

**A Comparative Study of the Three NPT
Review Conferences**

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DECLARATION

Certified that the Dissertation entitled "A Comparative Study of the Three NPT Review Conferences", submitted by Battu Chitti Babu, is in partial fulfilment of the requirements for the Degree of Master of Philosophy of this University. This dissertation has not been submitted for any other degree of this University and is his own work.

We recommend that this dissertation be placed before the examiners for evaluation.


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P R E F A C E

The main focus of this study is on nuclear proliferation, its advantages and disadvantages, its impact on international relations and foreign policy decisions. The changing policies, perceptions and attitudes and the different views of various nations -- nuclear, non-nuclear-acquiring and controlling the nuclear technology -- have been studied analytically. There are differences in the assertions between the two groups of nations, Nuclear Weapon States (NWS) and Non-Nuclear Weapon States (NNWS). Whereas NWS want to contain the spread of civilian nuclear technology to the NNWS, the NNWS want to limit the vertical proliferation of nuclear weapons first and foremost along with vertical proliferation.

This study has attempted to look at the problems of nuclear proliferation, the role played by the Nuclear Non-proliferation Treaty in containing the spread of nuclear weapons. This is an analytical study which is based on the authentic and original source materials mainly from the United Nations. Other relevant secondary source materials have also been consulted.

Chapter I deals with the concept of nuclear proliferation, the types of nuclear proliferation, the causes of proliferation, the dangers of proliferation and also steps taken to create the nuclear non-proliferation regime.

Chapter II deals with the preparation for the NPT First Review Conference, the debates between the NNWS and the NWS, review of the Treaty, article by article and the Final Declaration.

In Chapter III, comprehensive study of the Second NPT Review Conference, review of the Treaty, article by article and the causes of the failure of the conference to adopt a consensus declaration have been attempted.

Chapter IV deals with the Third NPT Review Conference, and the Final Declaration issued by the Conference.

Chapter V deals with the merits and demerits of the NPT, measures to strengthen the NPT, concluding observations on nuclear proliferation and the ways and methods to plug the loopholes in the Nuclear Non-proliferation Treaty.

I am very grateful to my supervisor, Professor T.T.Poulose who guided me by giving concrete suggestions. I am indebted to my parents, brothers and sisters, specially to Narsamma who gave consistent financial support throughout the period of my study. I am very thankful to my close friend Surendra Prasad Das for his friendly advice and cooperation. Needless to mention about my friends Partho, Sitaram, Shyam, L.Narayan, MVP Jagdish, Mahalakshmi, and others who have encouraged and helped me in finishing this research work.

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Chapter I

INTRODUCTION

Since the advent of the nuclear age, the security of nations has taken new dimensions unparalleled in the history of mankind. The experiences of Hiroshima and Nagasaki will remain grim reminders of the destructive and indiscriminate nature of nuclear weapons. The role that nuclear weapons has also come to play as an instrument of foreign policy and deterrence has marked the post-World War--II era. In such an atmosphere, nations have followed different courses to ensure their security. Some have found that the best way to ensure their own security was to acquire the lethal weapons themselves. Others have joined military alliances whereby they enjoy a sort of guarantee of nuclear protection by the major nuclear ally. Some have even signed bilateral agreements for defence purposes with the nuclear ally. For the majority of nations, security has generally been sought through efforts to achieve nuclear disarmament and arms control measures including the no-war or no-threat of use of nuclear weapons.

The Non-Proliferation Treaty (NPT) is one such measures to contain the spread of nuclear technology. Thus, NPT has become a landmark in the post-World War-II disarmament and arms control efforts. It is the most significant multilateral, international agreement on arms control.

The Nuclear Proliferation

The first nuclear test explosion took place on 16 July 1945 in Almagordo. From 6 to 9 August 1945 the United States of America dropped three atom bombs on Hiroshima and Nagasaki bringing World War II to a close. Then the entire world came to know the inherent dangers of the atom bomb. During this period, the United States was having monopoly in the atomic technology. The Union of Soviet Socialist Republics thought it might be subjected to nuclear blackmail. Hence, the USSR wanted to acquire nuclear capability to face any threat to its security.

In 1946, serious thought had been given to the Baruch Plan¹ to transferring the American monopoly of nuclear technology to an International Authority. The American monopoly was broken when the USSR went nuclear in 1949 and was followed by the United Kingdom (1952), France (1960), and China (1964). Proliferation had thus become real by the time the NPT was under active consideration since 1965.

The Nuclear Non-proliferation Treaty says that "a² nuclear

1 Samar Sen, "Indian Perception, Total Ban Needed", World Focus (New Delhi), vol. no.7, 1980, p.36.

2 T.T. Poullose, Nuclear Proliferation and the Third World (New Delhi, 1982), p.1.

weapon state is one which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to 1 January 1967 (Article IX, 3). Article V of the NPT, on the other hand, makes it obligatory that "potential benefits from any peaceful applications of nuclear explosions will be made available to non-nuclear weapon states, parties to the Treaty on a non-discriminatory basis. In a non-proliferation study, States may be classified into five categories:³

1. Nuclear Weapon States (all five nuclear weapon States, the US, the USSR, the UK, France and China).
2. A state which has conducted a peaceful nuclear explosion but whose status is anomalous like India.
3. A state which has acquired nuclear weapons without conducting any nuclear tests like Israel.
4. States which are described as the threshold weapon states which have not yet exploded a nuclear weapon device or a peaceful nuclear device, though they may be trying to acquire nuclear weapon capability through civilian nuclear programme.
5. All the remaining states which do not have any nuclear capabilities and are, therefore, clearly Non-Nuclear Weapon States (NNWS).

3 Poulou, n.2, pp.2-3.

Ever since an increasing number of developing nations evinced keen interest in nuclear power, the civilian nuclear technology has become the focus of horizontal proliferation. There are two categories of proliferation: vertical and horizontal. Vertical proliferation may be defined as an increase in the number and types of nuclear weapons possessed by nuclear weapon states; whereas horizontal proliferation refers to the spread of nuclear weapons to non-nuclear weapons States or their ability to make them. Although "the word proliferation, borrowed from biology, means to grow by rapid production of new parts, cells, buds or offspring." It refers to both vertical and horizontal proliferation.

The term proliferation was discussed by the members of the Eighteen Nation Disarmament Committee (ENDC) when the draft non-proliferation treaty was considered in the 1960s.

Apart from horizontal and sub-national proliferation, micro and macro proliferation,⁴ latent and suppressed proliferation, balanced proliferation and proliferation chain have been mentioned in the proliferation semantics.

Macro-proliferation refers to proliferation among States; micro-proliferation deals with individuals and terrorist groups

4 Ibid., p.8.

blackmailing with nuclear weapons; latent and suppressed proliferation deal with nuclear options and nuclear capabilities; balanced proliferation is a situation in which a limited number of countries going nuclear without causing any imbalance, and proliferation chain dealing with a mechanical, automatic, action-reaction phenomenon.

There are several assumptions underlying the concept of horizontal proliferation. They are:

- a) the domino effect or the chain reaction on regional adversaries and competitors;
- b) the irresponsible or unauthorised use of nuclear weapons by new nuclear weapon powers;
- c) future local war using nuclear weapons, probable escalation or catalytic war;
- d) nuclear arms race;
- e) the possibility of the international system being swamped by new levels of complexity the international politics.

Why Proliferation?

1. The nuclear arms race between the US and the USSR as we see this, is interrelated.⁵

5 Preventing Nuclear Weapon Proliferation (Stockholm International Peace Research Institute, Stockholm, 1975), pp.7-8.

2. Some influential persons desire it. For example, the French military strategist, General Beaufre maintained that the world would be stable if some countries had independent nuclear forces.
3. Deterrence theory: nuclear weapons can deter a nuclear armed opponent.
4. Pressure groups lobby for the use of all available technology for military purposes.
5. National Security -- nuclear weapons possession guarantee the country's independence, security and solidarity.
6. Prestige -- nuclear weapons are regarded by some politicians as a source of prestige, locally and in the world at large.
7. Economy -- the acquisition of nuclear weapons may be seen as a method of reducing the cost of conventional forces.

The Spread of Nuclear Technology

Most countries were prevented from readily acquiring nuclear weapons by two main barriers: one technical and the other economic. A lack of knowledge of the technical details of nuclear weapon design and a lack of expertise and experience in nuclear technology in general are insurmountable obstacles

to many countries, even if they have the political desire to produce nuclear weapon. And apart from the task of technical knowledge, few countries, other than the present nuclear weapon countries, could have afforded a nuclear force without diverting large resources from other activities. But in country after country, these barriers have become and are becoming ineffective. This radical change has come about because of the spread of nuclear technology for peaceful purposes.

Although nuclear energy has manifold applications in industry, medicine, agriculture and so on, the main reason for the spread of peaceful nuclear technology is related to the rapidly increasing world demand for energy. The demand for electricity is increasing faster than that for other forms of energy. Electricity produced by nuclear power reactors is cheaper than that generated by coal or oil fired power stations. Another important, though unstated reasons is to acquire the option to produce nuclear weapon.

