The mixed state of non-proliferation: the NPT Review Conference and beyond

PAUL F. POWER*

The Nuclear Non-Proliferation Treaty (NPT), the most widely ratified arms control pact, which came into force in 1970, is the central structure of the international non-proliferation regime which seeks to prevent the spread of additional nuclear weapons beyond the five present-day nuclear-weapon states (NWS): the United States, the Soviet Union, China, France and the United Kingdom. Created in response to a problem alternately over-stressed and neglected in world opinion, the network consists of the basic Treaty, the International Atomic Energy Agency (IAEA), the anti-proliferation guidelines of the East–West Nuclear Suppliers Group, and bilateral agreements and understandings between nuclear exporters and their customers. The unilateral commercial and military nuclear policies of states adhering to the NPT and countries which reject the agreement have both supported and challenged the non-proliferation regime.

Subjected to a reassessment in the Third NPT Review Conference, held in summer 1985 and attended by 86 of the Treaty's 130 parties, the regime's legal and symbolic centrepiece, the NPT, remains viable, though scarcely fulfilled or problem-free. What can the review meeting tell us about the status of the NPT on leading non-proliferation issues? How should conventional wisdom about the NPT and proliferation be judged in the light of the NPT's history? What is the likely future of the NPT system?

The making of the Conference Final Declaration

Adopted by consensus, the NPT Review Conference's Final Declaration reveals the major concerns of the participants.[1] The statement calls for progress towards the realization that nuclear disarmament is the world's most pressing need, holds that any form of nuclear proliferation will increase the danger of nuclear conflict, and re-endorses the peaceful exploitation of the atom under IAEA safeguards as a developmental right fully compatible with efforts to prevent horizontal proliferation.

The 1985 Final Declaration stands in contrast to the absence of any agreed statement at the end of the 1980 NPT Review Conference. The failure at the 1980 Conference to produce a statement was the result of marked dissatisfaction on the part of Group of 77 participants[2] with the NWS record on nuclear disarmament over 1975–80, and of objections by several NPT adherents to the tightening of Western policies on the supply of nuclear materials.

By contrast, in 1985 several factors helped to make the Declaration possible. There was widespread feeling at the Conference that the 1980 failure should not be repeated. As they were in agreement with each other on many aspects of the NPT system, the

* The author is Professor of Political Science at the University of Cincinnati.

1. Final Declaration of the Third NPT Review Conference, NPT/CONF. III/64/I, Annex I.

2. The Group of 77 is an *ad hoc* grouping of countries formed in 1967 to represent developing countries' interests within the UNand particularly the United Nations Conference on Trade and Development (UNCTAD). The number of countries in the group varies.

0020–5850/86/3/0477–15$3.00

two superpowers had reached an understanding in advance of the Conference not to use the meeting as an opportunity to exchange accusations about why the world's nuclear arms control record is so unsatisfactory. And a special incentive for all NPT parties to keep their differences under control and shape a final document was the impending prospect of a meeting between the Soviet and American leaders, the General Secretary of the Soviet Communist Party, Mikhail Gorbachev and President Ronald Reagan. At their meeting in November 1985 the two leaders reaffirmed their countries' commitment to the NPT, and noted the positive results of the Review Conference with satisfaction.

Other superpower circumstances were also favourable to the NPT Conference. Soviet–American nuclear arms talks had resumed early in 1985, with space defence weapons now added to the agenda. The tone of President Reagan's anti-communist rhetoric had been muted as a preliminary to his landslide re-election in 1984. The emergence of the 'businesslike' Mr Gorbachev as the new Soviet leader and the bilateral honouring of the SALT II Treaty, though unratified, were also favourable developments. These conditions outweighed the controversies about the US Strategic Defence Initiative, the US withdrawal from Comprehensive Test Ban Treaty negotiations, and the issues of theatre nuclear missiles, allegations of SALT II violations, increased superpower defence spending and regional conflicts.

The meeting was made more productive and more stable by three preparatory meetings between the NWS which were the original architects of the NPT (the Soviet Union, the United Kingdom and the United States) and several non-nuclear-weapon states (NNWS) party to the NPT; by bilateral Soviet–American talks on non-proliferation, projected to continue periodically after the review; by an early decision on the selection of Egypt's Mohammed I. Shaker as Review Conference President; and by the organization of the meeting into three committees with substantive responsibilities. A Final Declaration became possible when those present realized certain inadequacies in the Conference body: it was not competent to resolve several problems of substance, and the system did not include China and France, both NWS, or a number of NNWS close to or over the nuclear-bomb threshold and critical of the Treaty. Finally, it was recognized that liberal use could be made of the technique of simply noting issues, or including mention of varying positions in the text.

However, one leading participant was not dedicated to the publication of a final statement above all. Prior to and during the 1985 meeting the United States had indicated that it considered an agreed declaration less important than a thorough and balanced stock-taking of nuclear proliferation. Virtually alone among the participants, the Reagan administration adopted a stance which was intended to deflate the belief of delegates critical of the nuclear performance of the giants over 1980–5 that the United States would sign virtually any declaration to avoid a repetition of the 1980 stalemate which might be construed as an erosion of the NPT. The United States also wished to remind all participating NNWS that they too had a stake in conducting a broad reassessment undistorted by anti-NWS attitudes. Towards the end of the Review Conference, the United States found that a large majority of the delegates wanted a final but not a long statement. After intensive negotiations, a drafting group composed a seventeen-page Declaration, which was endorsed by consensus.

