Arms Control Today

Spirits were high in May 1995 when the member states of the nuclear Non-Proliferation Treaty (NPT) extended the treaty indefinitely. The main players—the non-nuclear-weapon states and the five nuclear-weapon states—achieved enough of their objectives to declare victory. The non-nuclear-weapon states extracted new disarmament pledges and a strengthened review process. The nuclear-weapon states got a permanent treaty and strengthening of the safeguards system—the so-called "93+2," or strengthened safeguards, program. And the non-governmental organizations (NGOs) flexed their muscles and consolidated their place at the table. With permanent extension a done deal, some may believe the NPT is on auto-pilot. However, signs of trouble loom ahead for the first five-year review conference since 1995, which begins this April in New York. The trouble is real, but it is not too late to avoid disaster.

The 1995 conference did not settle any of the contentious issues that have been the source of differences among the parties to the NPT since its founding in 1968; it merely deferred them. Haggling over the disarmament obligations of Article VI of the treaty once again generated tensions during the 1995 conference. Many countries, aided by disarmament-minded NGOs, favored a conditional and limited extension that would have linked the fate of the NPT to acceptance of a "timebound framework" for the lofty goal of total nuclear disarmament. Arab states, led by Egypt, wanted to focus more attention on Israel's nuclear program. The permanent five members of the Security Council (P-5) wanted indefinite extension without conditions. And a large group of countries that faced no nuclear threats and did not perceive themselves to have much at stake in the treaty were mainly interested in avoiding trouble. So when the United States initiated a full-court press for indefinite extension, a battle royale ensued. The combination of brilliant statecraft by South Africa, the leadership of conference chairman Jayantha Dhanapala, active support from President Clinton and Vice President Gore, and the ultimate desire of key countries not to irreparably harm the NPT led to a deal that made indefinite extension possible.

The Deal Struck in 1995

The deal struck in 1995 included two central components. The first was the statement of "Principles and Objectives for Nuclear Non-Proliferation and Disarmament," which established benchmarks by which implementation of the treaty could be measured. The "principles and objectives" document reaffirmed the goals of achieving universal membership, accepting no additional nuclear-weapon states, improving compliance through strengthened safeguards, enhancing negative and positive security assurances, expanding nuclear-weapon-free zones, securing peaceful uses of nuclear energy and progressing toward disarmament. On the latter point, the conference cited a comprehensive test ban treaty (CTBT), a fissile material cutoff treaty (FMCT) and "determined pursuit by the nuclear-weapon States" of nuclear arms reductions as specific disarmament objectives.

The second major outcome of the 1995 conference was the strengthened review process. The main purpose of the strengthened review process was to guarantee accountability for "full" implementation of both the non-proliferation and disarmament provisions of the treaty. The strengthened review process established procedural and administrative arrangements for continuing the NPT's five-year review conferences, including three preparatory conferences for the 2000 review conference. Future review conferences "should look forward as well as back" to evaluate the record of compliance and implementation as outlined in the "principles and objectives." The 1995 conference also endorsed a Middle East resolution that satisfied Arab-bloc and U.S. concerns.
With these three key documents in hand, on May 12, 1995 the conference decided to extend the NPT for all time.

There were reasons to be optimistic in 1995 about the future of the NPT because the prospects for satisfying the benchmarks set forth in the "principles and objectives" were good. The unprecedented denuclearization decisions of Ukraine, Kazakhstan, Belarus, South Africa, Brazil and Argentina, as well as the accession of France and China to the NPT during the 1990-95 run-up to the extension conference, created a sense of momentum and expectation. In 1995, negotiations for a CTBT were nearing conclusion, the Conference on Disarmament (CD) in Geneva was preparing for negotiations on an FMCT, the U.S. Senate consented to ratify START II and the Russian Duma seemed poised to ratify as well. There was hope for further progress in the START process and for U.S.-Russian cooperation on irreversible dismantlement and disposal of retired nuclear weapons. In short, an era of continuing nuclear reductions seemed to ensure enough convergence on key aspects of the "principles and objectives" to assure smooth sailing for the 2000 review conference. Progress on the Article VI side of the ledger would, in turn, allow more time to focus on U.S. priorities such as strengthened safeguards and compliance issues. With luck, progress in the Middle East peace process might even ease the Arab states' preoccupation with Israel's nuclear program.

