

Achieving the Vision of a World Free of Nuclear Weapons
International Conference on Nuclear Disarmament, Oslo February 26 – 27 2008

What further steps could Non-Nuclear Weapon States take to strengthen the Non-Proliferation Regime?

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The vision of a nuclear weapon-free world was most famously dismissed by the former Prime Minister of Britain, Margaret Thatcher, as a ‘pie in the sky’. Such was the derision which greeted the seriously argued disarmament scenario put forward by many Governments, especially from the Non-aligned Movement (NAM), as well as many responsible non-governmental organizations such as Pugwash. It is therefore a refreshing change to see distinguished former leaders of US Administrations combine to write - not one but two - op-eds to a conservative journal, the Wall Street Journal, calling for precisely that ‘pie in the sky’.

The need for broader support for this welcome initiative by Messrs. Shultz, Kissinger, Nunn and Perry, which we are pursuing here in Oslo, is obvious. Not only do many of the nuclear weapon states (NWS) and NATO retain policies that are predicated on the first use of nuclear weapons but some also have plans for pre-emptive strikes and the building of new weapons with the specific intent of violating the 63 year taboo on the use of nuclear weapons. Moreover these policies have been given additional emphasis in a recent report by five retired commanders of NATO countries who see “no realistic prospect of a nuclear free world” and recommend a grand strategy of the USA, NATO and the EU in which, “The first use of nuclear weapons must remain in the quiver of escalation as the ultimate instrument to prevent the use of weapons of mass destruction”.

Faced with this entrenched attitude in favour of nuclear weapons and their use, broader support for nuclear disarmament leading to the elimination of the 26,000 nuclear

weapons in the world must come essentially from the governments and peoples of the NWS two of which, the USA and Russia - who have 95% of the weapons – will have important Presidential elections this year with far-reaching changes in policy.

A. Distinguishing among the NNWS

At the same time the non-nuclear weapon states (NNWS) also have a right and an obligation, in this interdependent globalized world we live in, to take steps that will help usher in a nuclear weapon-free world. We must be clear, however, that the NNWS do not form a monolithic group. There are the NNWS who are allied to NWS and who enjoy the benefits of a security umbrella by belonging to a security pact or a security alliance with 'nuclear sharing' arrangements. Their independence of action is limited as is their capacity to influence the policies of NWS - unless there is a radical change resulting in a break of their links with NWS and/or NATO, which seems unlikely in the short term. Thus we must lower our expectations with regard to NNWS members of NATO and countries like Japan and the Republic of Korea who have security arrangements with the USA. Before we do so, however, it is important to point out that five NNWS – Belgium, Germany, Italy, the Netherlands and Turkey - together with the UK, have an estimated 350 nuclear weapons deployed on their territories. The involvement of the NNWS in Ballistic Missile Defence plans clearly linked to nuclear weapons strategy is another factor compromising these NNWS. There is the opportunity of the NATO Summit in April 2008 and in 2009 on the occasion of NATO's Sixtieth Anniversary, for the role of nuclear weapons in NATO's 1999 Strategic Concept to be reviewed. Such a policy change is more likely to be driven by a new Administration in Washington in 2009 than by the NNWS in NATO.

We are then left with the NNWS who are members of the NAM and others who are, together, states parties of the Nuclear Non-proliferation Treaty (NPT).

This group of countries has consistently urged the NWS to fulfill their NPT obligations under Article VI with nuclear disarmament leading to the elimination of nuclear weapons; sought negative security assurances in a treaty format; demanded the entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) and the negotiation of a

non-discriminatory fissile material production ban – demands that have been encapsulated in the Thirteen Steps contained in the Final Document of the 2000 NPT Review Conference. NNWS have sometimes formed coalitions such as the New Agenda Coalition and the Seven Nation Initiative transcending regional groupings. They have also taken steps among themselves to establish nuclear weapon-free zones in specific geographical areas confirming their non-nuclear status but also limiting the ability of NWS to station and transport their nuclear weapons freely. Despite some modest successes that have been achieved as a result of the pressure of the NNWS –such as the negotiation and signature of the CTBT in 1996 and the Advisory Opinion of the International Court of Justice in the same year – the NNWS have faced firm opposition in all the multilateral fora available to them. Their position has been weakened by proved instances of nuclear proliferation undertaken clandestinely by Iraq, the Democratic People’s Republic of Korea (which subsequently left the NPT) and Libya and continuing questions over the nuclear programme of Iran. In addition the attempts by terrorist groups to acquire weapons of mass destruction (WMD) and the revelations of a black-market in nuclear materials and nuclear technology run by Pakistan’s Dr. A. Q. Khan has imposed on the NNWS the need to ensure the non-proliferation credentials of NNWS while demanding that the NWS fulfill their obligations.