NWS obligations

Although the three NWS were not eager for criticism at the Conference, they could

hardly avoid the limelight in view of their NPT obligations. By virtue of their adherence to the NPT, the Soviet Union, the United States and the United Kingdom have undertaken through Article I of the NPT not to help any state to acquire, manufacture or gain control over nuclear weapons or other nuclear explosive devices by means of direct or indirect transfer, assistance, encouragement or inducement. NNWS parties to the Treaty have pledged through Article II of NPT not to receive, manufacture or otherwise acquire or gain control over nuclear weapons or other nuclear explosive devices.

Accepting the declarations of NWS and NNWS parties to the Treaty that they had fulfilled their respective obligations under Article I or II, the 1985 Conference held that the primary objectives of the NPT had been achieved in the period under review. Although the Review Conference did not have the resources to ascertain compliance with Articles I and II, general knowledge and the presumed truthfulness of the governments concerned do give some credibility to the Final Declaration's assessment of state behaviour.

In exchange for accepting and honouring the prohibitions of Article II, and also related requirements under Article II that NNWS parties to NPT should accept IAEA safeguards over all their nuclear facilities for the purpose of verifying compliance with the Treaty, the NNWS parties have come to expect that NWS acceding to the Treaty will proceed to fulfil a central bargain between 'haves' and 'have-nots'. Article VI requires each NPT party to pursue negotiations to end the nuclear arms race 'at an early date', to achieve nuclear disarmament and to conclude a treaty on general and complete disarmament under strict and effective international control. In practice, only the nuclear giants can realize these ambitious goals.

The wording of Article VI owęs much to the aspirations of the period in the 1960s when the NPT was drafted. Fifteen years on, Article VI's idealism about disarmament, which the American and Soviet leaders have endorsed in their competitive, utopian statements, is still the counsel of perfection.[3] These aspirations have given rise to a repeated pattern of disappointment, cynicism and even despair.

Article VI, prefaced by a message to the Conference from Sr. Javier Pérez de Cuéllar, the Secretary-General of the UN, rebuking the NWS for the nuclear arms race, was re-endorsed in principle by all delegations. The three NWS present said they must do better. In accordance with the views of the Group of 77, the non-aligned and neutral participants prepared a paper submitted by Senegal, which projected a bleak analysis of NWS behaviour and contained stern advice as to what the 'haves' should do in order to begin to meet their obligations.[4] Faulting the nuclear giants' record on arms reduction, their increasing levels of arms spending and the initiation of space defence programmes, the non-aligned and neutrals advised a moratorium on nuclear testing and a freeze on nuclear arsenals with a view to halting the arms race and the deployment of nuclear weapons, as well as a gradual reduction in nuclear stockpiles and their delivery systems, with the aim of eliminating them completely at an early date. Welcoming the resumption of superpower talks, the non-aligned participants, mindful of the 1980 impasse and their own limited leverage, declared that while implementation of Article VI was critical to NPT's viability, it was necessary to avoid confrontation and polemics for the sake of a greater good.

3. On the defects of general and complete disarmament, see Hedley Bull, *The control of the arms race* (London: Weidenfeld & Nicolson, 1961).

4. NPT/CONF. III/32. Similar treatment of Article VI is found in pre-conference evaluations by Miguel Marin-Bosch, 'The Nonproliferation Treaty', and Mohammed I. Shaker, 'The Third Non-Proliferation Review Conference', both in *Disarmament*, Spr. 1985, Vol. 8, No. 1, pp. 45–52 and 62–7 respectively.

The moratorium and CTBT issues

The non-aligned group's proposals overlapped with the views of many aligned states of the 'First World' on the subject of arms reduction, and also with the stances of some NATO countries, such as Canada and Norway, on the topic of the Comprehensive Test Ban Treaty (CTBT). There was a much wider overlap with the socialist countries on all subjects. Thus the German Democratic Republic (GDR) articulated several views which roughly corresponded with the non-aligned working paper.[5] The GDR praised Moscow's unilateral moratorium on nuclear testing, announced on 6 August 1985 to last until the end of 1985 and later extended. The initial announcement had been meant to gain ground for the Soviet peace offensive in advance of the NPT Conference and the Gorbachev–Reagan meeting.

The United States declined a Soviet invitation to join the testing moratorium in 1985, citing verification problems, and it maintained its position when Moscow renewed the suspension in early 1986. In an attempt to deflate the appeal of the short-term moratorium, the Federal Republic of Germany stressed at the Conference's start that the Soviet suspension of testing was not accompanied by any means to verify it and consequently was not bringing the world any closer to a CTBT.[6] This view was not widely shared.

Mr Gorbachev, attentive to the verification issue and broad conference interest in dramatic anti-nuclear moves, sent a message to the Review Conference which again invited the United States to join the testing moratorium. The Soviet leader affirmed his regime's dedication to achieving a CTBT, coupled with an appropriate system of national and international verification.[7] The Soviet approach on the moratorium and CTBT issues placed the United States at a disadvantage before, during and after the 1985 Conference.

Mr Gorbachev's link between the two issues of a moratorium and a CTBT—something which is endorsed in the NPT preamble and appears a very attractive way of implementing NWS obligations under Article VI—adroitly connected a full and permanent cessation of testing to the purposes of the NPT in terms which the Reagan administration, unlike its predecessor, had never accepted. Although American policy did not bend under this attack, it was also subjected to pressure by a message to the Conference from nineteen US Senators, headed by Edward M. Kennedy, which urged a CTBT as a feasible first step towards a more secure world.