The Dangers of Nuclear Proliferation

A report prepared by the United Nations Secretary-General with the assistance of qualified consultant experts, concluded

7 Preventing Nuclear Weapon Proliferation: An Approach to the Non-Proliferation Treaty Revised Conference (Stockholm International Peace Research Institute, Stockholm, 1975), p.

8 Poulou, n.2, pp.3-4.

that "the solution of the problem of ensuring States possessing nuclear weapons." The report also held that "any further increase in number of nuclear states, would lead to greater tension and greater instability in the world." It went on recommending an "international agreement against the further proliferation of nuclear weapons and agreements on measures of arms control and disarmament which will promote the security of all countries."

The report also held that "any further increase in the number of states... would lead to greater tensions and greater instability in the world."

Negotiations on Nuclear Non-Proliferation

The idea of preventing the spread of nuclear weapons was first raised as a separate issue in the General Assembly by Ireland at its thirteenth regular session in 1958. A programme for general and complete disarmament was first put forward by the Soviet Union on 18 September 1959. By 1960 both sides had agreed that general and complete disarmament was the objective of negotiations. The Disarmament Commission was not dissolved but beginning March 1960 the negotiations were conducted in a Ten-Nation Disarmament Committee, with five members from NATO countries and five from Warsaw Pact countries. In March 1962, eight nonaligned countries were added to this Committee, thereafter called the Eighteen-Nation Disarmament Committee.

To the ENDC the Soviet Union submitted a draft treaty on general and complete disarmament under strict international control, and the United States submitted an outline of basic provisions of a treaty on general and complete disarmament in a peaceful world. The Soviet draft treaty provided for the completion of the disarmament process within a fixed, short period of time, nuclear delivery vehicles were to be completely abolished by the end of the first stage of disarmament. The United States outline, on the other hand, provided for gradual disarmament, beginning with a freeze, and keeping the military positions throughout the disarmament process similar to what they were at the beginning of the process. The Soviet Union subsequently amended its proposal to permit the United States and Soviet Union to retain, on their territories, a limited number of inter-continental anti-missile and anti-aircraft missiles until the last stage of disarmament.

On 1 December 1959, twelve nations, including the Soviet Union, the United States, France and the United Kingdom, signed the Antarctic Treaty, prohibiting any measures of a military nature, such as the establishment of military bases, as well as the testing of any kind of weapon, in the area; it envisaged inspection by observers designated by the contracting parties. After discussion in the ENDC and in the final stage, between the Soviet Union, United Kingdom and United States, the Moscow Treaty banning nuclear weapon tests in the atmosphere, in outer

space and under water, was signed on 5 August 1963. Thereafter, discussions on a comprehensive test ban were not intensively pursued by the two great powers, although at various times the negotiations the differences between them -- on the number of on-site inspections -- had been very small.

In June 1965 the United Nations Disarmament Commission adopted a resolution (DC/225), which called on the Eighteen Nation Committee on Disarmament (ENDC) to "accord special priority to the consideration of the question of a treaty or convention to prevent the proliferation of nuclear weapons". Intense negotiations began in the ENDC in 1965. In November 1965 the General Assembly adopted resolution 2028 (XX), which stated the principles which should guide non-proliferation negotiations. One of these principles said that "the treaty should embody an acceptable balance of mutual responsibilities and obligations of the nuclear and non-nuclear powers."⁹

Negotiations continued in the ENDC into 1967 and 1968 and were eventually concluded at a specially convened session of the General Assembly which met from April to June 1968.

9 The United Nations and Disarmament, 1945-1985
(New York, 1985), p.73.

Steps leading to the Non-proliferation Regime

The international action to prevent the spread of nuclear weapons was formalised in and codified by the Treaty on the Non-proliferation of Nuclear Weapons (NPT). The NPT is the corner stone of the international structure created to prevent nuclear proliferation. But preceding the NPT a number of arms control measures to prevent the dissemination of nuclear weapons were concluded. These were:

a) The Antarctica Treaty, 1959, provided for the demilitarization and denuclearization of Antarctica and specifically prohibited nuclear testing, disposal of radioactive waste material etc.

b) Nuclear Test Ban

Since 1954 the UN General Assembly, called for banning nuclear tests in the atmosphere.

c) The Partial Test Ban Treaty was signed in Moscow in 1963 and entered into force on 10 October 1963. The preamble of the Treaty seeks to achieve the discontinuance of all nuclear tests.

d) Treaty for the prohibition of Nuclear weapons in Latin America 1967 (the Treaty of Tlatelolco).

The Cuban missile crisis threatened the Latin American countries. Hence, the Heads of Latin American nations resolved to create a nuclear weapon free zone in that region. A treaty was signed in Mexico City in 1967.

The Making of the Non-proliferation Treaty (NPT)

The control of atomic energy through negotiations is one of the main objectives for the prevention of the proliferation of nuclear weapons. Two different approaches to this problem were there: a ban of nuclear weapons tests, and the creation of nuclear free zones. The third important approach to the problem of proliferation is by direct action to ban the acquisition of all such weapons by all non-nuclear states and the dissemination of such weapons to them.

This approach was first brought up by Ireland at the General Assembly in 1958.

Initiatives by Ireland and other Non-nuclear Countries

Ireland again raised the question of non-dissemination in 1961. This time, the General Assembly unanimously adopted the Irish proposal which called upon nuclear weapon states to conclude an international agreement containing:

- a) provisions under which the nuclear states would refrain from relinquishing control of nuclear weapons and from transmitting the information necessary for their manufacture to states not possessing them;
- b) provisions under which states not possessing nuclear weapons would undertake not to manufacture or otherwise, acquire, control them.

Opposing American and Soviet
Draft Treaties of 1965

In 1965, the US submitted at the ENDC a draft treaty to prevent the spread of nuclear weapons. It was intended to:

1. prohibit nuclear powers from transferring nuclear weapons into the "national control" of any non-nuclear state, either directly or indirectly through military alliance;
2. prohibit nuclear powers from taking any other action which would cause an increase in the total number of states and other organizations having independent power to use nuclear weapons; and
3. prohibit nuclear weapons from assisting any non-nuclear state in the manufacture of nuclear weapons.

The Soviet Union objected to a non-proliferation treaty which would not cover all direct and indirect forms of access to nuclear weapons.

In 1965, the USSR submitted its draft non-proliferation treaty to the General Assembly, with a view to prohibit nuclear powers from transferring nuclear weapons in any form or give any assistance and information about their manufacture or use directly or indirectly through third states or group of states, into the ownership, or control of states or group of states not possessing nuclear weapons and deny such states or groups of states, the right to participate in the ownership, control or use of nuclear weapons.

Identical American and Soviet
Draft Treaties of 1967

As a result of the basic argument reached by the United States and the Soviet Union at the General Assembly, they continued their bilateral negotiations in 1967 and were consulting with their respective allies concerning the provisions that ought to be included in a non-proliferation treaty.

The consultations between the Soviet Union and the United States and between them and their respective allies proceeded parallel to the negotiations that were going on in the ENDC among all of the member states. On 24 August 1967 the US and the USSR submitted to the ENDC identical but separate and still incomplete drafts of a non-proliferation treaty. These identical drafts superseded the earlier separate and different Soviet and the US drafts. One article,

Article III was left blank because no agreement had yet been reached between the two parties and between the US and its allies concerning the provisions of an international safeguard system.

Revised Identical American and Soviet Draft Treaties, 1968

In 1968, the US and the USSR submitted identical texts of a revised draft treaty to the ENDC. These drafts contained article III on safeguards, which had been left blank in the provisional draft. Article IV, on the peaceful uses of nuclear energy had been revised. A new Article V, indeed an obligation on the part of nuclear weapons states to make potential benefits from peaceful nuclear explosions available to non-nuclear weapon parties. A new article VI was added, containing a provision to negotiate further measures of disarmament. Another Article VII was added providing for nuclear weapon free zones. The duration of the Treaty was fixed at 25 years and other amendments were incorporated. The revised draft text was welcomed by most countries as an improvement on the previous text, but a number of members of the ENDC remained dissatisfied with the text as revised.

A new article on safeguards was criticised by a number of countries on the ground that it was discriminatory because the safeguards applied only to non-nuclear states and not to the nuclear weapon states parties to the treaty.

Joint American-Soviet Draft Treaty, 1968

On 11 March 1968, the US and the USSR introduced a joint draft treaty which incorporated some of the suggestions made by Sweden and the UK.¹⁰

The Approval of the NPT

The Joint draft treaty of 11 March 1968 was submitted by the ENDC to the General Assembly, which reconvened on 24 April, to consider it.

The USSR, the UK, and the US led those nations that supported the Treaty.

The US believed that the Treaty would check the spread of nuclear weapons among nations and would thus enhance the security of all nations.

The USSR felt that the Treaty blocked all possible forms of access to nuclear weapons by non-nuclear nations and closed all loopholes.

The proposed Treaty received broad general support, but a number of members expressed reservations and some rejected the Treaty altogether.

10 World Armaments and Disarmament, Stockholm International Peace Research Institute Year Book 1968/1969 (Stockholm, 1969), pp.160-61.

The Non-proliferation Treaty

The goals of NPT are

- a) preventing the further spread of nuclear weapons;
- b) fostering peaceful nuclear cooperation under safeguards;
- c) negotiations in good faith and cessation of the nuclear arms race with a view to general and complete disarmament.