The NNWS have another objective to pursue within the NPT. I have repeatedly pointed to the institutional deficit in the NPT as a weakness. This argument has been carried forward by the Sri Lanka and Canadian delegations in NPT fora and by the Middle Powers Initiative (MPI) among the NGOs. No cohesive mechanism or administrative support (apart from the under-resourced UN Office for Disarmament Affairs) exists for the NPT unlike in the case of the OPCW for the CWC. The IAEA functions vis-à-vis the NPT are confined to Article III and that too under the authority of its Board and the Security Council with no authority to refer matters to the NPT parties who should have a voice in the governance of their Treaty especially with regard to compliance assessment. The need for NNWS to demand a Secretariat or a Governing Council has grown more urgent in the light of so many controversial issues fundamental to the NPT and its future. In between Review Conferences the NPT’s governance and administrative needs could,

at a minimum, be served by a body made up of office-bearers of past Review Conferences.

B. Strengthening the Multilateral Legal Instruments

We have therefore reached a situation where the fulfillment of the reciprocal – albeit asymmetrical - obligations of the NWS and NNWS can together help to usher in a nuclear weapon free world. The obligations of the NNWS can be accepted without in any way violating their rights under the UN Charter or the NPT. Support by NNWS for a rule-based world order would be the main approach. The non-proliferation regime has the NPT at its core but involves other treaties and arrangements. Strengthening the existing legal instruments underpinning the non-proliferation regime is a common task for both the NWS and NNWS.

First and foremost, there is the Comprehensive Safeguards Agreements (CSA) which all NNWS should sign with the IAEA as a firm undertaking of the norm under Article III of the NPT. Thirty NNWS who are party to the NPT have not brought such agreements into force: ten NNWS have signed but not enforced their CSAs: six have not signed although the Board of Governors has approved their CSAs: and, fourteen countries have not submitted their CSAs to the Board of Governors. In addition there is the need to sign the Additional Protocol of the IAEA negotiated after the discovery of Iraq's secret nuclear weapon development programme at the conclusion of the Gulf War. It is well established that this greatly expands the verification of the peaceful uses of nuclear energy by the IAEA under Article III of the NPT and augments the confidence of all states that there is no diversion to non-peaceful purposes. At the time of writing the Additional Protocol is in force in respect of 82 NNWS. We will need to have others sign the Additional Protocol and have it enter into force especially for those who have significant peaceful nuclear energy programmes to safeguard.

As a means of combating the problem of the proliferation of WMD and terrorist groups acquiring WMD the UN Security Council adopted Resolution 1540 and established a mechanism for its implementation. In instances where NNWS have peaceful programmes for nuclear energy special safeguards were expected to be in place and where necessary

the UN was to assist in strengthening the capacity of NNWS in this regard. 132 NNWS submitted national reports but despite the 1540 Committee's requests for further information only 86 states have submitted additional reports. The other NNWS must submit their reports in order to co-operate in this important multilateral effort to combat WMD terrorism. The need for the physical protection of nuclear materials and nuclear facilities cannot be over-emphasized. NNWS who have not become parties to the International Convention for the Suppression of Nuclear Terrorism and the Convention on the Physical Protection of Nuclear Materials and Nuclear Facilities should do so expeditiously. All nuclear installations are vulnerable to terrorist or criminal attacks and the November 2007 criminal trespass into the Pelindaba nuclear facility in South Africa is a case in point although the IAEA has certified that, in this instance, sensitive nuclear areas were not under threat. Nuclear weapons are of course inherently dangerous. There can be no safe hands for them. And yet the custody of these weapons by nihilistic, fanatical groups with no conventional state controls or legal procedures would certainly enhance the risks of the use of these weapons.