With symbolic importance over and above its actual merits, the CTBT question was the most divisive issue at the Geneva Conference. In the view of those who do not approve of American policy on the subject, the chief source of the controversy was in the White House. President Reagan's message to the Review Conference, asserting his dedication to the goal of substantially reducing and ultimately eliminating nuclear weapons, referred to verifiable limitations on nuclear testing as a desirable but modest objective. This was an allusion to the American effort to develop more sophisticated ways of detecting underground tests before proceeding to consider ratification of the 1974 Threshold Test Ban Treaty (TTBT) and the 1976 Peaceful Nuclear Explosion Treaty (PNET). The President recalled his invitation (which had not been accepted) to

5. NPT/CONF. III/42.
6. Statement by Jürgen W. Möllemann, of FRG, Third NPT Review Conference, 29 Aug. 1985.
7. *Financial Times*, 25 Aug. 1985. The Soviet pre-conference view is detailed in Vladislav N. Misharin, 'For the further strengthening of the Treaty on the Nonproliferation of Nuclear Weapons', *Disarmament*, Spr. 1985, Vol. 8, No. 1, pp. 53–61.

the Soviet Union to send observers and any instrumentation to measure a nuclear test at an American site.

Although President Reagan did not mention a CTBT, the Director of the Arms Control and Disarmament Agency, Kenneth L. Adelman, who read Reagan's message to the Conference, did so in the vaguest terms.[8] While a complete ban on nuclear testing is a long-term American goal, Mr Adelman said, the United States did not agree that it should be the next step in efforts to reduce the nucler threat; the most urgent task must be to achieve 'deep reductions' in existing nuclear arsenals.

By contrast, the Soviet representative to the conference, Mr A. M. Petrosyants, called the cessation and prohibition of underground nuclear tests one of the highest priority measures in the disarmament field.[9] Australia, and many other countries, agreed. The United Kingdom, with weak support from the other NATO states, aligned with the US position that a CTBT was not a high priority.[10] In a non-governmental forum in Geneva Dr David Owen, the leader of the British Social Democratic Party and a former Labour Foreign Secretary, claimed that the British and American stress on the obstacle which unresolved verification problems posed to the conclusion of a CTBT was 'dishonest'.[11] Dr Owen alleged that the real reason for the lack of Anglo-American interest in a CTBT was that the United States wished to continue to test new weapons. Some evidence for this charge appeared in statements to domestic audiences by the Reagan administration around the time of the 1985 deflection of the Soviet moratorium proposal. They indicated that, rather than verification worries, interest in testing a new Trident II missile and SDI systems lay behind Washington's lukewarm reception of a CTBT.[12]

Although the Anglo-American stance on a CTBT—which France shares—has been sufficiently controversial to energize the UN General Assembly and the US Congress to adopt pro-CTBT resolutions in late 1985 and early 1986, the two countries' positions have not jeopardized the non-proliferation regime.[13] The regime has endured with only a Partial Test-Ban Treaty, and is likely to continue in that fashion unless and until a US government decides that its national interest requires a CTBT.

The Final Declaration and Article VI

Despite the CTBT dispute and other differences at the Review Conference, the actions of the non-aligned and neutral group of some 50 countries, the socialist countries and the aligned Western states eventually permitted the publication of a Final Declaration. This result was made possible by the tabling of three resolutions near the end of the Conference by the Mexican delegate, Alfonso Garcia Robles, a veteran disarmament advocate, on behalf of the extra-bloc group of non-aligned and neutral countries. One of these called upon the NWS to negotiate a CTBT; a second endorsed a nuclear testing

8. Remarks by Kenneth L. Adelman, USA, Third NPT Review Conference, 28 Aug. 1985.
9. *Financial Times*, 29 Aug. 1985.
10. The United Kingdom's position on a CTBT was presented by Mr Richard Luce, Minister of State in the Foreign and Commonwealth Office, on 6 and 7 June 1985, *House of Commons Debates* (Hansard), Vol. 80, No. 129, cols. 545–8 and 619–23, and in his address to the Review Conference on 29 Aug. 1985 (British Information Services, *Policy Statements*, 30 Aug. 1985). Although Mr Luce emphasized the importance of verification assurances, his views of a CTBT suggested some urgency, in contrast to the US stance.
11. *Financial Times*, 30 Aug. 1985.
12. *New York Times*, 4 Oct. 1985.
13. Cf. William Epstein, letter to *Arms Control Today*, Vol. 15, Nov./Dec. 1985, p. 2.

moratorium as an interim measure; and the third supported a halt in further production and deployment of nuclear weapons. Faced with the prospect of the adoption of these resolutions with the support of several of its allies, the United States countered with a threat to block the adoption of a final document if the resolutions were passed. To avoid taking the blame for a failure of the Conference to issue an agreed declaration, the two sides agreed late in the meeting to a declaration written in language tilted in favour of the pro-CTBT forces.

The Final Declaration expresses deep regret that a full test ban has not been concluded by NWS, urges the NWS parties to the NPT to resume test-ban negotiations in 1985, and recommends that all NWS should participate in the fashioning of a CTBT through the UN Conference on Disarmament. Simultaneously, the Declaration notes that while certain NPT parties—Britain and the United States and some other NATO members—are committed to reaching a CTBT, they consider 'deep and verifiable reductions in existing arsenals as the highest priority' in the pursuit of the principles of Article VI. The overall outcome was a victory in part for the Soviet Union (which received special mention in the text as a regime standing ready to negotiate a CTBT), some 'First World' states, such as Australia, and the extra-bloc group. But the NATO countries had their position put on the record.