The aim of the NPT is the prevention of the emergence of a sixth nuclear weapon power (after China, France, the UK, the USSR and the US).¹¹ It is essentially a treaty for the non-acquisition of nuclear weapons rather than for their non-proliferation.

The Treaty does not prevent the nuclear weapon states (the UK, the US, the USSR) from increasing the number of nuclear weapons in their arsenals nor from improving their quality. For this reason, the NPT is said to relate to the "horizontal" non-proliferation of nuclear weapons rather than to their 'vertical' non-proliferation.

The Treaty on the non-proliferation of nuclear weapons was opened for signature in London, Moscow and Washington on 1 July 1968 and entered into force on 5 March 1970. Articles 1 and 11 of the Treaty provide that:

11 Preventing Nuclear Weapon Proliferation; An Approach to the Non-Proliferation Treaty, Stockholm International Peace Research Institute (Stockholm, 1975), p.24.

- Nuclear Weapons States (NWS)¹² are prohibited from transferring nuclear weapons or other nuclear explosive devices or control over them to any recipient whatsoever; nor allowed to assist, encourage or induce any non-nuclear weapon state to manufacture or acquire such weapons;
- Non-Nuclear Weapon States (NNWS) are prohibited from receiving nuclear weapons and nuclear explosive devices from any NWS;
- the manufacture or acquisition of nuclear weapons or explosive devices.

Each state undertakes (Article III) to accept safeguards which are to be set forth in agreement with the International Atomic Energy Agency. These safeguards are to prevent the diversion of fissionable materials from peaceful purposes to nuclear weapons or other nuclear explosive devices. All parties (Article IV) undertake to facilitate in the fullest possible exchange of equipment, materials and information for the peaceful use of nuclear energy. Countries which are in a position to do so are also obligated to cooperate in the

12 Poulou, n.2, pp.124-5.

development of nuclear energy for peaceful purposes, especially in developing countries. Article V provides for making any benefits from the peaceful applications of nuclear explosions (PNEs) available to NNWS at the lowest possible cost.

Negotiations on an agreement or agreements for this purpose were to begin as soon as possible through an appropriate international body after the treaty entered into force.

Under Article VI,¹³ each of the parties agrees to negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date, to nuclear disarmament and on a treaty on general and complete disarmament under strict and effective international control.

The remaining article deals with review conferences, amendments to the Treaty, signature and ratification, withdrawal and the duties of the Depository governments.

The Basic Character of the NPT

The main purpose of the NPT¹⁴ is to restrict the number of nuclear weapons states to the five existing nuclear powers. In other words, it is to prevent the spread of the ownership of nuclear weapons to other states or to stop the Nth country problem.

13 Ibid., p.126.

14 A Nuclear Freezone and Nordic Security, The Finnish Institute of International Affairs (Helsinki, FIIA, 1975), pp.6-7.

The preamble of the NPT says: "considering the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of people, and believing that the proliferation of nuclear weapons would seriously enhance the danger of nuclear war."

These words clearly express a goal that is in the general interest of the international community as a whole. This aim also corresponds to the basic security interests of every state. The NPT remains the best instrument at the disposal of the international community for the promotion of world peace and security.

The main obligations of the parties to the Treaty are included in articles I and II of the Treaty and in the IAEA safeguards system stipulated by Article III. It is not unreasonable to claim that a non-proliferation Treaty that included only these three articles would still be in the interest of a vast majority of states.

The NPT contains provisions on cooperation in the peaceful uses of nuclear energy, but this does not make it, "a Treaty on the peaceful uses of nuclear energy." The Treaty speaks about peaceful nuclear explosions, but that does not make it "a Treaty peaceful nuclear explosions."

Article VI of the Treaty calls for the continuation of disarmament negotiations but this does not make it a treaty on disarmament.¹⁵

Particularly with regard to disarmament negotiations there is a certain tendency to see the NPT as a sort of institutional framework for bargaining.

This ignores the fact that it was the non-nuclear weapon states who originated the idea of NPT. It also ignores the fact that the Treaty is, in terms of security interests, of perhaps greater importance to the non-nuclear weapon states. It is not unreasonable to contend that the nuclear-weapon states would be able to take care of themselves also in a world in which there are some twenty nuclear weapon states. That is the situation which the NPT was designed to prevent.

The Political Significance of
the Non-Proliferation Treaty

The Non-proliferation Treaty has become an integral¹⁶ part of the relaxation of international tensions, i.e., of detente. One can go even further and claim that the whole process of detente, particularly in relations between the

15 Ibid.

16 Ibid., p.7.

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US and the USSR took first shape at the Geneva disarmament negotiations in the aftermath of the Cuban missile crisis. The first important result of the negotiations was the Moscow Test Ban Treaty of 1963. But their most significant achievement to date is the 1968 Treaty on non-proliferation of nuclear weapons. The political significance of the Treaty for relations between the major powers stands in even clearer light when we bear in mind that the talks were brought to a successful conclusion in an international situation burdened by armed conflicts in Vietnam and the Middle East. The political focus of the Treaty was then, as it is now on Europe. Particularly in Europe, the Treaty was a major contribution to detente, the results of which are now being recorded at the conference on Security and Cooperation in Europe.

Chapter II

THE FIRST NPT REVIEW CONFERENCE

The Treaty provides, in article VIII, for a conference of its parties to be held in Geneva five years after its entry into force, to review its operation with a view to ensuring that the purposes of the preamble and the provisions of the Treaty are being realized. It also provides that at intervals, five years thereafter, review conferences may be held if a majority of the parties so wish. Accordingly, the First Review Conference of the parties to the Treaty on the Non-Proliferation of Nuclear Weapons met in Geneva from 5 to 30 May 1975. The Conference adopted, by consensus, a Final Declaration, in which it reaffirmed the strong common interest of the parties in averting the future proliferation of nuclear weapons and reviewed the operation of the Treaty article by article.¹

The Conference to Review the Treaty on the Non-Proliferation of Nuclear Weapons began on 5 May 1975, was the largest and the most important conference in the field of disarmament, since the Second World War. The NPT itself was the most significant multilateral arms control agreement. In terms of its political import the NPT has furthermore become an integral part of detente whether we take this to mean a general relaxation of international tensions, the normalization of

1 The United Nations Publication, Sales No. E.85.1x6 (New York, 1985), p.79.

relations between the major powers, or the period of mutual understanding and cooperation beginning in Europe.

Certain events have further emphasized the importance of the NPT and the Review Conference. India's nuclear explosion on 18 May 1974² raises questions about the central aims of the Treaty.³ The growing interest in the use of nuclear power as a substitute source of energy, which has followed the oil crisis, which lead to an increase in the production of plutonium, the main 'raw material' for the production of nuclear weapons. And, this, of course, means that the risk of proliferation of nuclear weapons will also grow.

At the First Review Conference much of the debate revolved round three matters that had already been discussed in the course of negotiations leading to the conclusion of the Treaty, namely, nuclear disarmament, the security of the non-nuclear weapon states against the war or threat of use of nuclear weapons and the peaceful use of atomic energy. The main difficulties at the Review Conference arose in connection with Article VI of the Treaty concerning the obligations of the nuclear disarmament.

2 UN General Assembly Doc. CCD, p.424.

3 Ibid., p.425.

The debate indicated that the gap in perceptions and explanations that had been discernable upon the Treaty entry into force had not been bridged by the experience of the first five years of its operation. The parties that tended to regard the Treaty as an arms limitation agreement primarily designed to constrain the further spread of nuclear weapons to countries not possessing them felt, on the whole, the Treaty had fulfilled its purpose. By contrast, these countries that viewed the Treaty primarily as an effort to strike a balance between the mutual obligations and responsibilities of the nuclear and non-nuclear weapon states felt that, in the implementation of the Treaty the emphasis had been placed on the obligations of the non-nuclear weapon states, while scant attention had been paid to their rights or to the obligations of the nuclear weapons states. Different assessments were also reflected in the views expressed concerning the objectives of the conference, the implementation of the provisions of the Treaty and the measures that should be taken to strengthen it.⁴

On the one hand, the Soviet Union, the United Kingdom and the United States and most other Eastern and Western countries felt that the principal purpose of the conference was to strengthen the Treaty by encouraging wider adherence to it and by taking measures towards a more effective safeguards system.

4 Ibid., p.79.

On the other hand, the nonaligned and neutral states held that the main objective of the conference was to make a thorough and critical examination of the Treaty's operation in order to determine whether all its provisions were being realized and to adopt measures required to fill gaps and remedy inadequacies that might become apparent during such an examination. Most of these countries believed that while it was vital to strengthen the Treaty to have states accede to it, that goal could be best achieved on the basis of an acceptable balance of the mutual responsibilities and obligations of the nuclear and non-nuclear weapon states parties to the Treaty.

In the detailed discussion on the various provisions of the Treaty, all participants agreed that articles I and II had been faithfully observed by the parties. However, with respect to the provisions of the Treaty on the peaceful use of nuclear energy and nuclear disarmament and on the related question of security guarantees to non-nuclear weapon states, considerable dissatisfaction was expressed, which was reflected in various proposals submitted in the course of the Review Conference as well as in its Final Declaration.