Granted, the kind of progress that seemed possible after 1995 would not satisfy everyone. Influential groups such as the Canberra Commission, the New Agenda Coalition, the International Court of Justice and others called for radical reductions. Abolitionists could be expected to urge the nuclear-weapon states to quicken the pace of disarmament. But the more gradual steps that were in the pipeline after the 1995 extension were sufficient to demonstrate U.S. respect for the non-nuclear-weapon states' interest in the Article VI part of the nuclear bargain.

Unmet Expectations

Such optimism has evaporated. Jousting at the 1997, 1998 and 1999 preparatory meetings revealed deep divisions that could lead to erosion of the treaty's foundations at the 2000 review conference. Instead of gathering to laud the expected progress on the "principles and objectives," the 2000 review conference seems headed for a bitter confrontation. Foremost on the list of grievances is the perceived failure of the nuclear-weapon states--principally the United States--to fulfill their Article VI disarmament obligations as agreed in the "principles and objectives." With START II still unratified, the CTBT in limbo after its rejection by the Senate, the FMCT stalled at the CD and U.S. relations with Russia and China in a precarious state, hopes for significant new arms control achievements have dimmed. Even the administrative and procedural arrangements for NPT meetings have been controversial. These unforeseen developments have made the delicate U.S. balancing act between the NPT's disarmament provisions, on the one hand, and U.S. nuclear deterrence policy, on the other, more difficult than ever.

To make matters worse, debates over the direction of U.S. national and theater missile defense policy have spilled over in unprecedented ways into the multilateral disarmament arena. Moscow and Beijing have deflected attention away from their own nuclear modernization policies to focus on U.S. consideration of modifications to the 1972 ABM Treaty, which is increasingly characterized as a fundamental component of the global strategic balance. What was once a bilateral arms control treaty between the two nuclear superpowers has become a sacred icon of multilateral nuclear diplomacy. As China's top arms control official has warned, "Any amendment or abolishing of the [ABM] treaty will lead to disastrous consequences. This will bring a halt to nuclear disarmament between the Russians and the Americans, and in the future will halt multilateral disarmament as well." Russia and China have warned that they will each build enough warheads to keep their deterrent forces credible by overwhelming any imaginable U.S. missile shield. Russian and Chinese motives aside, there is a growing impression in many capitals that Washington is courting a new arms race and in so doing is turning its back on the non-proliferation regime.

In reality, the United States has not turned its back on the non-proliferation regime. Since 1995, Washington has taken the lead in dealing with a litany of compliance, enforcement and universality problems. 1998 was a particularly bad year for non-proliferation. Nuclear tests by India and Pakistan; missile tests in North Korea, Pakistan and Iran; and the rejection of UNSCOM inspections by Iraq gave the impression that the non-proliferation regime was ineffectual at restraining those that challenged
it, including NPT member states, and was in decline. Although such overt challenges were not repeated in 1999, few would argue that the global trends in the proliferation of weapons of mass destruction (WMD) are encouraging.

In response, the Clinton administration led international coalitions to respond to the nuclear tests in South Asia, to rein in North Korea's nuclear program, to keep Saddam Hussein's WMD programs in check and to prevent Iran from acquiring nuclear and missile technology. Moreover, the U.S. Cooperative Threat Reduction program has made strides in preventing leakage of nuclear materials, technology and expertise from Russia and other former Soviet states—at a cost to U.S. taxpayers of over $3 billion. The United States is working with Russia to increase nuclear transparency and to make reductions irreversible by verifying warhead dismantlement and disposing of excess weapons-usable material. It is also worth noting that the United States has signed the Additional Safeguards Protocol allowing expanded inspections by the International Atomic Energy Agency (IAEA) in the United States as part of its support program for the strengthened safeguards system.

U.S. leadership on these non-proliferation issues, however, does not satisfy the thirst for disarmament. And it has not helped that U.S., NATO, Russian, Chinese, and even Indian and Pakistani nuclear doctrines have trumpeted the continuing role of nuclear weapons in their respective defense strategies, albeit with some important differences. While the tension between the nuclear-weapon states' nuclear deterrence doctrines and Article VI of the NPT is not new, these recent declarations stand in stark contrast to the expectations that were codified in the 1995 "principles and objectives."