As for the moratorium on nuclear testing and the proposed nuclear weapons freeze, the Declaration notes support for these steps but it does not endorse them.[14] Again, both partisans and opponents had grounds for satisfaction. The statement notes the United States' invitation to the Soviet Union to observe an American test. The Final Declaration also mentions an item of special concern to the non-aligned NNWS, the lack of any action by the UN Conference on Disarmament to strengthen NWS pledges not to use or threaten to use nuclear weapons against NNWS. Except perhaps for the Soviet Union and its much-publicized no-first-use pledge, which is not a legal undertaking, the NWS have found no reason to move beyond their qualified statements of the 1970s on the use or threat of nuclear weapons. Given the strategic problems which NWS face, progress in this area is not foreseeable.

The neutral and non-aligned group and several allies of NWS achieved a paragraph in the Final Declaration conclusion which claimed that in view of the record of arms control over the past five years the anti-nuclear aspiration of the NPT's preamble had not been met and that the objectives of Article VI had not been achieved. By implication, the Conference held that the NWS parties to the NPT had not honoured the Treaty. The Conference called upon all NPT parties, especially the NWS members, to implement Article VI. If not for the resumption early in 1985 of Soviet–American nuclear arms negotiations, which was welcomed by the delegates, the Review Conference would probably not have been able to agree on a statement covering Article VI.

It is doubtful whether the Review Conference will influence the pace and terms of the Soviet–American talks on strategic and theatre nuclear weapons and space defence systems. While there is a 'central bargain', there is also a basic condition of inequality enshrined in the NPT. Typically, this inequality has been cast in terms of the 'have-not' NNWS and the 'have' NWS. But there is another perspective which better reveals the internal dynamics and the pluralism of the NPT. This is to distinguish three camps—the acknowledged NWS, the NNWS associated with one or the other of the

14. The non-aligned and neutral states achieved the inclusion of their moratorium and freeze stances in the Final Document, which includes the Final Declaration: NPT/CONF III/64/I, Annex II.

nuclear giants, and the non-aligned and neutral parties. All three groups have accepted the inequality of nuclear weapons possession, which is not only a characteristic but an inherent principle of the NPT system.

The extra-bloc NPT parties

The non-aligned and neutral group in the NPT membership contains the most restive of the NPT parties. Apart from the European neutrals—Finland, Ireland and Sweden—these countries belong to the Group of 77, which has long denigrated the NPT as 'discriminatory', 'hegemonic' and 'monopolist'.[15] This perspective has been influenced by the anti-NPT states, Argentina, Brazil, India and Pakistan. The 'southern' non-aligned parties to the NPT have joined forces with the three European neutrals, which have different geopolitical and economic circumstances from their non-aligned NPT associates, to form a 'ginger' group on military nuclear issues at all NPT Review Conferences and within several bodies meeting between conferences.

The non-aligned and neutral states made their impact and achieved some of their goals at the 1985 Conference without having to threaten to quit the NPT. The idea and the very rare examples of parties threatening to quit have been magnified out of proportion by analysts disturbed by the growth of nuclear weapons in the hands of the existing NWS. Disenchanted NPT members, who in the nature of things are most likely to be non-aligned or neutral countries, would lose a place in which to ventilate their grievances if they ever left the system, and might also face political and economic costs.

For a host of geographical, industrial and political reasons, there is only a marginal risk of non-aligned countries notably critical of the NWS, such as Mexico, Nigeria, Sri Lanka, Sweden and Yugoslavia, taking steps to proliferate. In sum, with the possible exception of Iraq and Libya—where there is some suspicion that these two countries have sought and may still wish to acquire nuclear-bomb-making capabilities or to purchase ready-made nuclear weapons—the non-aligned or neutral NNWS adhering to the NPT pose minimal dangers to the non-proliferation regime.

Non-NPT proliferation risks

No country is publicly known to have acquired nuclear arms since the NPT came into effect in 1970. This apparent fact was part of the basis for the American, British and Soviet assertions at the Conference that the NPT had been a 'success'. Also, no non-NPT country except for China or France has been publicly identified as conducting a nuclear-explosive test since India's 1974 'peaceful' nuclear explosion, an event which energized the non-proliferation regime as no other since the Cuban missile crisis.

Following the practice of previous NPT Review Conferences, the 1985 meeting urged all NNWS which were not parties to the Treaty to undertake a commitment not to acquire nuclear weapons or other nuclear explosive devices, and to accept full-scope safeguards (that is, the placing of *all* their civil nuclear activity, not merely the activity for which a particular imported nuclear component was required, under IAEA safeguards). Accession to the NPT was said to be the best way of achieving that objective.

15. *United Nations disarmament yearbook*, Vol. 9, 1984 (New York: United Nations, 1985), pp. 273–9.

The Conference's appeal to non-NPT countries to accept full-scope safeguards or to adhere to the NPT was made possible because sixteen countries had adhered to the NPT since the 1980 Review Conference. Two countries deserve notice. Following its *rapprochement* with Israel and the United States, Egypt, which had previously signed the NPT, completed its ratification in 1981 without waiting for Israel to accede to the Treaty. Vietnam's adherence in 1983 seemed to bear traces of Soviet influence. Up to the 1985 meeting, no important industrial country had joined the NPT since Japan's adherence shortly after the 1975 Review Conference. North Korea's adherence to NPT late in 1985 was an important development.

Unless national policies and world politics change radically, it is highly unlikely that any of the critical non-NPT states will respond positively to the 1985 Conference's exhortation to adhere to the NPT or accept full-scope safeguards. There are six key countries: Argentina, Brazil, India, Israel, Pakistan and South Africa.[16] Alone of these six states, Israel is widely believed to possess nuclear weapons. Argentina, Brazil, Israel and Pakistan were among the ten observers at the 1985 Conference, which amended its rules to allow the Palestine Liberation Organization observer status in order to stave off non-aligned and communist moves to bar Israel.