We also have the CTBT which has not entered into force because nine countries of the required 44 in Annex II have either not signed or ratified the Treaty. NNWS must not only maintain the pressure through Article 14 Conferences for the states concerned to sign and ratify the CTBT so as to bring it into force, but those NNWS among the nine – Iran, Egypt and Indonesia - must honour their obligation to ratify the Treaty. They must all also participate in the verification network – the International Monitoring System – which successfully detected the DPRK explosion. Thus the recent actions of Malaysia and Colombia to ratify the CTBT must be welcomed.

Among the nuclear weapon-free-zone treaties that the NNWS have initiated as a proactive measure to eliminate nuclear weapons from the geographical areas in which they are situated, the Pelindaba Treaty has not entered into force in Africa because the requisite number of ratifications is not there yet. We have 21 ratifications so far whereas 28 are required for the African Nuclear weapon-free Zone to be in force. Thirty-one African countries – all NNWS – have an obligation to ratify this important Treaty.

Similarly only two out of the five Central Asian countries have ratified the Central Asian Nuclear Weapon-free Zone Treaty

NNWS have an obligation as members of the Geneva-based Conference on Disarmament (CD) to ensure that this negotiating body begins to function after a stalemate that has gone on for over a decade. While the cause for this stalemate does not lie entirely with the NNWS, redoubled efforts by them could reactivate the CD and help make this the “breakthrough year” that Secretary-General Ban Ki-moon hopes for. It is especially important that a treaty banning the production of fissile material be negotiated and NNWS must increase the pressure on NWS for this. A Treaty for Negative Security Assurances also has to be an objective of the NNWS and the value of this in guaranteeing nuclear non-proliferation is self-evident.

An insidious undermining of the legal regime underpinning nuclear disarmament and non-proliferation is the manner in which non-NPT nuclear weapon-armed states are being accorded privileges by the NWS. For example, the proposed Indo-US nuclear co-operation agreement flies in the face of Security Council Resolution 1172. NNWS, especially those in the Nuclear Suppliers Group, must be alert to these efforts to let NWS-driven realpolitik trump the principles of the nuclear disarmament and non-proliferation regime.

C. Peaceful Uses of Nuclear Energy

The cumulative impact of high energy prices and the environmental fears raised by scientific findings about climate change have led to an increased demand for nuclear energy. NNWS within the NPT rightly cite Article IV of the NPT on “the inalienable right of all the parties to the treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination”. The same article affirms the right to “participate in the fullest exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy”. Prior to the current controversy over Iran’s nuclear programme complaints had been registered by NNWS over the implementation of this article and the existence of extra-NPT mechanisms like the Nuclear Suppliers Group which control access to nuclear technology and nuclear

materials especially when non-NPT countries were given this access freely. Some have argued that the right embedded in Article IV is not absolute and is qualified by the words “in conformity with Articles I and II” but the determination of the extent of that conformity is often subjective and coloured by political considerations. The IAEA must be the arbiter of this.

Uranium enrichment or plutonium reprocessing facilities are being undertaken by some NNWS with more countries planning to do so. They increase the risk of disasters like Chernobyl and Three Mile Island, nuclear weapon proliferation and attacks or theft by terrorist groups despite the best safeguards. An estimated sixteen per cent of the world’s electricity comes from nuclear power with 439 nuclear reactors being operational. Thirty four more reactors are under construction – nine of them in NNWS. Ninety four are planned and 222 are proposed. Twenty five countries that have not had nuclear power before are among those with plans to have nuclear reactors in the future. Proliferation resistant technology for nuclear power is still work in progress. Until IAEA proposals for a multilateral approach to fuel assurance and supply are accepted NNWS will encounter obstacles and the perception of double standards will be difficult to avoid accentuating the gap between the North and the South. A moratorium on new nuclear power projects for NNWS would not be practicable unless accepted globally without discrimination.