Even close U.S. allies that have prospered under the U.S. nuclear umbrella, such as Germany, Japan and Canada, have intensified their disarmament rhetoric. Reconciling the nuclear component of America's defense relationships with its Article VI obligations has always been tricky. However, as the Cold War rationale for extended nuclear deterrence fades, pressure to close the gap between the nuclear haves and have-nots has increased, and much of that pressure is being directed on Article VI of the NPT.

Trouble Ahead

The stage is set for a messy and corrosive NPT review conference. A group of countries and NGOs are spoiling for a fight, anxious to punish the United States for not ratifying the CTBT and for the dreary outlook for dramatic new reductions. Although unlikely, there has been talk of a walk out at the 2000 review conference and speculation that a few countries might suspend their membership in the NPT or put conditions on their continued adherence. While it is premature to view such developments as signs that the NPT regime is really unraveling, they do suggest there is some fraying around the edges. Timely action is needed to prevent the fraying threads from being pulled out and eventually leaving holes in the regime.

If the NPT review process is discredited and falls into disrepair, the only winners would be the hard-core opponents of the treaty. Disarmament advocates would find U.S. and P-5 officials less receptive to their entreaties, and the nuclear-weapon states might feel less impetus to move forward on arms control, nuclear-weapon-free zones, security assurances, technical assistance or regional issues. A divisive review conference could result in even less support for U.S. positions on safeguards and non-compliant countries, such as Iraq, Iran and North Korea. Efforts to build up the credibility of the IAEA safeguards system-initiated after the agency overlooked Iraq's massive weapons program—would suffer. Support for NPT-related activities such as the Zangger Committee and the Nuclear Suppliers Group, which uphold norms against transfers of critical nuclear technology to unsafeguarded locations, could dwindle, with more countries willing to turn a blind eye to dangerous exports to dangerous places. Such breaches of non-proliferation norms might be rationalized as a predictable response to the failure of the nuclear-weapon states to live up to their end of the NPT bargain. In the worst case, increasingly divisive disputes among key NPT parties could be seen as a sign that the treaty had become ineffectual and encourage a handful of countries to keep their nuclear weapons options alive.

If the NPT regime were to collapse, governments would have to rely more heavily on their second line of defense against proliferation-deterrence and defense. And while it is an option to give up on
diplomacy and deal with proliferation militarily, this approach is no more appealing in 2000 than it was in the 1960s when the NPT was negotiated to prevent a nuclear free-for-all. Few would benefit from nuclear chaos. The fundamental purposes of the NPT remain sound, despite the inherent problems of implementation and enforcement.

Assessing the U.S. Record

The truth is that the United States has a good record on the "principles and objectives," in spite of the difficulties. And while progress since 1995 has not met initial expectations, disappointment should not cloud the positive achievements or cause a loss of faith in the NPT. With respect to Washington's fidelity to Article VI, the ultimate fate of the CTBT in the U.S. Senate is still an open question, as it is in other capitals. Influential Republicans in Congress have expressed willingness to take a fresh look at the treaty, especially after the 2000 presidential election. In the meantime, the Clinton administration has indicated that the United States will act in accordance with its obligations under the CTBT. Even after rejecting ratification, the Senate appropriated funds for the CTBT Organization. It is far too early to write off the CTBT. Regarding the debate on missile defense, no decision has yet been made, and one will not have been made by the time the 2000 review conference convenes. Even top Pentagon missile defense experts recommend delaying key decisions. Thus, it would be unwise to hold the NPT hostage to worst-case speculation about possible changes in an arms control treaty between the United States and Russia. Moreover, it is also useful to recall that the ABM Treaty allows the United States and Russia to deploy 100 interceptors each, which Russia deploys around Moscow. The treaty has been modified before, and the modifications currently under consideration would not change the underlying strategic reality that both sides remain vulnerable to missile attack. The charge that any additional changes to the ABM Treaty would necessarily doom arms control is unfounded. Like the CTBT and START II, it is too early to write off the ABM Treaty.