There are several factors working against any of the six critical states accepting the NPT or equivalent full-scope safeguards. These include their political investments in anti-NPT arguments. Five of the key countries have denied that they are engaged in nuclear-weapon programmes or that they intend to exploit the peaceful development of atomic energy for military ends. Israel has declared that it will not be the first state to introduce nuclear weapons into the Middle East.

There is one striking anomaly in the non-proliferation regime for which a supranational remedy is not available. The critical non-NPT states are conducting two kinds of nuclear operations: those safeguarded by the IAEA, and unmonitored nuclear facilities. Activities within the uninspected facilities of the six nations involving enrichment or reprocessing technologies, or both, constitute the world's chief area of potential for proliferation.

Israel and South Africa

Of the six critical non-NPT countries, the Final Declaration mentions only Israel and South Africa. The statement notes (but does no more than that) calls based on UN resolutions to put an end to any trade with these two countries and for them to accede to the NPT, accept full-scope safeguards and pledge not to make or acquire nuclear arms. But for the US position, harsher terms would have accompanied any reference to Israel and South Africa. The United States did not object to the statement in the Final Declaration calling upon South Africa to submit all its facilities to IAEA inspection and to accede to the NPT. There was no comparable call upon Israel.

A former American arms control official has said that Israel 'could prove to be the

16. The nuclear development of critical non-NPT states and also Iraq and Libya is detailed in Leonard S. Spector, *The new nuclear nations* (New York: Vantage, 1985). See also Richard P. Cronin, 'Prospects for nuclear proliferation in South Asia', *Middle East Journal*, Aut. 1983, Vol. 37, No. 1, pp. 594–616; and Peter Pry, *Israel's nuclear arsenal* (Boulder, Colo: Westview, 1984). Owing to a joint statement on nuclear cooperation issued by the leaders of Argentina and Brazil in 1985, and pledges not to strike each other's nuclear facilities made by the leaders of India and Pakistan, also in 1985, nuclear tensions in these paired cases have declined.

Achilles heel' of US non-proliferation policy.[17] United States action, or rather lack of action, on the challenge that Israel represents to regulating proliferation has weakened the non-proliferation regime. Although the United States has no active nuclear cooperation agreement with Israel and has not supplied it with nuclear fuel or equipment for many years, the American regime long ago abandoned any serious efforts to renew the US inspections of Israel's secret Dimona facilities which had operated in the 1960s, or to use transfers to Israel to secure its accession to NPT or its acceptance of full-scope safeguards.

Also notable by its absence was any American action in response to Israel's use of US-supplied aircraft in June 1981 to bomb Iraq's Osiraq reactor, an act which was condemned by the Reagan administration, or any significant response to Israel's receipt, which it admitted, of 800-odd illegally exported krytrons usable as nuclear-bomb triggers from an American source.[18] Israel's 'bomb in the basement' is now reliably reported to include at least 100 nuclear-weapon Jericho II missiles, low-yield, aircraft-delivered nuclear bombs and nuclear artillery shells.[19] The United States is not known to have taken steps to discourage these developments. Recalled briefly in May 1985 in the context of domestic pressure on the Reagan administration's policy towards South Africa, a mysterious 'flash' detected over the South Atlantic on 22 September 1979 may have been a nuclear test conducted by Israel or South Africa or both countries, as governmental and private sources (but not a panel appointed by President Carter) estimated immediately after the event.[20] The 1985 Review Conference held that any further nuclear explosions by NNWS would violate the non-proliferation ethic.

The Final Declaration urges all Middle Eastern nations to take all steps necessary to establish a regional nuclear-weapon-free-zone, expresses the Conference's 'profound concern' about the Israeli attack on Iraq's safeguarded Osiraq reactor, and mentions the UN Security Council's unanimously adopted Resolution 487 of 1981. Resolution 487 condemns the attack as a violation of international law, holds that the assault constitutes a serious threat to the IAEA system of safeguards, calls on Israel to submit all its nuclear facilities to IAEA inspections, and recognizes the right of all states to pursue peaceful nuclear development which is consistent with non-proliferation.

The Declaration notes resolutions adopted by the UN General Assembly and the IAEA General Conferences which in several instances were markedly negative about the Osiraq raid and President Menachem Begin's justification of a preventive strike. By wielding its power as a funding agency, the United States has protected Israel against communist-country and Third World moves, intensified by Israel's invasion of Lebanon in 1982, to use IAEA General Conferences to punish Israel for its violation of the UN Charter and its denigration of the IAEA inspection system.

In an attempt to mollify world opinion and import a safeguarded reactor without opening all its nuclear facilities up to monitoring, Israel narrowed down the 'Begin doctrine' between 1983 and 1985 by disclaiming any policy of attacking or threatening to attack civil nuclear operations anywhere. In 1985, socialist and non-aligned states were unable to attract enough votes in the IAEA General Conference to adopt a mildly

17. Charles N. Van Doren, quoted in *Time*, 3 June 1985, Vol. 125, No. 22, p. 52.
18. Leonard S. Spector, 'Good news, bad news on proliferation', *Bulletin of the Atomic Scientists*, Sept. 1985, Vol. 41, No. 8, pp. 16–18.
19. *Aerospace Daily*, 1, 17 May 1985.
20. *New York Times*, 22 May 1985 and 15 July 1980; Eliot Marshall, 'Navy lab concludes the *Vela* saw a bomb', *Science*, 29 Aug. 1980, Vol. 209, No. 8, pp. 996–7.

punitive resolution because of an American threat to quit the IAEA. Instead, the meeting barely passed a measure accepting Israel's assurances and also, unproductively, asking Jerusalem to accept full-scope safeguards. Over Western and Israeli objections, the UN General Assembly subsequently adopted a resolution sponsored by the Islamic nations trying to remind world public opinion of the Osiraq issue.