By the end of 1976, 77 non-nuclear-weapon states had ratified or acceded to the Treaty including several of those most advanced in nuclear technology, such as the Federal Republic of Germany, Japan and Sweden. Several non-nuclear-

weapon States with large nuclear programmes, such as Argentina, Brazil, Spain and South Africa had not done so. 58 of the then 90 States parties to the Treaty and 7 signatories participated in the Review Conference.

From the outset, divergent views were expressed with regard to the objectives of the conference, the implementation of the provisions of the Treaty and the measures to strengthen it. The nuclear weapon states and some of the non-nuclear weapon states emphasized that the main purpose of the conference was to strengthen the Treaty by encouraging a wider adherence and taking measures towards a more effective safeguards system to prevent the diversion of nuclear materials and technology to military purposes. Besides that, the Treaty had met its primary purpose, both as an instrument to prevent the spread of nuclear weapons and as the framework for international cooperation in the peaceful uses of nuclear energy.⁵

On the other hand, the non-nuclear weapon states including developing countries held that the conference's main objective was to make a thorough, critical examination of the Treaty's operation in order to determine whether all its provisions were being implemented and to adopt the measures required to fill in gaps and remedy inadequacies. Many countries believed

5 The United Nations Disarmament Yearbook, 1977
(New York, 1977), p.103.

that it was vital to strengthen the Treaty and all States should accede to it and that goal could be best accomplished on the basis of an acceptable balance of mutual responsibilities and obligations of the nuclear and non-nuclear parties to the Treaty.

In the discussion of the provisions of the Treaty relating to the non-proliferation of nuclear weapons, disarmament and international peace and security, all participants agreed that articles I and II had been fully observed by the parties to the Treaty. Regarding Article VI, the majority of the non-nuclear-weapon states, particularly developing countries, held that the nuclear weapon states had not adequately fulfilled their obligations to negotiate measures to halt the nuclear arms race. Many States, developed and developing, pointed out that over the preceding five years the pace of the nuclear arms race, far from diminishing as envisaged in Article VI, had actually accelerated.⁶ The non-nuclear-weapon states expressed the view that the immediate objective of the Treaty was to prevent "horizontal" proliferation, the Treaty would lose its credibility unless efforts were made to prevent vertical proliferation and the two were interrelated. In order to redress the imbalance of the non-proliferation Treaty, Mexico emphasized that the future of the Treaty depends on the implementation of Article VI by the nuclear powers.

6 Ibid., p.104.

Responding to this view, the US and the USSR maintained that the arms-control agreements concluded since the Treaty had gone into effect, including three major agreements to limit offensive and defensive strategic weapons and represented considerable progress towards the implementation of Article VI.

A number of states⁷ held that the security assurances provided in the Security Council resolution 255 (1968) and the declarations made by three nuclear powers regarding that were inadequate and should be replaced by more comprehensive and effective guarantees and the nuclear weapon states must undertake commitment not to use or threaten to use nuclear weapons against non-nuclear-weapon states parties to the Treaty. The same idea reflected in the proposal submitted by Romania to the Conference.

The United States opposed the proposal stating that negative assurances of the type proposed would undercut the commitments provided in the context of mutual security arrangements. The USSR opposed the proposal that the proposal obligated only nuclear weapon states. The United Kingdom reaffirmed Security Council resolution 255 (1968).

Debating on the peaceful application of nuclear energy speakers commended the IAEA for the manner it executed the safeguard activities. Participants stressed the need to

7 For example, Ghana, Russia, Nepal, Nigeria, Sweden, Switzerland and Yugoslavia.

strengthen the IAEA safeguards further. The non-nuclear-weapon states expressed the view that Article III placed the non-nuclear weapon states parties to the Treaty at disadvantage.⁸ In comparison with states non-parties to the Treaty, the later countries could import nuclear material and equipment without having to submit all their peaceful nuclear activities to the IAEA safeguards.

Developing non-nuclear weapon states dissatisfied with the inadequate implementation of technical assistance in the field of nuclear energy. They expressed the view that non-parties to the Treaty benefited more than the parties to the Treaty should be given preferential treatment and technical assistance through IAEA.

The United States doubted the usefulness of the peaceful nuclear explosions but the USSR convinced of the uses of the peaceful nuclear explosions. Further, the USSR stated that the benefits from the peaceful nuclear explosions could be available to the parties and non-parties to the Treaty. The developing nations urged the special international conference on making the benefits accruing from nuclear energy available to the non-nuclear weapon states, but the nuclear powers rejected the proposal and insisted that the issue be solved by the IAEA.

8 The United Nations Disarmament Yearbook, 1977
(New York, 1977), p.105.

NNWS proposed that the nuclear weapon delivery systems should be withdrawn by the NWS from the NNWS territory. Parties to the Treaty cooperate in establishing nuclear weapon freezones and the NWS should undertake not to use nuclear weapons against the nations forming such zones.

The president of the Conference prepared a draft Final Declaration summarizing the broad views expressed in the Conference. The statements submitted in writing were included with the Final Declaration, in the Final Document of the Conference.⁹

Mexico, speaking on behalf of the Group of 77 had proposed for the Treaty, to be placed on record the fact that the group had not opposed the consensus because of the appreciation for the efforts of the president of the Conference.¹⁰

Regarding Final Declaration, the Soviet Union stated that measures in the field of nuclear disarmament must not be prejudicial to the security of the parties, the problems of disarmament could be solved with the participation of all nuclear powers.

9 NPT/Conf./35/1-111 (also circulated as document A/c/1/31/4).

10 NPT/Conference/35/1, annex.II.

The USSR did not support the proposal for the collection, compilation and dissemination of information on disarmament issues.

Regarding the nuclear weapon freezones, the initiative should be taken by the states of the region, such zone should include all states in the area whose participation was important. Each nuclear weapon-free zone proposal must be judged on its own merits.¹¹

Romania displeased with the Final Declaration saying that it contains no measures to stimulate nuclear disarmament negotiations, security of the non-nuclear-weapon states and international cooperation for the peaceful uses of nuclear energy. NWS parties to the Treaty should accept obligation not to use or threaten to use nuclear weapons against NNWS to the Treaty.

Iran expressed reservations about conventional arms race and nuclear-weapon-free-zones, deplored that the conference had not acknowledged the responsibility of nuclear weapon states to respect nuclear weapon free zones.

Italy gave its interpretation on articles III, IV, and V and emphasized importance in international cooperation in the peaceful uses of nuclear energy and access to nuclear technology on equal conditions.

11 The United Nations Disarmament Yearbook, 1976
(New York, 1976), p.107.

Sweden declared that assistance to a country should comply with Security Council resolution 255 (1968).

Syria deplored the absence of any obligation in the Final Declaration, to the NWS parties to the Treaty; preferential treatment and concessional terms for developing NNWS.¹²

Yugoslavia asserted that conference failed to reach any consensus and the nuclear powers were responsible for that. It did not contain relevant elements in proposals put forward at the conference.

Review of the Treaty Article by Article

Review of Articles I and II

The review undertaken by the conference confirms that the obligations undertaken under articles I and II of the Treaty have been faithfully observed by all parties.¹³ The conference is convinced that the continued strict observance of these articles remain central to the shared objective of averting the further proliferation of nuclear weapons.

Review of Article III

The conference notes that the verification activities of the IAEA under Article 111 of the Treaty respect the sovereign rights of states and do not hamper the economic, scientific and

12 Ibid., p.108.

13 Ibid., p.275.

technological development of the parties to the treaty or international cooperation in peaceful nuclear activities.

The conference expresses the hope that all states having peaceful nuclear activities will establish and maintain effective accounting and control systems and welcome the readiness of the IAEA to assist states in doing so.

The conference expresses its strong support for effective IAEA safeguards, recommends intensified efforts be made towards the standardization and universality of application of IAEA safeguards.

The conference recommends more attention and support to improve the safeguard techniques.

With regard to the implementation of Article III, 2 of the Treaty, the conference notes that a number of states suppliers of nuclear material or equipment have adopted certain minimum standard requirements.¹⁴

The conference urges that, in all achievable ways, common export requirements relating to safeguards be strengthened, extending the application of safeguards to all peaceful nuclear activities to importing states not party to the Treaty.

14 IAEA Doc. NFCIRC/209 and Addenda.

Such common requirements be accorded the widest possible measure of acceptance among all suppliers and recipients.

The conference recommends the arrangements relating to the financing of safeguards in the IAEA, the less favourable financial situation of the developing countries be fully taken into account. The parties to the Treaty concerned seek measures that would restrict within appropriate limits the respective shares of developing countries in safeguard costs.

The conference convinced that nuclear materials should be protected within the IAEA recommendations for the physical production of nuclear material in use, storage and transit to be pursued elaborately.

It calls upon all States engaging in peaceful nuclear activities, (i) to enter into such international agreements and arrangements as may be necessary to ensure such protection; and (ii) in the framework of their respective physical protection systems, to give the earliest possible effective application to the IAEA's recommendations.

