars them from assisting in any way the nuclear weapons program of another state.

Although imperfect in its design and execution, the NPT has helped to avoid the nightmare scenario envisioned by President John F. Kennedy, who foresaw a situation before the NPT of 20 to 25 nuclear-weapon states. The overwhelming majority of countries that are in the NPT genuinely believe that nuclear weapons possession is not in their security interest. Today, there are but nine states in possession of nuclear weapons, three of which never joined the NPT.

As recent events have shown, however, the existence of a two-tiered world of nuclear have and have-nots cannot be sustained. As the Canberra Commission, on which I served, said in 1996, "Nuclear weapons are held by a handful of states which insist that these weapons provide unique security benefits and yet reserve uniquely to themselves the right to own them. The situation is highly discriminatory and thus unstable." We concluded that "the possession of nuclear weapons by any state is a constant stimulus to other states to acquire them."

While most of the original nuclear-weapon states have reduced their total stockpiles over the past two decades, they unfortunately continue to rely on nuclear weapons as part of their military and foreign policies. Other key disarmament commitments made by the nuclear-weapon states remain unfulfilled. Unresolved regional tensions on the Korean peninsula have propelled North Korea to continue to seek nuclear weapons. India and Pakistan, which remain outside the NPT, continue to amass nuclear bomb material and missiles to deliver nuclear weapons. Further measures must be undertaken to improve security and accounting at nuclear facilities in dozens of countries to prevent diversion of weapons-usable nuclear material and possible acquisition by terrorist organizations. The system of safeguards, which originated before the inception of the NPT, must be strengthened and universalized to better detect and deter possible proliferators. With renewed enthusiasm for nuclear energy in many quarters, additional countries could in the years ahead acquire the capacity to produce fissile materials and manufacture nuclear weapons under the guise of "peaceful" nuclear endeavors.

To meet today's and tomorrow's challenges, states must fortify and implement the NPT in all of its

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aspects. The history of the nuclear age and the NPT itself reveals that nuclear disarmament and nonproliferation have a symbiotic relationship. They are mutually reinforcing. We cannot have progress in one without progress in the other. No one aspect can be singled out for implementation without upsetting the fundamental equilibrium that exists among the treaty's components of nonproliferation, disarmament, and the peaceful uses of nuclear energy. Insidious efforts to reinterpret Article VI despite the incontrovertible International Court of Justice Advisory Opinion^[1] and the misguided proposals to construct new bargains are surely wrong-headed and doomed to fail.

The actions necessary to update and strengthen the NPT and the broader disarmament and nonproliferation system are not as elusive or as mysterious as some critics of the regime might have us believe. On several occasions, world leaders have been able to reach consensus for action on nonproliferation and disarmament, most recently by NPT states-parties at the 1995 and 2000 review conferences.

I was privileged to preside over the 1995 NPT Review and Extension Conference. The NPT contained a provision for its extension 25 years after it came into force and required a majority decision of the states-parties to decide on the length of the extension.

The conference was expected to be contentious and complex, and in the post-Cold War climate, many states had heightened expectations of far-reaching results. The nuclear-weapon states made it clear they wanted an indefinite extension and argued- disingenuously, as we now know-that it was an essential prerequisite for nuclear disarmament.

A large majority of states at the conference favored indefinite extension, but most delegations were nevertheless emphatic that extension was not a carte blanche for nuclear-weapon states and insisted that concrete steps be specified in the final document. About halfway through the conference, support began to coalesce around a South African proposal that called for both a strengthened review process and a Declaration of Principles on Nuclear Nonproliferation and Disarmament as a yardstick to measure substantive progress. Late in the meeting, a group of Arab states successfully advocated a resolution calling for respect for the treaty in the Middle East and acceptance of International Atomic Energy Agency (IAEA) safeguards on all nuclear facilities in the region. Ultimately, the proposals were adopted as a package without a vote, thus extending the treaty indefinitely.

The extension of the NPT was achieved largely because the long-stalled Comprehensive Test Ban Treaty (CTBT), generally seen as the litmus test of nuclear disarmament, was close to adoption. (It was opened for signature in 1996.) It was also due to the promise of the nuclear-weapon states to negotiate a ban on the production of fissile material for weapons and for a program of action on disarmament.