Iran and Iraq

Israel's destruction of the Osiraq reactor to protect its regional nuclear-bomb monopoly was not the only topic of its kind to be raised at the NPT Conference. Iran accused Iraq of bombing an Iranian nuclear construction site at Bushehr three times in 1984–5. Iraq pointed out that the site was in a war zone, had no nuclear material and was not under IAEA authority. Iran had attacked the Osiraq plant in 1980, causing some damage, but not enough to influence Israel to forgo its assault.

At the request of many participants, Iran agreed near the close of the Conference to withdraw its formal grievance against Iraq. Both countries were allowed to record their positions in the Final Document, separately from the Declaration. The Conference agreed on a pertinent clause in the Declaration, recognizing that an armed attack or threat on a safeguarded nuclear facility would call for immediate action by the Security Council, for which the three NWS parties to the NPT would have special responsibility. The clause also states that any such assault could involve grave risks of radioactive release.

Neither international law nor the UN Conference on Disarmament has yet achieved substantial progress on the agreement of a multilateral treaty governing the protection of safeguarded nuclear facilities in peace and war.[21] World peace and security would be enhanced if the Review Conference participants and the NWS and NNWS which did not attend it could make progress on this issue in the spirit of the Final Declaration. At present the Soviet Union supports progress, but the United States does not, as it indicated at the NPT Conference. This may be because US target plans may include some nuclear targets in the Soviet Union.

The status of safeguards

The NPT Conference was better suited to the discussion of safeguards than to the consideration of violent means employed against nuclear operations. Under Article III, NNWS adhering to the NPT are obliged to submit all their source or special fissionable material used in all peaceful nuclear activities conducted on their territory, regardless of origin, to IAEA safeguards, and to negotiate agreements with the IAEA to allow it to conduct periodic inspections in order to prevent or detect the diversion of weapon-grade materials.

Responsible to the United Nations and servicing non-NPT as well as NPT states, the IAEA balances two areas of activity: the oversight of non-proliferation and of technical assistance.[22] For 1985 the IAEA had a modest, regular budget for safeguards

21. See Bennett Ramberg, 'Nuclear plants—military hostages?', *Bulletin of the Atomic Scientists*, Mar. 1986, Vol. 42, No. 3, pp. 17–21.

22. The IAEA is assessed in Benjamin N. Schiff, *International nuclear technology transfer* (London: Croom Helm, 1984). Suggestions for enhancing IAEA safeguards are offered in Jed C. Snyder, 'The nonproliferation regime: managing the impending crisis', *Journal of Strategic Studies*, Dec. 1985, Vol. 8, No. 4, pp. 7–27.

of $36.3 million. The United States and other Western countries have contributed to extra-budgetary funds for safeguards. In recent years, spending on safeguards has exceeded other areas. Approximately 160 inspectors are employed to conduct periodic checks on site, by remote control, by inventory and by other means on nearly 900 locations in 41 states adhering to the NPT (or the Latin American nuclear-free zone) and 14 non-NPT states. Approximately 400 irregularities a year have been found in recent years; but the IAEA has never confirmed any instance of the misuse of nuclear fuel. Host nations have the right to reject nominated IAEA inspectors, who are authorized to inspect only those facilities specified in an agreement negotiated between the host country and the IAEA; there are no surprise inspections or 'roaming rights'.

In defence of the IAEA's record on Osiraq, it is fair to say that the agency has worked hard, as it did before the Baghdad raid, to improve its inspection technology. However, the need to apply safeguards in a non-discriminatory and uniform manner and to protect the confidentiality of the safeguards agreements have acted as limiting considerations. Sovereignty is the main obstacle to radical change in the bureaucratic procedures and in the IAEA's authority to monitor. Critics of the IAEA would do well to remember that the agency is not an arm of a world government.

The Final Declaration states that the IAEA did not detect any diversion of significant amounts of safeguarded material to the making of nuclear weapons, other nuclear explosive devices or purposes unknown. The statement commends the IAEA on its implementation of the safeguards responsibilities, and urges it to continue to ensure the most effective possible methods of oversight. The Review Conference had no difficulty in agreeing this point, since the 1980 NPT adherents had met their Article III commitments. On possible terrorist activity, the Declaration urges all states to adhere to a convention on the physical protection of nuclear material.

Over and above the NPT requirements, the five acknowledged NWS have concluded or indicated that they will sign agreements to adopt IAEA safeguards to cover some of their peaceful-use nuclear operations. While taken in a self-congratulatory manner, these steps were meant to highlight the importance which NWS attach to non-proliferation, to encourage NNWS to adhere to the NPT or else accept IAEA safeguards, and to offset the 'double standard' on NWS and NNWS which Article III implies. Their larger significance, Dr Hans Blix, Director-General of the IAEA, suggested in the Conference's opening session is that the safeguards provide a precedent for the verification of nuclear activities, a preliminary experience of what may be required in agreements on nuclear disarmament. The Conference commended four of the five NWS for voluntarily concluding safeguards agreements with the IAEA, and urged China to follow suit. At the IAEA General Conference immediately after the NPT Review Conference, China announced that it would do so.

Basing itself in part on a Nordic working paper,[23] the Final Declaration recommends evaluative research into the possibility of extending safeguards to additional facilities of the NWS, and separating civil from military nuclear facilities of the NWS. Some NWS have such a division. The eventual goal is to have a system of safeguards applied to all peaceful-use nuclear facilities in all states, thereby eliminating the distinction in the NPT between NWS and NNWS. It will take at least a decade to begin to approach this objective.