How to Avoid an NPT Train Wreck

The 2000 NPT review is best understood as another chapter in mankind's historic effort to cope with nuclear weapons. The review conference is not an apocalyptic moment in which a final resolution to the nuclear dilemma must be found. It is, therefore, not the time or place to force a confrontation from which all sides would find it difficult to recover and that could do permanent damage to the NPT. Most importantly, events since 1995 have not reduced anyone's interests in sustaining the NPT and the non-proliferation regime as permanent features of the international system. The main effect of a showdown over Article VI at the 2000 review would be to deepen feelings of futility and cynicism on all sides. Such showdowns were avoided in 1968, at previous review conferences and at the 1995 review and extension conference, despite deep differences. Confrontational approaches will not succeed in pushing the nuclear-weapon states to do things that they are not yet prepared to do and are more likely to sow seeds of resentment that will make them less receptive to the multilateral disarmament agenda.

A train wreck at the 2000 review conference can be avoided. The steps outlined below may help participants realize enough of their objectives to prevent the most contentious issues from derailing the review conference.

Pay Attention: Priorities for the United States

The Clinton administration will have to raise the profile of the 2000 review conference for it to succeed in heading off any further erosion of the regime. Many countries are under the impression that the NPT is a low priority for Washington. As a result, some foreign disarmament diplomats feel free to push controversial agendas in UN forums such as the Conference on Disarmament and the General Assembly. The United States could indicate the high priority it attaches to the NPT by proposing that foreign ministers open the review conference and that heads of state close it. The United States should work out in advance an arrangement with Egypt to prevent the recurring battle over the Middle East resolution from spoiling the review conference. Specifically, mutually acceptable language for a Middle East resolution should be crafted and the timing of its presentation...
agreed upon before the conference begins. With the Middle East peace process showing hopeful
signs, efforts to isolate Israel through a Middle East resolution are out of sync with mainstream
diplomacy. Similar advance arrangements on timing and language may also be useful with other
countries active in NPT politics, such as South Africa and Mexico.

It is critical that the United States reject accommodations with threshold states that are inconsistent
with NPT norms. Tacit approval of India's or Pakistan's "minimum nuclear deterrent" in connection
with a presidential trip to South Asia would have adverse consequences for the 2000 review and for
the NPT in general and would confirm suspicions that the United States is straying from the norms it
prescribes for others. Also, it would be wise to avoid statements on possible withdrawal from the
ABM Treaty, which could inflame those who have come to view the treaty as essential for the non-
proliferation regime.

Finally, it would be useful to review inside the government and with our allies the possibility of
adjusting U.S. first-use policy. On balance, there may be more to be gained by downplaying the
implied threat of a nuclear response against a chemical or biological attack. The credibility of the
U.S. deterrent posture would not be diminished.

Walk, Don't Run: Priorities for Non-Nuclear-Weapon States

Non-nuclear-weapon states, especially those associated with the so-called Non-Aligned Movement,
should beware arguments about how much leverage the NPT can exert on the nuclear-weapon
states. There is little to gain from forcing the nuclear-weapon states to choose between accepting a
timebound framework for the complete elimination of nuclear weapons or forfeiting the non-
proliferation benefits of the NPT. History shows that the NPT benefits all parties, even while Article VI
remains a work in progress.

Non-nuclear-weapon states should also beware the pitfalls of constantly renegotiating the NPT,
including the "principles and objectives." Endless controversy over administrative arrangements,
procedures and organization take time and energy that could be devoted to substantive issues.

The 2000 review offers an opportunity for non-nuclear-weapon states to broaden the focus of Article
VI by addressing concerns about the lack of progress on arms control and disarmament more evenly
among the nuclear-weapon states and their allies, not just the United States. For example, concerns
about the revaluation of nuclear weapons by Russia and China in their defense strategies could be
addressed to representatives of those countries. And while Russian, U.S., British and French arsenals
are shrinking, China's is the only one still growing. It will also be useful to keep regional issues in
perspective. For example, efforts to hold the NPT process hostage to Middle East politics detract
from the global nuclear agenda and encourage others to attempt similar linkages. As stated above,
compromise language for a Middle East resolution should be crafted in advance.

Finally, the non-nuclear-weapon states most concerned about the future of nuclear weapons,
particularly those associated with the New Agenda Coalition, would be wise to remember that
today's large arsenals are the result of nearly half a century of cold war. Yet in the past 10 years, the
U.S. and Russian arsenals have been cut drastically. If the reductions, dismantlement and
irreversible disposal of nuclear materials that have been achieved in the past 10 years continue, it
would be hard to argue that very significant progress has not been made. With this perspective in
mind, non-nuclear-weapon states could focus on expected progress for the 2005 review conference
and beyond.