Despite the twin setbacks to the NPT regime after 1995-the 1998 Indian and Pakistani nuclear test explosions and the 1999 rejection of the CTBT by the U.S. Senate-the NPT review conference of 2000 was a remarkable success, largely due to the energetic efforts of a diverse group of states known as the New Agenda Coalition. Their pressure and the aversion of the nuclear-weapon states to an open rupture resulted in the adoption of a final conference document that contained 13 specific steps on nuclear disarmament. These include a reaffirmation of the nuclear-weapon states' commitment to accomplish the total elimination of nuclear arsenals; entry into force of the CTBT; conclusion of a fissile material cutoff treaty; multilateral discussions on disarmament at the Conference on Disarmament; irreversible nuclear reductions and entry into force of START II and START III; concrete measures to further reduce the operational status of nuclear weapons systems; further reductions in nonstrategic nuclear weapons; and secure disposition of excess fissile material.

Subsequent failure by nuclear states to achieve these steps, despite commitments made at the 2000 review conference, has led to a further unraveling of the NPT consensus and a mood of disillusionment. Instead of implementing the 13 steps, leading nuclear-weapon states have abandoned key elements. The United States and China have failed to ratify the CTBT. START II and START III were abandoned following the U.S. withdrawal from the 1972 Anti-Ballistic Missile Treaty. The U.S.-Russian Strategic Offensive Reductions Treaty of 2002, while a gesture toward nuclear disarmament, was deliberately silent on issues of verification and on actual destruction of weapons.

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To date, U.S. and Russian officials have been unable to agree on an extension of the 1991 START I or deeper reductions in their still voluminous strategic and nonstrategic nuclear stockpiles.

Moreover, the de-emphasis on nuclear weapons in the security doctrines of the major powers after the Cold War has now been replaced by a fresh salience. This was evident in the 2002 U.S. Nuclear Posture Review and the failed attempt by the Bush administration to develop a new nuclear "bunker buster" weapon. China, France, Russia, and the United Kingdom continue to modernize their nuclear arsenals.

Since the mid-1990s, there have been setbacks as well as some successes in the nonproliferation field. The 1994 Agreed Framework that froze North Korea's nuclear program was inadequately implemented, and as the Bush administration adopted a truculent attitude toward Pyongyang, North Korea withdrew from the NPT and tested a nuclear weapon. Through renewed diplomatic engagement, North Korea has again halted its plutonium-production program and is in the process of verifiably disabling its capabilities.

Iran's violation of its IAEA safeguards agreement and continuing push to develop enrichment capabilities in defiance of Security Council resolutions have led to suspicions that its plans for nuclear power may lead to nuclear weapons. The problem cannot be solved unilaterally and requires a political and diplomatic process in which all sides must cooperate and compromise.

There have been some positive developments, including Libya's announcement, following quiet diplomacy and sustained pressure, that it has abandoned its weapons of mass destruction (WMD) programs. The continuing progress of the Cooperative Threat Reduction program, the Proliferation Security Initiative, UN Security Council Resolution 1540, and the 1997 Model Additional Protocol also contribute to greater nuclear security. Yet, they cannot, separately or together, stem the tide of proliferation that arises from the political and military value attached to nuclear weapons.

Just ahead of the 2005 NPT Review Conference, the United Nation's 2004 High-Level Panel report "A More Secure World" concluded that "[w]e are approaching a point at which the erosion of the nonproliferation regime could become irreversible and result in a cascade of proliferation." Sadly, differences among a few states shattered any possibility of an agreed final document at the NPT conference. One contributing factor was the refusal by some states to recognize the commitments on nonproliferation and disarmament made in the context of the 1995 and 2000 NPT review conferences.

The time for renewed action on nuclear disarmament and nonproliferation has come. Now more than ever, it is apparent that these are inhumane weapons of terror, weapons in fact intended most of all to intimidate those who do not possess them. Nuclear weapons must be devalued as the ultimate currency of power. That can be achieved only by their elimination.

To get back on that path, it is necessary that the international community re-establish consensus on a balanced and aggressive program of action on nonproliferation and disarmament and muster the political will necessary to implement it.