23. Submitted by Sweden: NPT/CONF. III/47.

Safeguards and nuclear commerce

The Final Declaration notes that the IAEA safeguards have not hampered the economic, scientific or technological advancement of parties to the Treaty. This is an important point as it affects the desirability of the safeguards from the perspective of energy development. The Declaration recommends that the IAEA establish provisions for safeguarded international plutonium storage, and lends its support to the creation of international fuel cycle facilities. However, interest in these possible developments has declined sharply in the 1980s under the impact of a worldwide depression in nuclear-energy development. Another problem which is increasingly worrying states with nuclear-reactor activities, the storage of spent fuel and of nuclear waste, is viewed in an international light by the Declaration, in contrast to the national frameworks adopted by most states.

Another major issue the Conference discussed was whether NPT exporters should insist on their non-NPT customers accepting full-scope safeguards. Connected to problems of the equitable treatment of NPT importers, this subject was a controversial one in the 1980 Review Conference, following unilateral moves by some Western nuclear exporters to require full-scope safeguards. The United States Nuclear Nonproliferation Act (NNPA) vexed EURATOM nations, Japan and critical NNWS outside the NPT by tightening American nuclear relations with NPT parties as well as insisting on full-scope safeguards with non-NPT customers.[24] In an indirect criticism of the NNPA, the Final Declaration asks that nuclear agreements should be changed only by mutual consent.

Disputes between NPT nations on full scope and other problem areas declined after 1980 as a result of the nuclear recession, relaxations in American export regulations and stricter policies on the part of European suppliers. None the less the 1985 Conference reflected tensions between 'hawks' and 'doves' which extended into the meeting's final phase. The Final Declaration calls upon all states 'to take effective steps' in their export policies towards securing non-proliferation pledges from importing countries 'as a necessary basis' for the transfer of nuclear supplies to NNWS. Because of Belgian, Swiss and West German resistance, the Conference did not hold that importers *must* accept full-scope safeguards. But partisans of full scope saw the outcome as a victory.

Only the future will tell if the full-scope ethic spreads in supplier–consumer relations. Clearly some NPT exporters, as well as France, which is not a party to NPT, have shown no intention of emulating the example of the NNPA. The practice of nuclear self-help in such non-NPT states as Argentina, India and South Africa has almost evolved into nuclear self-reliance.

Peaceful nuclear cooperation and nuclear-weapon-free zones

Something frequently overlooked by ardent anti-proliferationists of the English-speaking world and northern Europe is that the NPT is a champion of the cause of nuclear cooperation between nations. Subject to the primacy of the Treaty's non-proliferation terms, Article IV provides, in exuberant language, that all NPT parties have the 'inalienable right to develop research, production and use of nuclear energy for peaceful purposes without discrimination', and the 'right to participate in the fullest possible exchange of equipment, materials and scientific information for the

24. Paul F. Power, 'The Carter anti-plutonium policy', *Energy Policy*, Sept. 1979, Vol. 7, No. 3, pp. 215–31.

peaceful uses of nuclear energy'. All parties to the Treaty pledge to work for the realization of these rights. Advanced nuclear nations are obliged to enter into cooperative arrangements and to give special consideration to developing NPT countries.

The 1985 Conference reaffirmed its dedication to the principles, rights and responsibilities of Article IV, recognized the need for firmer assurances about long-term supply under non-proliferation terms, and commended the work of the IAEA's Committee on Assurances of Supply. However, containing non-NPT as well as NPT members, the Committee had not been able to reach agreement on norms consistent with non-proliferation to govern nuclear trade, as the Nuclear Suppliers Group had done. To complicate matters, nuclear material exporters have appeared outside the framework of NPT—for instance, Argentina, China, India, Niger, and South Africa. India's nuclear export conduct has been exemplary.

The Conference acknowledged the work of the IAEA's technology transfer and technical assistance programmes on both power and non-power uses of nuclear energy. The Conference recommended that the IAEA should undertake new activities, including the creation of a group of experts and a financial assistance fund to help developing countries to promote their nuclear power programmes. Expressing the existing policies of many NPT members, the Conference urged that NNWS parties to NPT should be given preferential treatment in the granting of access to or transfer of equipment, materials, services and technological information.

Under Article V, parties to the Treaty have an obligation to ensure that potential benefits from any peaceful applications of nuclear explosions are made available to NNWS adhering to the Treaty. The Final Declaration notes that such potential benefits have not been demonstrated. In this way, the Conference recorded the low tide of interest in the derivation of non-military benefits from nuclear explosions—an area which the superpowers once explored and which a few Latin American countries still cling to anachronistically.

Nuclear-weapon-free zones (NWFZs), which are permitted under NPT's Article VII, have been endorsed in principle by all NPT Review Conferences. The 1985 Conference specially endorsed NWFZs for Latin America (Tlatelolco), the Middle East and Africa. The meeting welcomed the ratification of Tlatelolco's Protocol II by all NWS, which have pledged not to use or threaten to use nuclear weapons against full parties to Tlatelolco. All NWS except France, which the Conference urged to comply, have ratified Protocol I, which requires the de-nuclearization of zonal territories controlled by outside powers.

