



The World's Non-Proliferation Regime in Time *by George Bunn*

The idea for a treaty to prevent the spread of nuclear weapons to more countries was supported unanimously by the UN General Assembly in 1961. At that time, only Britain, France, the Soviet Union and United States had tested nuclear weapons. Then China did in 1964. These five States became the five States permitted by the Nuclear Non-Proliferation Treaty (NPT) to have nuclear weapons — until a future day when nuclear disarmament could be negotiated. They were already the Permanent Five (P-5) members of the UN Security Council.

Negotiations toward the NPT were led by the Soviet Union and the United States but included the other members of the Eighteen Nation Disarmament Conference — allies of the two plus India and the seven other non-aligned members. The resulting treaty was signed in 1968.

The NPT permits the P-5 to have nuclear weapons. All other NPT signatories are “non-nuclear-weapon States” who are prohibited from acquiring nuclear weapons. To gain their signatures, the NPT promises assistance to them in the peaceful uses of nuclear energy and negotiations toward nuclear disarmament. As IAEA Director General Mohamed ElBaradei said recently: “The NPT contains a triangular linkage: verified nuclear non-proliferation; cooperation in peaceful uses of nuclear energy; and nuclear disarmament. Without this linkage, there would have been no agreement on the NPT in 1968.

Besides the P-5, the treaty now has 184 countries that have promised not to have nuclear weapons and that have agreed to accept inspections by the IAEA to verify that they are carrying out their promises. However, India, Pakistan, and Israel refused to join the treaty, and the Democratic People’s Republic of Korea (North Korea) withdrew from it.

As one of the negotiators of the NPT, I can remember the vigorous participation of India in the debates at the Geneva disarmament conference over the treaty. Some of the language of the treaty came from India. At first I expected India to join, but, after several years of attempts to persuade it to do so, it became clear it would not. Pakistan had not been one of the negotiating parties, but did not

join after its rival India refused to do so. The US negotiated with Israel during the 1960s in an attempt to persuade it not to seek nuclear weapons, but to no avail. The Soviet Union persuaded North Korea to join, but North Korea delayed signing an inspection agreement with the IAEA for years, and then, after signing one, refused to give IAEA inspectors access to all its nuclear activities. In 2003, it announced its withdrawal from the NPT. Of these four countries, only India and Pakistan have tested nuclear weapons. Israel and North Korea are assumed to have them.

① The *first* and greatest success of the NPT is that only these nine countries are believed to have nuclear weapons: the NPT-permitted P-5 plus India, Pakistan, Israel and North Korea. Without the NPT, I believe that 30-40 countries would now have nuclear weapons. That would have included at least these nine plus Argentina, Australia, Belarus, Brazil, Canada, Egypt, Germany, Indonesia, Italy, Japan, Kazakhstan, the Netherlands, Norway, Romania, South Africa, South Korea, Spain, Sweden, Switzerland, Taiwan (China), Ukraine, the former Yugoslavia—all of which have had nuclear research programs or other nuclear activities. If, without the NPT, these countries had continued their research to the point of making nuclear weapons, some of their neighbors and rivals would no doubt have sought nuclear weapons as well.

② The non-proliferation regime today includes much more than the NPT. The IAEA standards for inspection were the next most important element. The IAEA inspection requirements negotiated in the early 1970s were shown to be inadequate by Iraq’s success in hiding its nuclear-weapon efforts before and during the Gulf War of 1991. The Additional Protocol of 1997 is slowly replacing these requirements, but, as of December 2004, was in effect in only 62 NPT member countries.

③ The regime includes the agreements creating nuclear-weapon free zones in Africa, Latin America, Southeast Asia, the South Pacific, and Mongolia. The countries that formed these zones are also members of the NPT.