Review of Article IV

The conference reaffirms in the framework of Article IV.1 and notes with satisfaction that nothing in the Treaty has been identified as affecting the inalienable right of all parties

to the Treaty to develop research, production and the use of nuclear energy for peaceful purpose without discrimination.¹⁵

The conference reaffirms in the framework of Article IV.2, the undertaking by all parties to the Treaty to facilitate the fullest possible exchange of equipment, materials, scientific and technological information for the peaceful uses of nuclear energy and the right of all parties to the Treaty to participate in such exchange.

The conference recognizes the need for the fullest possible exchange of nuclear material, equipment and technology, upto date developments. The undertaking of the parties to the Treaty to cooperate with other states or international organizations for the development of the applications of nuclear energy for peaceful purposes.¹⁶

The conference so as to implement Article IV of the Treaty fully, wants developed states party to the Treaty to make measures to provide special assistance in the peaceful uses of nuclear energy for developing states.

The conference recommends that, in reaching decisions on the provision of equipment and on the furnishing of

15 NPT/Conf./11/4, 3 June 1980.

16 T.T. Poulouse, Nuclear Proliferation and the Third World (New Delhi, 1982), pp.135-6.

technical assistance in the nuclear field, states party to the Treaty should be given weight to adherence to the Treaty by recipient states.

The conference recognizes that regional or multinational nuclear fuel cycle centres may be an advantageous way to satisfy the needs of states in initiating or expanding nuclear power programmes.

The conference welcomes the IAEA's studies and recommends that they be continued and urges all parties to the Treaty provide economic data, concerning constructive and operation facilities, and waste management to the IAEA.

Review of Article V

The conference reaffirms the obligation of parties to the Treaty to make available the nuclear technology to NNWS and to collect low charge for such services and facilities.

The conference notes that the technology of nuclear explosions for peaceful purposes is still at the stage of development and study and there are a number of inter-related international legal and other aspects of such explosions which still need to be investigated.

The conference commends the work of IAEA, emphasizes that it should play the control role regarding application of nuclear explosions for peaceful purposes to this end and the IAEA to set up appropriate machinery.

The conference attaches importance to the CCD, the UN General Assembly resolution 3261 D (XXIX).

Review of Article VI

The conference recalls the provisions of Article VI of the Treaty to pursue the negotiations to effect the cessation of the nuclear arms race at an early date.

The conference welcomed the various agreements on arms limitation and disarmament, concerned over unabated nuclear arms race. Hence, the conference urges the parties to the Treaty, especially NWS to achieve the effective implementation of Article VI of the Treaty.

The conference expressed belief in the preambles of the PTB (1963) and the NPT (1968), viewed that the Treaty banning nuclear weapon test would halt the nuclear arms race. Expressed belief in the Comprehensive Test Ban Treaty for effective implementation and to halt the nuclear arms race. It asks NWS to limit the underground nuclear tests which create atmosphere to ban all tests by all states.

The conference appeals to the NWS to limit the strategic arms, looks forward to the commencement of the follow-on negotiations on further negotiations on strategic weapons.

It urges members of the CCD party to the Treaty to increase their efforts to achieve disarmament agreements on all subjects on the agenda of the CCD.

The conference hopes that all parties to the Treaty, the UN, and the CCD, work with determination to conclude arms limitation and disarmament agreements to effect general and complete disarmament.

The conference, invites the UN to improve facilities in collecting, completing, disseminating the information on disarmament to the world public so as to educate them, and to know themselves what of current disarmament positions.

Review of Article VII and the Security
of Non-Nuclear Weapon States

Recognizing that all states have need to ensure their independence, territorial integrity, sovereignty and strengthening the security of non-nuclear weapons states, which have renounced the acquisition of nuclear weapons, themselves were in different security situations.

The conference underlines the importance of adherence to the Treaty NNWS as a measure of mutual security.

The conference determined to ensure the security of the non-nuclear weapon states by providing and assisting in case of victimisation by any NWS.

The conference considers the establishment of nuclear weapon freezones as means to curb the spread of nuclear weapons and to contribute to the security of these states welcome steps to establish such zones and solicited the cooperation of NWS. And urges the NWS and NNWS to renounce threat in relation between states.

Review of Article VIII

The conference invites states party to the Treaty to request the Secretary-General of the United Nations to include the item in the agenda of thirty first session of the General Assembly: "Implementation of the conclusions of the First Review Conference of the parties to the Treaty on the Non-Proliferation of Nuclear weapons." Proposes to commence a second review conference in 1980.

Review of Article X

The five years that have passed since the entry into force of the Treaty have demonstrated the wide international acceptance.¹⁸ The conference welcomes the recent progress towards achieving wider adherence. At the same time, the conference notes with concern that the Treaty has not yet achieved universal adherence. The conference expresses the hope that states that have not already joined the Treaty should do so at the earliest possible date.

After long deliberations, the conference adopted by consensus (with added interpretative statements) a Final Declaration.

The conference re-affirmed the purposes and principles of the Treaty and:

- Agreed that Articles I and II had been faithfully observed.
- Recommended the intensification of efforts towards the standardization and the universality of application of the IAEA safeguards and noted with satisfaction the establishment by the Director General of the IAEA of a

18 Ibid.

standing advisory group on the implementation of safeguards (Article III) .

- Recognized the need for the fullest exchange of nuclear materials, equipment and technology for the development of peaceful use of nuclear energy for the developing countries (Article IV) .
- Took the view that developed states party to the Treaty should as soon as possible make provision for special assistance in the peaceful uses of nuclear energy for developing countries (Article IV) .¹⁹
- Reaffirmed the obligations of the states parties to the Treaty (Article V) .
- Noted that the potential benefits under Article V could be made available to the NNWS not party to the Treaty .
- Considered the appropriate international body referred to in this article to be the International Atomic Energy Agency and urged it to expedite work in this field and to set up appropriate machinery in which inter-governmental discussions can take place .

19 Poulouse, n.16, p.126.

- Welcomed agreements on arms limitation concluded over the previous four years as contributing to the implementation of Article VI, but expressed its serious concern that the nuclear arms race is continuing unabated. Urgent, constant and resolute efforts by each of the parties to the Treaty, in particular, by the Nuclear Weapon States, to achieve effective implementation of Article VI of the Treaty.
- Appealed for a Comprehensive Test Ban, a restriction on the members of underground nuclear tests, SALT II agreement and for progress towards general and complete disarmament.
- Asked the United Nations to consider ways of improving existing facilities on disarmament information in order to keep governments and world opinion informed of the realisation of the provisions of Article VI.
- Noted the Security Council resolution 255 (1968) which welcomed statements by the UK, the US and the USSR that they would provide or support immediate assistance to any NNWS party to the Treaty which became a victim of an act or the object of a threat of aggression in which nuclear weapons were involved.
- Proposed that a second Review Conference of the parties to the Treaty be held in 1980.

A Critical Note on First NPT
Review Conference

When the provisions of the Non-Proliferation Treaty were being negotiated in 1967 and 1968, the non-nuclear states felt that they were being asked to give up important elements of their sovereignty by signing away their option to go nuclear and by accepting international safeguards to deter any violation of this commitment. These specific and concrete obligations took effect immediately the Treaty entered into force for these states. On the other hand, the commitments undertaken by the nuclear powers as the quid pro quo were merely promises by them to take action in the future -- to promote the peaceful uses of nuclear energy, to make the benefits of peaceful nuclear explosions available under a special international regime, to halt nuclear weapon testing and reverse the nuclear arms race and, by Security Council resolution 255, to provide security assurances to the non-nuclear parties to the Treaty.

No provision was included in the Treaty for creating any organ or body to supervise or report on the implementation of the Treaty. The International Atomic Energy Agency (IAEA) safeguards were a means of verifying that the non-nuclear parties were living up to their pledges not to go nuclear, but the Treaty contained no means of verifying that the nuclear parties were abiding by their pledges.

In order to provide some means of checking up on how the nuclear states were living up to their promises, and to give them some leverage in this respect, the non-nuclear states insisted, and the nuclear states reluctantly agreed, that a review conference should be held five years after the Treaty entered into force. The conference was to review the operation of this Treaty with a view to assuring that the purposes of the preamble and the provisions of the Treaty are being realized.

A Preparatory Committee was set up and it was agreed that the conference would take place in Geneva for four weeks from 5 to 30 May 1975. The Treaty was ratified late in April, on the eve of the conference, by five Euratom Countries -- West Germany, Italy, the Netherlands, Belgium and Luxembourg -- and by South Korea. During the conference several other countries became parties either by ratification or accession, including Libya.

Some hopes were at first entertained that the presence as observers of the seven near and potential nuclear countries that had not signed the NPT indicated the possibility of their awakening interest in the Treaty. However, whatever interest the observers might have had in the NPT quickly vanished, as the conference degenerated into a struggle by the non-nuclear parties to extract concrete commitments from the nuclear powers to implement their Treaty obligations.

The conference largely repeated the pattern of international conferences on such global problems as development, environment, population, food, the law of the sea, energy and raw materials -- namely, a confrontation between the have and have not countries. But unlike those other conferences, where the parties were trying to grapple with new problems or new aspects of old problems, in the NPT review conference the non-nuclear powers were asking only that the nuclear powers live up to treaty commitments already undertaken by them.