Eyes on the Prize: Priorities for NGOs

The NGOs can use their hard-won access to the NPT process to achieve constructive results. Perhaps
most importantly, NGOs can help facilitate consensus between the parties by identifying and
promoting compromises between the nuclear-weapon states and the non-nuclear-weapon states that
bolster the treaty in the long run and serve everyone's interests. Conversely, overzealous NGOs
could encourage gridlock by promoting confrontational agendas guaranteed to drive the parties
apart. It is possible to hold the nuclear-weapon states' feet to the fire on Article VI without
endangering the very process that gives voice to NGO concerns.

NGOs could enhance their role by opening dialog with Russia and China about the future of their nuclear weapons. The fate of START II and Security Council action in Iraq, for example, depend on Moscow. Similarly, at what point will China consider arms control limits on its strategic modernization? And what do the non-nuclear-weapon members of NATO, especially those that have been active in disarmament politics, think about the NATO nuclear doctrine with which they freely associated themselves? These are issues that could be identified now for further consideration at the 2005 review conference.

NGOs could help strengthen the NPT and enhance their own credibility by actively supporting the strengthened safeguards, compliance and technical assistance portions of the treaty, not just Article VI. NGOs could help educate the delegations by providing documentation on these aspects of the treaty. After all, vertical disarmament is less likely if horizontal proliferation is tolerated.

Finally, NGOs have had their greatest impact by organizing grassroots support for nuclear issues. The U.S. 2000 election campaign provides numerous opportunities to query congressional and presidential candidates about their nuclear weapons policies. So far, little has been heard from the candidates on these issues, despite the fact that the fates of the CTBT and the ABM Treaty are in the hands of the next president and congress. In the long run, involvement in international summitry may pay fewer dividends than influencing local, state and national politics.

**Great Expectations**

The shared goal for the upholders of the treaty is to keep the NPT and the regime it embodies healthy for years to come. A healthy treaty can withstand vigorous debate about the future of nuclear weapons for international security. A healthy treaty is essential for all aspects of the nuclear bargain-IAEA safeguards, technical assistance and disarmament. A weakened treaty would not sustain rancorous debates over core security issues, nor would it provide adequate support for the regime's many cooperative programs.

All participants should consider the possible outcomes of the 2000 review and formulate strategies to achieve desired results. It is just as important to identify undesirable outcomes and find ways to avoid them. If the desired outcome is to preserve the NPT-at the very least until the next review conference in 2005-it is worth considering ways to arrive at a mutually acceptable endgame. For the non-nuclear-weapon states and the disarmament NGOs, the question is how far the nuclear-weapon states can be pushed before they begin to disengage. For its part, the United States is going to have to take its lumps on disarmament as gracefully and diplomatically as possible and stay the course on safeguards and compliance. Having spearheaded the effort to successfully extend the NPT in 1995, the Clinton administration faces a serious challenge to steer the treaty through its current difficulties. This will require consultations with Britain and France, and especially with Russia and China, on how to keep differences on controversial issues such as the ABM Treaty from wrecking the review conference. Moscow and Beijing would be well advised to refrain from airing bilateral differences with Washington on strategic matters in the multilateral context of the NPT.

The strengthened review process guarantees there will be vigorous debate on the wide range of issues contained in the "principles and objectives." The key to a successful review conference lies in avoiding an impasse over the language used in official conference documents, particularly regarding disarmament and the Middle East. Consensus on these issues may not be possible, but it should be possible to craft compromises that avoid serious long-term damage to the treaty. It is useful to recall that several previous NPT review conferences failed to produce a consensus final declaration, yet the treaty survived. So long as disagreements can be addressed within the procedures of the treaty, lack of consensus on a final declaration would not spell disaster. What must be avoided are ultimatums, conditions or threats linking continued adherence to the treaty to specific, timebound implementation requirements.

When the review conference looks backward at the history of the NPT, the participants will see the most effective international security treaty of all time—a unique blend of realism and idealism that delivered the world from global nuclear chaos. Looking forward, the conference will see two possible futures, one with the NPT and one without it. Only a fool would jeopardize the treaty and roll the dice
on a world without the NPT.

NOTES


Zachary S. Davis covers international nuclear policy at the Congressional Research Service, Library of Congress. The views expressed here are his own.