④ The regime includes suggestions for standards and financial assistance plus requirements for physical protection of nuclear material from theft by terrorists or others. These efforts range from the Convention on Physical Protection of Nuclear Material, to the technical assistance provided by the IAEA and some countries, to the financial assistance offered by the G-8 and some other IAEA members to countries that need assistance in order to provide better security for nuclear material in their possession, to an April 2004 Security Council resolution that requires countries having nuclear materials to protect them in various ways from being acquired by “non-State actors” such as terrorists. In addition, though with a smaller current membership than these multilateral regimes, the Proliferation Security Initiative is a cooperative arrangement calling for border, airport and ship inspections of shipments to prevent the illegal transport of nuclear weapons, materials or technology.

⑤ The regime includes prohibitions on testing such as the 1963 Limited Test Ban Treaty and the 1996 Comprehensive Test Ban Treaty. The first prohibits nuclear weapons tests everywhere but underground, and the second will prohibit them even underground if it goes into force. For the large majority of NPT members not having nuclear weapons, these treaties contribute to non-proliferation not just by inhibiting testing but by reducing the discrimination inherent in the NPT between those permitted to have nuclear weapons and those not so permitted. These members see an agreement to stop testing by the P-5 as a step of compliance by the P-5 with their NPT promise to cease the nuclear arms race, reduce their nuclear weapons and move toward nuclear disarmament.

⑥ The regime includes “no-first-use promises” by the P-5 to other NPT members, usually called “negative security assurances.” All of the P-5 but China have stated some exceptions to these promises. (The US exception permits use of nuclear weapons against a non-nuclear-weapon NPT member if it attacks another non-weapon NPT member while the attacker is in alliance with a State having nuclear weapons. Recently, the United States asserted another exception by saying it might use nuclear weapons to counter a biological or chemical attack.) These promises were meant to help reassure NPT members without nuclear weapons that they did not need to acquire them because the P-5 would not use nuclear weapons against them.

⑦ The regime includes promises by the P-5 that some protection will be provided to other NPT members in the event of a threat of attack, promises called “positive security assurances.” The P-5 have promised to seek immediate UN Security Council orders providing security assistance to any NPT member not having nuclear weapons if it is threatened with attack by another nation’s nuclear weapons. For allies of some of the P-5, allies not having nuclear weapons, there are stronger assurances: promises of mil-

itary help if an ally is attacked or threatened with attack, promises made, for example, to NATO allies. Though often not thought of as elements of the non-proliferation regime, these alliances may well be essential to keeping countries such as Germany, Italy, Japan and South Korea from seeking nuclear weapons.

⑧ The regime includes various multilateral institutions such as the IAEA, the UN Security Council, the periodic NPT Review Conferences, and the UN General Assembly First Committee which considers non-proliferation recommendations for General Assembly adoption.

⑨ An important but not sufficiently effective element of the regime is the Nuclear Suppliers’ Group. It has long had a recommendation against export of uranium enrichment and plutonium separation technology—unless the recipient is a facility owned and operated by a bilateral or other international organization in which operating experts from one country can watch those from another to assure that the plutonium or enriched uranium produced by the technology is not used to make nuclear weapons.

Mohamed ElBaradei has recommended a much stronger requirement, and the G-8 agreed in June of 2004 not to export any uranium enrichment or plutonium separation technology for a year. However, gaining widespread agreement to deny the technology useful for enriching uranium and separating plutonium to any country not now having it will not be easy. The NPT recognized an “inalienable right” to develop and use nuclear energy “for peaceful purposes without discrimination,” even for NPT members that had agreed not to acquire nuclear weapons, *so long as they did not make nuclear weapons*. The enrichment and separation technologies can be used for making weapons as well as for fueling peaceful nuclear reactors. And, some NPT members not having nuclear weapons have argued that they have an “inalienable right” to acquire these technologies. How this problem will be solved is not yet clear, but it must be if the non-proliferation regime is to survive. The regime is seriously challenged today. It needs strengthening—including this and other steps if it is to continue to be effective.

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