In response to the current challenges facing the nonproliferation and disarmament system, the Swedish government assumed the task of organizing a 14-member WMD Commission beginning in 2006, which was chaired by Hans Blix. The WMD Commission, on which I served, delivered its final report and 60 specific recommendations to UN Secretary-General Kofi Annan in June 2006 and to the UN First Committee (on disarmament) later that year. Among the recommendations:

- Revive disarmament negotiations and affirming policies that give states the confidence that they have no need to acquire weapons of mass destruction;
- Reduce the danger of existing arsenals by making deeper, verifiable, and irreversible reductions in them, as well as take weapons off high-alert status;
- Accelerate efforts to secure weapons and nuclear material from theft, especially by terrorist groups;
- Prevent proliferation and enhance disarmament through entry into force of the CTBT;

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- Encourage the realization of nuclear-weapon-free zones, especially in the Middle East, and gain no-first-use pledges by those states that possess nuclear weapons;
- Engage in negotiations with North Korea and Iran to verifiably ensure their non-nuclear-weapon status, while assuring them of their security and right to the peaceful uses of nuclear energy;
- Develop international arrangements for the supply of enriched-uranium fuel and disposal of spent fuel in order to discourage the spread of nationally controlled facilities capable of producing weapons-usable nuclear material;
- Work purposefully for a ban on the production of fissile material for weapons; and
- Strengthen the safeguards system, especially by gaining adherence to the 1997 Model Additional Protocol by states with nuclear programs.

As NPT states-parties pursue this agenda, they should be careful not to accord special privileges to non-NPT nuclear-weapon-armed states. The legal regime underpinning nuclear disarmament and nonproliferation could be severely undermined by the proposed Indian-U.S. nuclear cooperation proposal, which flies in the face of Security Council Resolution 1172[2] and the goals and principles endorsed at the 1995 and 2000 NPT review conferences. NPT member states, especially members of the Nuclear Suppliers Group, have a responsibility to resist efforts to let nuclear-weapon-state-driven realpolitik trump the principles of the nuclear disarmament and nonproliferation regime. The international community has a responsibility to insist that states outside the NPT fulfill the same nonproliferation and disarmament responsibilities expected of NPT member states.

A global consensus on disarmament and nonproliferation, as utopian and elusive as it may seem to some, has been achieved in the past and can be achieved once again. To be sure, such consensus requires convergence of political will on the part of the most powerful states, each of which still are heavily invested to some degree or another in nuclear arms. There are signs that given the seriousness of the challenges, key leaders may recognize their responsibilities in helping to promote action and restore consensus about how to buttress the NPT.

In the past year, leading U.S. statesmen, including George Shultz, Bill Perry, Henry Kissinger, Sam Nunn, and others, have written essays calling for a renewed commitment to a "world free of nuclear weapons" that incorporate key elements of the 1995 and 2000 NPT action plan and WMD Commission recommendations.

British Prime Minister Gordon Brown, Norwegian Foreign Minister Jonas Gahr Støre, and other key leaders have taken up the call for action leading to a world free of nuclear weapons. In the past year, the leading U.S. presidential candidates have also expressed support for renewed U.S. global leadership on nuclear disarmament and nonproliferation.

For example, Sen. Barack Obama (D-Ill.) said he would seek a "world in which there are no nuclear weapons" and introduced legislation that incorporates many of the proposals for advancing nonproliferation and disarmament outlined above.

In a March 26, 2008, speech in Los Angeles, Sen. John McCain (R-Ariz.) said, "Forty years ago, the five declared nuclear powers came together in support of the nuclear Nonproliferation Treaty and pledged to end the arms race and move toward nuclear disarmament. The time has come to renew that commitment. We do not need all the weapons currently in our arsenal. The United States should lead a global effort at nuclear disarmament consistent with our vital interests and the cause of peace."

The imminent change in leadership in the United States, the recent change in leadership in Russia, and developments elsewhere provide a unique opportunity for a breakthrough in reconstructing the fractured consensus around the NPT. Public opinion, which remains solidly in favor of global verifiable action to reduce the nuclear weapons danger, can help force policy changes. Civil society organizations and leading legislators can and must work relentlessly to seize the opportunity ahead of the next and very pivotal NPT review conference in 2010 to ensure that the right decisions are taken to build and strengthen the disarmament and nonproliferation bargain for this generation and for generations yet to come.

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ENDNOTES

1. In 1996, the 14 judges of the International Court of Justice rendered its opinion on the legality of nuclear weapons. The court ruled that the threat and use of nuclear weapons was generally illegal, but added that it could not decide whether this illegality applied "in an extreme circumstance of self-defense in which the very survival of a State would be at stake."
2. UN Security Council Resolution 1172 calls on India and Pakistan to join the CTBT and halt the production of fissile material, among other steps.

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