BOOK REVIEW

REMEMBER ARMS CONTROL?

Multilateral Diplomacy and the NPT:
An Insider's Account
By Jayantha Dhanapala with Randy Rydell. Geneva: United Nations' Institute for Disarmament Research, 2005.

WE LIVE TODAY in a world community dominated by one hyperpower, the United States. It is also a world riven with sectarian and religious clashes in which global order is declining and international terrorism, much of it based on Islamic fundamentalism, is on the march. And in the background looms the threat of nuclear weapon proliferation to unstable states and terrorist organizations—fueled by the weakening of the international security treaty system, the worldwide spread of nuclear technology and expertise, and the vast store of nuclear weapons and nuclear weapon material in Russia left behind by the cold war.

A former Russian minister of atomic energy once said that during the cold war the Soviet Union built 45,000 nuclear weapons and created enough material for 90,000 more. Many of these weapons and much of this material still exist in the Russian Federation, extraneous to the needs of present-day Russia and a potential target for theft by international terrorist organizations. Some experts believe it is only a matter of time before a major world city is destroyed by a nuclear explosive brought there by stealth.

But how much more dangerous would the situation be if during the height of the cold war the two contending nuclear superpowers had not brought about the negotiation of the nuclear Non-Proliferation Treaty (NPT)? In his new book, Ambassador Jayantha Dhanapala, a central player in the NPT process, cogently describes the all-important decision in 1995 to make the treaty permanent. He also examines the disappointing and potentially dangerous developments that have taken place despite this great success.

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At the beginning of the 1960s, with the United States, the Soviet Union, Britain, and France already members of the nuclear club and with these weapons likely to spread soon to China, India, and Israel, the Irish delegation at the United Nations introduced a resolution calling on all states—particularly the nuclear weapon states—to negotiate an international agreement controlling the transfer and acquisition of nuclear weapons. This resolution was approved unanimously by the UN General Assembly. In 1968, after years of proposals and negotiation spearheaded by the United States and the Soviet Union, the NPT was signed.

When the treaty entered into force in 1970, a number of issues were left unresolved. First, the non-nuclear states wanted assurance that the agreement to mandatory safeguards imposed by the International Atomic Energy Agency (IAEA) on their nuclear facilities would not place them at a commercial disadvantage. This issue was largely resolved over the years by the gradual acceptance by the five NPT nuclear weapon states (the United States, Britain, France, China, and Russia) of agreements with the IAEA on voluntary safeguards to apply to their nuclear facilities.

Balanced obligations were also a concern. The NPT was founded on a basic bargain whereby the non-nuclear weapon states agreed to foreswear nuclear weapons in exchange for assistance in gaining access to the peaceful benefits of nuclear technology and a commitment by the NPT nuclear weapon states to nuclear disarmament. The non-nuclear weapon states believed that at a minimum this disarmament commitment meant negotiation of a comprehensive nuclear test ban treaty (CTBT); deep reductions in nuclear weapons that would lead to their eventual complete elimination; a fissile-material cut-off treaty (FMCT), whereby the further production of nuclear bomb material would be prohibited worldwide; and legally binding security assurances. This belief has led to continuing problems, since the non-nuclear weapon states have never believed that the nuclear weapon states have lived up to the disarmament part of the NPT basic bargain.

Security assurances formed a third concern. The non-nuclear weapon states wanted guarantees that renunciation of nuclear arms would not place them

at a permanent military disadvantage or leave them vulnerable to nuclear intimidation. Most important, as their commitments not to acquire nuclear weapons were legally binding under the NPT, the non-nuclear weapon states sought legally binding security assurances from the nuclear weapon states—that is, commitments that they would never attack their NPT non-nuclear weapon treaty partners with nuclear weapons. Only vague declarations by the United States, the Soviet Union, and the United Kingdom were made in 1968. Later in 1978, these three nuclear powers (France and China did not join the NPT until the early 1990s) presented declarations at the UN that in effect they would not use nuclear weapons against their NPT non-nuclear weapon treaty partners. However, these declarations were presented as only non-binding political statements.

THE FUTURE ON HOLD

All of this was not sufficient to assuage the concerns of some of the NPT negotiating parties in 1968. As a result, Sweden, West Germany, and Italy opposed permanent status for the NPT at the negotiations in Geneva because of these three outstanding concerns. Article X of the NPT thus gave the treaty a 25-year life span, after which the parties were to meet at a conference and decide by majority vote on a one-time basis—without requiring an amendment and the requisite referral to more than 150 national legislatures—whether to extend the NPT indefinitely or for a fixed period or a series of fixed periods after which it would expire.

The critical NPT review conference was held in 1995. As the date for the conference grew near, it became clear to the participants that this would be the treaty's moment of truth. The parties would be deciding on the future life of the NPT, in particular whether to give it permanent status.

The treaty's importance could scarcely be overstated. In the early 1960s, President John F. Kennedy truly feared that nuclear weapons would sweep over the world. There were predictions during his administration that between 25 and 30 nuclear weapon states would exist by the end of the 1970s (and probably more than 40 today). This would have created a world in which every conflict would carry with it the risk of going nuclear and it would be impossible to keep nuclear weapons out of the hands of terrorist organizations. If the international community failed to secure the NPT's future in 1995 and someday it expired, Kennedy's nightmare would eventually become reality.