The Conference saluted the emergence of a South Pacific NWFZ treaty in August 1985 but contained no consensus on free zones in Europe, which NATO members, except for Greece, oppose and the Warsaw Pact states, together with Finland, Sweden and Yugoslavia, endorse. A step beyond the NPT, the NWFZ concept bars the stationing of nuclear weapons on the territory of its adherents. It also lacks the support of consensus within other regions for which it has been proposed. Without the full adherence of four critical Latin American states, the Latin American free zone provides an uncertain model for regions with major divisions and tensions.[25] Although

25. The transfer potential of the Latin American free zone treaty is cited in John R. Redick, 'The Tlatelolco regime and non-proliferation in Latin America', in George H. Quester, ed., *Nuclear proliferation* (Madison, Wis.: University of Wisconsin Press, 1981), pp. 121–2. The likely impossibility of using the Tlatelolco model in the Middle East, chiefly because of Israel's nuclear-bomb status and competing free zone formulas, is suggested in Paul F. Power, 'Preventing nuclear conflict in the Middle East: the free-zone strategy', *Middle East Journal*, Aut. 1983, Vol. 37, No. 4, pp. 617–35.

it is attractive to the peace movement, the socialist countries and such countries as Egypt, Mexico, and Nigeria, the NWFZ idea has not gained crucial support from a wide range of states which have geo-strategic reservations about the consequences of the military de-nuclearization of particular regions.

Conclusion

The Third NPT Review Conference marked an achievement for multilateral diplomacy and met its responsibilities in a practical way. Dedicated to reaching a final communiqué, most of the participants discovered a broader interest than their own particular concerns. It was fortunate for the Conference's productivity that in spite of having their differences on the subject of test bans, the superpowers had agreed that shared stakes in the NPT system required them to keep their arms control and political disputes outside the NPT review process.

Is the welfare of the NPT directly linked to the record of the nuclear giants on nuclear arms control? Despite the conventional stress on Article VI, this interdependence is tenuous. Contrary to the dire predictions, the NPT–IAEA system and the balance of the non-proliferation regime have not come unravelled because of lack of progress on nuclear arms control. No NPT party has ever quit the system because of dissatisfaction with NWS arms races or for any other reason. Moreover, there is no public evidence that any state has built a nuclear explosive device, much less developed a nuclear-bomb programme, because the superpowers have not ratified or negotiated major arms reduction treaties and have proceeded to increase their conventional and nuclear weaponry. Given the low proliferation rate since 1968, the evidence is all the other way.

There are no signs that this state of affairs will change. This unpalatable condition should be accepted, not to justify vertical or horizontal proliferation, but in order to bring a sense of realism into nuclear arms control and the debate on international security. Those who focus on the NPT as a disarmament 'bargain' should acknowledge that the non-proliferation regime has stood, and has to stand, on its own merits, defects, achievements and shortcomings. In this respect, Articles I–IV of NPT are the most important components of the Treaty.

Since 1970 the three NWS parties to the Treaty and its NNWS adherents have met their respective responsibilities under Article I and II. The bipolar alliance system and the mutual phenomenon of nuclear deterrence have had much to do with this record. Even if hope springs eternal, the outlook for additional ratifications of NPT or, alternatively, for acceptance of full-scope safeguards by critical non-NPT states without adhering to the NPT is extremely bleak.[26]

In the light of Israel's example, the prospects for an increase in the number of 'basement-bomb' countries this century are high. However, it is very unlikely for a host of reasons that such nations would acquire the full panoply of delivery vehicles, second-strike capabilities or the other badges of nuclear-weapon status. Given the diffusion of nuclear technology and the political legitimacy of national decision-making, there is little that the non-proliferation regime can do about this kind of proliferation. Western states with past or present civil, nuclear or conventional

26. For a more hopeful view, see Jozef Goldblat, 'Will the NPT survive?', *Bulletin of the Atomic Scientists*, Jan. 1986, Vol. 42, No. 1, p. 38. Non-proliferation should rank higher on the political agenda of Western Europe according to Harald Müller: 'Nuclear proliferation: facing reality', Paper No. 14, Center for European Policy Studies, 1984, p. 48.

security links with covert proliferators should take considerable responsibility for the military behaviour of such nations.

Imperfect, but still improvable, the IAEA safeguards system administered under Article III remains a bulwark against the illicit diversion of bomb-grade materials, and a legitimizing force for the peaceful exploitation of the atom under international scrutiny. Nuclear commerce and development have proceeded and are likely to continue to do so in accordance with Article IV. Energy market forces, financial constraints, spent fuel and waste disposal problems, and a growing anti-nuclear ethic will have more effect on the future of peaceful nuclear energy than NPT requirements for full-scope safeguards or the export terms of the Nuclear Suppliers Group or any single leading nuclear exporter. Non-NPT nuclear members of the 'south' will become increasingly important as nuclear exporters and therefore a rising concern for the non-proliferation regime.

Despite its conservatism in comparison to anti-proliferation ideology, which seeks to prevent the spread of nuclear-bomb making capabilities, and not only nuclear weapons programmes, the NPT system is likely to continue much as it is now to the Fourth Review Conference in 1990, and then to the 1995 Conference. In 1995, Treaty parties must decide whether the NPT will continue in force indefinitely or be extended for an additional period or periods. If one or more states proliferates openly between now and 1995, the world may discover that global stability has not broken down and that the risks of nuclear war have not increased. Stable, mutual nuclear deterrence might be possible on a regional basis.[27] The conventional assumption that future proliferators outside the 'nuclear club' would be irresponsible may be a product of cultural bias.

Although the NPT system has been overloaded with expectation since its inauguration, it seems highly likely to continue in operation because of the benefits it imparts to international security and because of international stubbornness. If additional proliferation is received in an apocalyptic manner, the NPT will be in serious difficulties. The NPT is the core of the non-proliferation system. Its maintenance should be governed by an overriding consideration: not the prevention of horizontal proliferation, but the prevention of nuclear war.

27. Joseph S. Nye, Jr., 'NPT: the logic of inequality', *Foreign Policy*, Sum. 1985, No. 59, p. 131.