The Approach of the Nuclear Powers

The three nuclear parties, the United States, the Soviet Union and Britain, held a private meeting in London just before the opening of the conference in order to concert their positions. They had developed no new non-proliferation strategy and agreed only on a minimalist or 'stonewalling' approach: to make a few concessions as possible to the anticipated demands of the non-nuclear powers. In their general statements at the beginning of the conference, they reaffirmed their support for the NPT as the best way to prevent the spread of nuclear weapons and called for further ratifications and accessions, but they put forward no new ideas that might provide any incentive for the powers to join.

20 William Epstein, "Nuclear Proliferation; The Failure of the Review Conference", Survival, vol.XVII, no.6, November/December 1975, pp.262-9.

The basic policy of the nuclear powers was to avail the so-called political issues and concentrate on the technical ones, such as more effective safeguards, the export policies of the supplier countries, the physical security of nuclear materials and facilitate the possibility of establishing regional or multinational nuclear fuel cycle centres and the feasibility and problems of peaceful nuclear explosions.

In the field of safeguards, while they were interested in tightening international controls and improving the IAEA's safeguards system, the three nuclear powers and the other supplier states, such as Canada and West Germany, would not undertake to supply nuclear material and equipment only to non-nuclear states that agreed to place all of their nuclear material and nuclear activities under IAEA safeguards. By refusing to go that far, they preserve the absurd situation whereby non-parties to the Treaty are in a more advantageous position than are parties, since Article III, paragraph I, of the Treaty contains such a requirement for non-nuclear parties. In fact, although the text is ambiguous, some experts maintain that the intention of Article III, paragraph 2, is to extend the same obligation to non-parties. In any case, by giving them preferential treatment in this regard, non-parties are provided with an additional reason for not becoming parties to the NPT.

As regards the improvement of international safeguards and of national measures to ensure the physical security of nuclear materials and facilities, the nuclear powers had no very clear ideas and were content to have it to the IAEA to work out concrete recommendations.

Regarding the promotion of the peaceful uses of nuclear energy, the nuclear powers supported the idea of regional or multinational nuclear fuel centres.

On the subject of peaceful nuclear explosions the views of the two super powers were some what divergent. The United States had doubts about the feasibility and wisdom of conducting such explosions but the Soviet Union maintained that their feasibility for industrial applications had already been established. The nuclear powers and their allies were agreed, that the matter required further study and development, that the IAEA should play the central role in this whole field and that it should set up machinery for inter-governmental discussions. They were not prepared, however, as required by Article V of the NPT, to commence immediate negotiations to prepare a special international agreement.

On technical matters, there were differences of detail between the nuclear powers and their respective non-nuclear allies, the latter, supported the approach of the nuclear powers.

Only Romania, among all the NATO and Warsaw Pact powers, refused to go along with her allies and, as explained earlier, joined the Third World or Group of 77 developing countries.

The Third World Non-Nuclear Powers

The main differences between Group of 77 and the other two is that all the members of the Group of 77 are non-nuclear and none of them is directly under the nuclear umbrella of either super power; moreover, almost all of them are also developing or have-not nations, jealous of their independent sovereignties and nonaligned status and desperately anxious to improve their economic and social conditions.

Therefore, these non-nuclear powers evinced little interest in the technical matters and concentrated instead on the large political issues. Since they felt that they had lived upto their commitments under the NPT and that the nuclear powers had not done so, they put forward a number of specific and defined demands for action by the nuclear powers.

Since the resolutions of the General Assembly calling for an end to nuclear testing by a fixed date and for the establishment of a comprehensive programme for disarmament and of a fixed timetable had been ignored by the nuclear powers, Garcia Robles of Mexico, tried a novel approach which linked progress towards an underground test ban and towards substantial

reductions of strategic nuclear arsenals with progress in strengthening international security. He proposed two draft protocols; the first dealing with underground nuclear weapon test was co-sponsored by twenty non-nuclear Third World states, and the second dealing with strategic nuclear arms was co-sponsored by nineteen states. Under protocol II the nuclear parties would suspend all underground tests for ten years as soon as the number of NPT parties reached 100, and would extend the moratorium by three years each time that five more states become parties; the moratorium would become permanent as soon as the other nuclear states agreed to become parties to the NPT.

The nuclear powers rejected this new approach, as they did the idea of fixed timetables, as being artificial and because they did not want to tie their hands in advance. They put forward no new ideas or counter-proposals but contented themselves with extolling the virtues of the Strategic Arms Limitation Talks (SALT) agreements, the threshold test ban treaty and the Vladivostok agreement, although most of the non-nuclear states regard these agreements merely as providing programmes and timetables for the continued vertical proliferation of nuclear weapons under agreed terms and conditions. The two super powers considered the negotiations in SALT as their exclusive preserve, and the Soviet Union even warned the non-nuclear powers not to meddle in these negotiations.

The problem of security assurances affects almost all non-nuclear countries and not merely those of the Third World. Concern about their security is the reason why some of the non-nuclear and potential nuclear powers have not become parties to the NPT. No nuclear state and none of their NATO or Warsaw Pact allies, however, supported mere effective security assurances for non-nuclear parties. The nuclear powers even praised Security Council resolution 255, which is intended to provide positive security assurances to the non-nuclear powers, although the latter considered it was worthless.

Romania took the lead on the question of security assurances and together with ten Third World states proposed protocol III. This draft protocol provided for an undertaking by the nuclear powers not to use or threaten to use nuclear weapons against non-nuclear parties to the NPT whose territories are free from nuclear weapons.

The nuclear powers rejected protocol III as they had protocols I and II. The United States rejected this negative form of security assurance as she had always opposed any pledge of non-use or no-first-use of nuclear weapons. The Soviet Union also did the same.

Neither the nuclear powers nor the developed non-nuclear powers were prepared to lend their support to any of these proposals. The furthest they would go was to agree that in

the provision of assistance in the peaceful uses of nuclear energy they would give weight to adherence to the NPT by recipient states and that they would be willing to consider supporting technically sound request for technical assistance submitted to the IAEA by developing parties to the Treaty.

As regards peaceful nuclear explosions, Mexico and seven other Third World states proposed a resolution urging the three nuclear powers to initiate immediate consultations with all Treaty parties to reach agreement on the date and place for holding a meeting to conclude the basic special international agreement to provide peaceful explosive services, as required by Article V of the NPT. The nuclear powers and their allies were opposed to this approach and wanted the entire matter left to the IAEA. Apart from the fact that this is contrary to both the provisions of the NPT and to the undertakings given by the two super powers in May 1968 before the NPT was approved by the General Assembly, the Third World countries are not as enamoured of the IAEA as are the nuclear powers and their allies. The developing countries fear that the IAEA, because of its constitutional structure and the authority and role of its Board of Governors, is dominated by the nuclear powers and that they have a much weaker voice in the IAEA than they have in the United Nations.

Although the NPT does not itself encourage or facilitate the creation of nuclear-free zones or require the nuclear powers to support or respect them, the non-nuclear countries now attach more importance to them than they had in the past. Interest in the subject of nuclear-free-zones has been revived during the last few years and several new proposals have been presented involving Third World regions.

It was agreed by the participants that all decisions of the conference should be taken by consensus and that if a consensus was impossible, decisions would be taken by a two-thirds majority vote. The main purpose of the conference was to try to prevent the emergence of the seventh, eighth and ninth nuclear powers. Thus, the consensus approach was eminently sound because, in a conference such as this, any decision arrived at only by a majority, even a large one, or indeed anything short of unanimity or a genuine consensus would have been an indication of failure.

The nuclear powers were arrogant and adamant. They rejected out of hand all of the proposals of the Group of 77. They made no counter-proposals and no attempt at compromise. They showed no flexibility whatsoever on the political issues and accused the Third World countries of a revisionist or unrealistic approach to the NPT.

The Group of 77 countries were willing to negotiate compromises on the political issues. They would also have been willing to accept the additional restraints and controls worked out by the nuclear powers with the developed non-nuclear powers if the nuclear powers had been willing to accept any concrete or binding limitations on their own freedom of action in the nuclear field. But they were determined not to accept the widely supported compromises on the technical questions unless they were also some similar acceptable compromise agreements on the political questions.

Apart from the fundamental objections to the provisions of the declaration by the Group of 77, countries, a number of other countries, including the two super powers, expressed formal reservations to it. Yugoslavia stated that the conference had failed to reach a consensus on any substantive issue and that the fault lay with the nuclear powers; she, therefore, announced that she would re-examine her attitude towards the NPT.

Results

While it is clear that it served to focus attention on both the political and the technical problems of non-proliferation, it did not solve any of them. It did make possible a thorough discussion of the loopholes and shortcomings of the international and national systems of safeguards and control measures and pointed the way to dealing more effectively with them.

The nuclear powers and other supplier states are really serious about improving safeguards and controls on nuclear materials.

The worst result of the conference is that it developed into a political confrontation between the nuclear powers and the Third World countries that portends serious trouble ahead.

Chapter III

THE SECOND NPT REVIEW CONFERENCE

The Second Review Conference, held in Geneva from 11 August to 7 September 1980, provided another opportunity for the parties to agree on ways to fulfil the various provisions of the Treaty and further strengthen the non-proliferation regime.