Decreased reliance on nuclear energy and the search for new types of energy must of course be encouraged both as a means of controlling carbon emissions and as a way to decrease reliance on nuclear energy. Dr. J. Craig Venter, in his Richard Dimpleby Lecture on BBC this year, argues that increasing CO₂ concentrations and rising populations will impose unprecedented stress on our ecology and natural resources which cannot be avoided by changes in life styles or fuel conservation. Looking to biology and genomics to create new technology he believes that “the new fields of synthetic biology, synthetic genomics and metabolic engineering.....will enable us to create new fuels to replace oil and coal.” Thus the alternative to burning oil and coal is not necessarily the proliferation of nuclear power plants. Dr. Arjun Makijani’s book “Nuclear-free and Carbon-free” shows how a zero CO₂ US economy can be achieved

without the use of nuclear power and without acquiring carbon credits from other countries. Brazil as a NNWS has already shown the potential of ethanol and bio-fuels are becoming increasingly popular although warnings have been issued against the widespread replacement of agricultural land growing food with land producing bio-fuel. Developing countries among the NNWS can thus look to avoid the mistakes of the industrialized countries and explore other sources of energy to power their development efforts.

D. Working with Civil Society and Public Opinion

NNWS have enjoyed a close relationship with Non-governmental organizations (NGOs) in the disarmament community. It has been a mutually reinforcing relationship in multilateral fora and this must continue. The official statements of governmental delegations of smaller developing countries have often been better informed in the technicalities of disarmament issues because of the work of NGOs like the Nobel Peace Prize winning Pugwash with its scientific expertise while the diplomacy of NNWS has helped achieve positive results in the campaigns of civil society. It is well known, for example, that the public opinion outcry in the 1950s and Pandit Nehru's influential call for a test ban led to the Partial Test Ban Treaty (PTBT) of 1963.

NNWS must therefore support the work of civil society groups which are devoted both to scientific research on nuclear disarmament, nuclear non-proliferation and verification and to the advocacy of these policies. The wealthier NNWS will need to ensure financial resources to these groups since they have suffered from neglect as other causes demand the resources of foundations and governments. Mobilizing public opinion is a vital task in which NNWS must be active within their own countries and through NGOs in other countries too. Organizing public opinion polls in NNWS and peaceful demonstrations as manifestations of mass support for nuclear disarmament and nuclear non-proliferation requires collaborative effort. With democratic systems this will be a key factor in achieving policy changes in NWS. In disarmament we have already had a remarkably successful coalition forged between civil society and key governments such as Norway and Canada to bring about the 1997 Mine Ban Convention. Similar coalitions are working in the cause of a ban on Cluster Munitions and an Arms Trade Treaty. With the

priority disarmament issue of nuclear disarmament this coalition between civil society and NNWS must develop into a major engine driving the cause of nuclear disarmament and nuclear non-proliferation. Advocacy of verified reductions of nuclear forces, de-alerting of nuclear weapons and the convening of a World Summit as recommended by the Weapons of Mass Destruction Commission Report of 2006 would be key issues to focus upon.

E. Conclusion

Dismal as the current global situation may be, it is useful to remind ourselves that we have not arrived at the nightmare scenario envisioned by the late US President John F. Kennedy, who foresaw a situation of twenty to twenty-five nuclear armed states. The overwhelming majority of NNWS that are in the NPT genuinely believe that nuclear weapon possession is not in their security interest. However, as recent events have shown, the existence of a two-tier world of nuclear haves and have-nots cannot be sustained.

Still, there have been some positive nonproliferation developments as well. Libya announced that it was abandoning its own programmes of developing weapons of mass destruction - a remarkable success of quiet diplomacy. A number of steps have been taken to tackle the problem of nuclear proliferation, such as the Co-operative Threat Reduction Initiative pioneered by U.S. Senators Richard Lugar and Sam Nunn, the Global Threat Reduction Initiative, the aggressive and still controversial Proliferation Security Initiative, and the Additional Protocols of the IAEA. While these steps can contribute to security, they cannot, separately or together, stem the tide of nuclear proliferation that arises from the continuing political and military value attached to nuclear weapons as a result of the policies of the NWS.

The incontrovertible fact is that nuclear disarmament and nuclear nonproliferation have a symbiotic relationship. They are mutually reinforcing. We cannot have progress in one without progress in the other. And yet if nuclear weapons did not exist under a verifiable regime they could not proliferate. The Weapons of Mass Destruction Commission, on

which I served, said in its 2006 Report that, “So long as any state has such weapons – especially nuclear weapons – others will want them. So long as any such weapons remain in any state’s arsenal, there is a high risk that they will one day be used, by design or accident. Any such use would be catastrophic.”

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