Obviously, in view of the significance of the decisions to be made, the choice of who would preside over and lead the 1995 NPT Review and Extension Conference was of great importance. Into the breach stepped Ambassador Dhanapala of Sri Lanka. Dhanapala had considerable experience with the NPT, having formerly served as head of the UN Institute for Disarmament Research in Geneva and chairperson of one of the three main committees at the 1985 treaty review conference (the NPT is subject to review every five years). At the time of the 1995 conference, Dhanapala was Sri Lanka's ambassador to the United States and thus could understand the American view on NPT extension. But he was first and foremost a man of the developing world and highly respected among his colleagues.

The NPT parties chose Dhanapala to head the 1995 conference. The United States, NATO, and other allies around the world strongly supported making the NPT permanent or in treaty parlance reaching agreement on its "indefinite extension." These states saw themselves on the frontlines of the proliferation threat and believed that their central security interests were involved in making the NPT permanent. Support for this outcome came from Russia and other states of Eastern Europe as well.

A BALANCING ACT

Many states from the developing world, however, regarded the disarmament and security assurance obligations of the nuclear weapon states as highly significant to their political and security interests. They believed that indefinite extension of the NPT would remove all incentive for the nuclear weapon states to observe their NPT obligations. This divide left Dhanapala with a very delicate balancing act.

Before the conference, in the spring of 1995, the NPT nuclear weapon states made coordinated security assurance declarations, stating in effect that they would never attack NPT non-nuclear weapon states with nuclear arms. To the disappointment of many, these declarations were not made legally binding. But they were made in conjunction with a unanimous Security Council resolution and were closely connected to the NPT's extension, thereby leading the World Court the next year to find them to be the equivalent of legally binding commitments.

At the conference's opening on April 17, 1995, many senior officials spoke on behalf of their national delegations. South African Foreign Minister Alfred Nzo proposed that the NPT be indefinitely extended because of its overwhelming importance as a security instrument. He argued, however, that

extension should be accompanied by a statement of NPT arms control and nonproliferation obligations and an understanding for a strengthened review process. The South African presentation carried special impact since South Africa was the only state to have built and then destroyed a nuclear arsenal. Moreover, the country was led by President Nelson Mandela, who held worldwide moral authority. And South Africa was scheduled to be the next chair of the developing world's Non-Aligned Movement meeting. That same day, Vice President Al Gore, the head of the US delegation, instructed the American delegates to cooperate closely with the South Africans.

The stage was now set for Dhanapala. He established a president's committee, comprised of 25 key NPT countries, including the five nuclear weapon states. The committee's avowed purpose was to implement the South African proposal. The result was a brilliant compromise guided by Dhanapala. The NPT's indefinite extension would be agreed to by consensus—no negative votes. In exchange, all the parties (including the five nuclear weapon states) would agree to a strengthened NPT review process and a statement on arms control and nonproliferation obligations. This statement included a commitment to: a CTBT by the following year (1996); significant reductions worldwide in nuclear weapons; negotiation of a FMCT; negotiations on making the security assurances legally binding; the inclusion of more areas covered by treaties establishing nuclear weapon-free zones; and improved NPT verification.

DECADE OF DISAPPOINTMENT

Unfortunately, the hugely positive result of the 1995 conference with all its benefits for world security has been dissipated—in no small measure because of the nuclear weapon states' failure to observe the undertakings set forth in the conference statement on arms control and nonproliferation. The CTBT was signed by many nations on time in 1996, but the US Senate rejected it in 1999 and it has not yet come into force. There have been no nuclear weapon reductions agreed upon since 1994, FMCT negotiations have not even begun 10 years later, and four of the five NPT nuclear weapon states still follow national policies in conflict with the 1995 security assurances.

Since the 2000 five-year review conference we have seen a steady weakening of the NPT regime because of the continued unwillingness of the nuclear weapon states—principally now the United States—to observe the 1995 and 2000 undertakings. This is set against the backdrop of the undermining of the NPT by the 1998 nuclear weapon tests of India and Pakistan, the withdrawal from the NPT by North Korea in 2003, a suspected nuclear weapon program in Iran, and the revelation of an illegal nuclear weapon technology ring headed by A. Q. Khan, the "father" of the Pakistani bomb.

All of this is fully recounted in Dhanapala's book. It is the authoritative history of the process leading to the 1995 conference, the management of the 1995 conference itself, and the shaping of the decision on indefinite extension.

Although the treaty regime continues to decline in effectiveness—the disastrous failure of the 2005 NPT Review Conference is evidence of that—Dhanapala does not believe that the planet is doomed to descend into a Hobbesian world of nuclear anarchy. Indeed, with a vigorous and coordinated effort by the world community there is still time to restore the NPT regime to its former strength and to make the treaty the essential international security instrument it was designed to be. In this age—witness to the worldwide spread of nuclear technology, the vast oversupply of nuclear weapons and nuclear material that remains in Russia, and the serious threat of international nuclear terrorism—no objective should have a higher priority. ■

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