All speakers noted with satisfaction that the number of states parties to the Treaty had increased since the previous Review Conference. The United States pointed out that together with France, which had made it clear that it would act as if it was a party to the Treaty, the countries that had adhered to the non-proliferation regime represented an aggregate population of over 2 million people. Several parties to the Treaty maintained that the lack of universal adherence to the Treaty influenced negatively the process of its implementation. They stressed that the nuclear capabilities of the countries which had not adhered to the Treaty were significant.

The most intense debate was on the implementation of Article VI, concerning nuclear disarmament. Most participants held that the nuclear weapon states had not adequately fulfilled their obligations to negotiate effective measures to halt the nuclear arms race and achieve nuclear disarmament. Accordingly, the nuclear powers were called upon to intensify their efforts

in that direction. In reply, the three depository governments drew attention to the efforts they had made to reach agreement on a number of issues, including a Comprehensive Nuclear Test Ban, and to provide security guarantees to non-nuclear weapon states.¹

The development and promotion of the peaceful uses of nuclear energy was a major focus of attention in the general debate. A number of parties felt that it was necessary to emphasize that the primary purpose of the Treaty had always been and remained the prevention of the spread of nuclear weapons. The participants expressed satisfaction with the IAEA safeguards procedures for existing facilities. However, they emphasized that those procedures would need continued improvement to deal with increasing amounts of nuclear material and increasingly complex nuclear fuel cycle facilities. It was recognized that in order to cope with its growing tasks, IAEA would need adequate human and financial resources for research and development of safeguards techniques. The participants agreed that non-nuclear weapon states not parties to the Treaty should submit all their nuclear activities to IAEA safeguards, but there were fundamental differences over

1 The United Nations and Disarmament, 1945-85
(New York, 1985), pp.80-81.

whether the suppliers were under an obligation to require such comprehensive safeguards of their customers.

A number of developing countries dissatisfied with what they considered to be restrictive export policies on the part of suppliers of nuclear equipment and technology for peaceful purposes towards developing countries parties to the non-proliferation Treaty. Regret was also expressed by some participants that suppliers which were parties to the Treaty had continued to engage in nuclear trade and cooperation with non-parties, often permitting less stringent safeguards than those applied to parties in accordance with the provisions of the Treaty.²

The question of security guarantees to non-nuclear weapon states was also widely discussed. There was broad support among the participants for stronger assurances to the non-nuclear weapon states, and at the same time it was recognised that some progress had been achieved on the question of assurances since the First Review Conference.

By the end of the conference, fundamental differences remained primarily on Article VI of the Treaty, and because of these differences the conference was unable to adopt an agreed final declaration.

2 Ibid., p.81.

A Comprehensive Study

The preparatory committee for the Second NPT Review Conference, composed of the parties to the Treaty which were serving on the Board of Governors of the International Atomic Energy Agency and Committee on Disarmament. The preparatory committee prepared the agenda, the rules of procedures and a schedule for the division of the costs of the conference.

Since the First Review Conference, 21 additional states had joined the Treaty. Of a total of 114 NPT parties, only 75 or two thirds attended, 11 states that had neither signed nor ratified the NPT were present as observers without the right to address the conference.

Informal consultations at the conference took place in three distinct groups: a Western group; a group of socialist states; a group of Third World countries, called the Group of 77.³

The Review Conference ended without making any substantive statement. Intense negotiations did take place in an attempt to draft a substantive consensus declaration.

3. The Group of 77, often acted at the Conference as the spokesman for nonaligned states, although the two groups are not identical in spite of a large overlap in membership.

Review of the Treaty Article by ArticleNon-transfer and non-acquisition
of Nuclear Weapons

Article I of the NPT states: Each nuclear-weapon state party to the Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly or indirectly, and not in any way to assist, encourage, or include any non-nuclear weapon state to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.

No complaints were made about transfer of nuclear explosive devices or transfer of control over these devices. The view was recorded that the deployment of nuclear weapons on the territories of non-nuclear weapon states and in International Waters was contrary to the nuclear non-proliferation objective of the Treaty. Certain delegations expressed fears that further sophistication of tactical nuclear weapons in Europe, and concomitant doctrines for their use. The extent to which the second part of Article-I had been implemented proved to be more controversial, due to divergent interpretations of this clause.

Because there exists a significant overlap between the technologies for civilian nuclear energy and these useful for

military explosive purposes, and because nuclear material and technology destined for nuclear power programmes, are exported by the parties to countries which have kept their nuclear weapon option open. It can be argued that the obligation not in any way to assist non-nuclear weapon states to manufacture nuclear explosive devices has not been observed, many participants at the Review Conference expressed concern that certain terms of nuclear cooperation contributed to the development of a nuclear weapon capability by non-parties to the Treaty.

The Group of 77 asserted that such oblique proliferation had taken place in regard to Israel and South Africa and insisted that exporters of nuclear materials should terminate all nuclear contracts and cooperation with these two countries. On this several delegations remarked that selective embargoes would not suffice. Some asserted that, nuclear equipment would have to be denied to any country which is not bound by a legal commitment not to acquire nuclear weapons.⁴

Under the NPT, only NWS are prohibited to assist NNWS to manufacture nuclear devices. The Treaty does not prohibit the provision of such assistance by a non-nuclear weapon state.

4 World Armaments and Disarmament, SIPRI Year Book, 1981, (London, 1981), p.299.

As early as 1968, in response to a proposal to close this apparent loophole in the NPT, the Soviet Union made it clear that if a NNWS party to the Treaty was to assist another NNWS to manufacture and acquire nuclear weapons,⁵ such a case should be regarded as a violation of the Treaty.

The USA argued that, a NNWS which had accepted the Treaty's restrictions would have no reason to assist a country not accepting the same restrictions. The question came up again at the Second Review Conference, and there was support for the view that the obligation not to assist, encourage, or induce. Article I should apply to both nuclear and non-nuclear weapon states.

Whatever the assurances given by states about the observance of the second part of Article I, there is ample proof that NPT parties are guilty of having brought certain non-parties to the nuclear weapon threshold.

International efforts to stop the spread of nuclear weapons are endangered by commercial pressures.⁶ Long-term security problems are being created by short-term economic

5 In the view of the USSR, the commitment not to encourage the proliferation of nuclear weapons is now a "recognised rule of contemporary international law."

6 World Armaments and Disarmament, SIPRI Year Book, 1981 (London, 1981), p.302.

interests. To argue that the importing non-NPT countries would develop nuclear weapon capabilities even without aid from the parties by using their own domestic resources or in cooperation with other non-parties does not obviate the need for restraint.

More than 10 years that have passed since the entry into force of the NPT have demonstrated its wide acceptance; two-thirds of the world's states have joined the Treaty. As a matter of fact, no arms control agreement has attracted so many adherents as has the NPT. It is difficult to accept the argument put forward by handful of non-parties to the NPT, which in most cases are heavily dependent on other countries. The Treaty is both objectionable on account of its discriminatory provisions and incompatible with the several rights of states. It is assumed that in refusing to join the Treaty the NNWS with civilian nuclear activities especially those operating unsafeguarded nuclear facilities, wish to preserve the possibility of acquiring a nuclear weapon.

Article II

Regarding this Article, the conference confirmed that the obligations undertaken by the non-nuclear weapon states had been observed. There was no evidence that any non-nuclear weapon state party to the NPT had manufactured or otherwise acquired nuclear explosive devices.

Certain NNWS have designed nuclear weapons and even developed their non-nuclear components, since there is nothing in the NPT or in the existing agreements of nuclear transfers to prevent these activities. If such a state ever made a political decision to produce a nuclear weapon, it would only need the necessary amount of weapon grade material.

The very acquisition of the capability to manufacture a nuclear weapon gives rise to suspicions and fears that the weapon will be produced. Some NNWS non-parties to the NPT have chosen deliberately to create an ambiguity about their nuclear intentions in order to obtain a bargaining advantage in interstate politics. It is, therefore, important, in addition to preventing the spread of nuclear weapons, to control the spread of nuclear weapon production capabilities.

Nuclear Safeguards

Safeguards constitute the control element of the NPT. The conclusion of a safeguards agreement with the IAEA is the basic obligation of every safeguards agreement concluded in accordance with the NPT.⁷

The conference participants satisfied with the current safeguards procedures for existing facilities. They emphasized

7 IAEA Doc. INF/CIRC/153.

that these procedures would need continued improvement to deal with the increasing amounts of nuclear material and complex nuclear fuel cycle facilities. It was recognized that in order to cope with its growing tasks the IAEA would need adequate human and financial resources for research and development of safeguards techniques.⁸

The conference participants were agreed that the NNWS not parties to the Treaty should submit their nuclear activities to IAEA safeguards but there were fundamental differences over, whether the suppliers were under obligation to require such comprehensive safeguards of their customers. On this question the conference split three ways.

One group consisted of supplier states wishing the conference to recommend that exports be conditional upon acceptance of full-scope safeguards by recipient states. Some, in this group of suppliers had already adopted this policy unilaterally. The USA urged that all nuclear suppliers require as a condition of future nuclear supply commitments to the NNWS not party to the NPT, that the latter accept the "same safeguards obligations" as had been undertaken by the NNWS party to the Treaty pursuant to Article III.⁹ In this

8 NPT Review Conference Doc. NPT/Conf.4/C.II/29.

9 Ibid., p.30.

connection, a model agreement drawn up in the IAEA, which would enable non-parties to the NPT to accept safeguards voluntarily on all their nuclear activities was specifically referred to.

A second group of supplier states, while favouring full scope safeguards for non-parties, was continuing to make categorical demands in this respect.

The third position, that of the Group of 77, differed from these points of view. The group was asking for preferential treatment for the NPT parties -- subject to full-scope safeguards as a condition of supply to non-parties.

Thus, no agreement was reached concerning full scope safeguards for all the NNWS. Such an agreement would be of utmost importance because, it could provide a means of extending the non-proliferation regime to include non-parties to the NPT.¹¹ The supplier states split, while the Group of 77 adopted a selective approach, as if certain proliferators were better than others.

The conference participants welcomed the convention on the physical protection of nuclear material, which had

10 IAEA Doc. GN/1744 and add 1.

11 The non-proliferation regime is a notion larger than the NPT, it encompasses all rules, norms and institutions which discourage nuclear weapon proliferation.

been negotiated under the auspices of the IAEA in fulfillment of the recommendations of the First Review Conference and which was opened for signature in March 1980.

The parties to the convention agreed to share information on missing nuclear material to facilitate recovery operations.

A question that was not discussed at the Review Conference was the physical protection both of nuclear material used for military purposes and of the nuclear weapons themselves.

While it is generally recognized that safeguards complemented by measures of physical protection of nuclear material, play an important role in demonstrating compliance with the NPT, in a world of rapid political and technological developments they cannot guarantee that proliferation will not occur.

Peaceful Uses of Nuclear Energy

Article IV, deals with the peaceful uses of nuclear energy. The conference participants stressed the specific needs of developing states and called for continued and substantially increased assistance through bilateral and multilateral channels. They appealed to the parties to meet the "technically sound" request from developing countries for technical assistance.

Attention at the Review Conference was focused on certain events which had taken place since 1975. Then the London suppliers club discussed the way to reduce competition between suppliers on safeguards requirements, which was damaging the non-proliferation regime. London suppliers club recommended restraint in the transfer of these facilities. France and Federal Republic of Germany announced that new deals for exports of reprocessing equipment and technology would not be allowed. Canada and Australia established a requirement of prior consent for retransfer of their nuclear material supplies and for reprocessing.

In 1987, the US set even stricter unilateral restrictions by adopting the Nuclear-Non-Proliferation Act.

The countries of the Third World viewed the restrictive measures taken by the suppliers as serving the latter's economic interests rather than non-proliferation goals. They considered these measures as an infringement on their rights to cooperation and supplies promised under Article IV. Many countries felt that since they had accepted, the safeguards provided in Article III, no further limitations should be placed on their peaceful nuclear programmes. They protested against the technological restrictions introduced by the London Club. They also protested against control requirements unilaterally imposed by exporting countries and insisted on their right to

assured long-term supplies, the right to choose their own fuel cycle policies. They inveighed against any cut off of supplies and violation of supply contracts "under the pretext" of preventing nuclear proliferation.¹²

The developing countries mentioned only the importance of supply assurances while the supplier states insisted on non-proliferation considerations. Continuing the policy adopted at the 1978 UN Special Session on Disarmament, the Third World countries stressed the promises of nuclear cooperation in the NPT. The Group of 77 seemed to imply that the NPT was mainly an instrument for the promotion of the peaceful uses of nuclear energy. They, therefore, tended to ignore an important proviso contained in Article IV of the Treaty that nuclear cooperation should be in conformity with Articles I and II.

Article V: Peaceful Nuclear Explosions

Article V deals with "potential" benefits of peaceful applications of nuclear explosions, was included in the Treaty in exchange for the surrender by non-nuclear weapon states of their right to conduct any nuclear explosions.

The First NPT Review Conference noted that the technology for nuclear explosions for peaceful purposes was still at the

12 NPT Review Conference Doc. NPT/Conf.II/C.II/34.

stage of development and study. It asked the IAEA to examine the legal issues involved and to commence consideration of the structure and content of the special international agreement or agreements. The IAEA established an ad hoc advisory group which, in a report submitted in 1977 to the IAEA Board of Governors, proposed four alternative international legal instruments dealing with nuclear explosions for peaceful purposes.¹³ Since then, scepticism as to the technical feasibility and economic viability of nuclear explosion for peaceful purposes has grown considerably.

The Second NPT Review Conference seemed to share the view of the IAEA Director-General that Article V had been "overtaken by events" and that peaceful uses of nuclear explosions might entail greater risks than the benefits they would bring.¹⁴

Disarmament Obligations: Article VI

The NPT is the only existing international document under which the major nuclear powers are legally committed to nuclear disarmament. The Review Conference devoted much time and effort to assessing progress in disarmament negotiations and to formulate recommendations for the future.

13 IAEA document, Gov/1854.

14 NPT Review Conference document, NPT/Conf/F.4/SR

The Group of 77 concluded that despite some limited agreements "no effective measures relating to the cessation of the nuclear arms race at an early date and to nuclear disarmament have materialized."¹⁵ It alarmed at the intensification of the nuclear arms race and the emerging strategy for limited use of nuclear weapons.

Western countries welcomed the arms control agreements reached (SALT II) and cited efforts towards achieving the objectives of Article VI, expressing the regret that more progress had not been possible (see, for example the Canadian¹⁶ working paper, and the British¹⁷ and the US statement). The same views were expressed by the socialist countries. (see the Soviet statement¹⁸ and the working paper of Hungary and Poland).¹⁹

There have been some countries advanced in arms control negotiations since 1975. SALT II prepared the ground for further negotiations under SALT III. The failure of the US to ratify the SALT II Treaty has delayed the envisaged talks on nuclear arms reductions.

15 NPT Review Conference document, NPT/Conf.II/C.1/2.

16 NPT Review Conference document, NPT/Conf.II/C.1/7.

17 NPT Review Conference document, NPT/Conf.II/C.1/SR.4.

18 NPT Review Conference document, NPT/Conf.II/C.1/SR.5.

19 NPT Review Conference document, NPT/Conf.II/C.1/10.

In the area of nuclear testing, a Comprehensive Nuclear Test Ban Treaty is considered by most countries as a very important measure to halt the nuclear arms race and an essential part of the non-proliferation regime.

The UK, the US, and the USSR, meeting in private trilateral talks since 1977, have not been able to produce an agreed text for a Comprehensive Test Ban Treaty. The need for a permanent ban rather than one limited in time, as that negotiated by the three powers, in order to ensure the widest possible adherence and pointed out that resumption of tests upon the expiration of a short lived ban might be serious setback to the cause of arms limitation and disarmament.

As in 1975, the Western and Socialist groups were in 1980 content to rest on their disarmament records and to promote their respective proposals, "more of the same", in the CD and in bilateral negotiations. Recommendations for strengthening the implementation of Article VI came from the Group of 77. Which sought clear commitment from the nuclear powers to specific actions, and proposed measures that would reaffirm the direct relationship between vertical and horizontal proliferation.²⁰ The nuclear powers were asked

20 NPT Review Conference document, NPT/Conf.II/C.1/2.

to agree to the creation in the CD of an ad hoc working group to start the negotiation envisaged in paragraph 50 of the Final Document of the UN Special Session on Disarmament.²¹

The USA and the USSR were urged by the Group of 77 to ratify the SALT II agreements and initiate SALT III negotiations for limitations and reductions of strategic and medium range nuclear armaments. The nuclear weapon states were requested to support the creation of an ad hoc working group in the CD to start multilateral negotiations on a Comprehensive Test Ban Treaty.

Regarding the SALT II agreements, the USA declared its intention not to take any action in the pre-ratification period that would be inconsistent with these agreements.²² Nine western countries submitted a working paper urging the signatories of the SALT II to adopt this policy.²³ For the USSR, it would mean the dismantling of a number of nuclear delivery vehicles without any certainty that the agreements would ever enter into force.

A Comprehensive Test Ban is considered basic to an acceptable balance between the responsibilities and obligations

21 UN Document A/RES/S-10/2.

22 NPT Review Conference document, NPT/Conf.II/C.1/7.

23 NPT Review Conference document, NPT/Conf.II/C.1/6.

of the NPT parties. Nevertheless the call for a moratorium on tests was rejected by the powers engaged in trilateral talks who insisted that a verifiable treaty was preferable.

The demands of the Group of 77 at the Second NPT Review Conference were minimal. They did not insist on instant nuclear disarmament but insisted only on some tangible evidence of the nuclear powers commitment to reach agreements leading to such disarmament. The nuclear powers had come empty handed to the conference, unprepared for the vehemence of the debate on this article.

Article VII: Nuclear Weapon Free Zones

Regional denuclearization is dealt with in Article VII. The conference participants recognized that nuclear weapon free zones could effectively curb the spread of nuclear weapons and contribute to the security of the states in the region. The nuclear weapon states were invited to undertake commitments to refrain from the use or threat of use of nuclear weapons against states on such zones. Satisfaction was expressed with the prohibition of nuclear weapons in Latin America under the Tlatelolco. The ultimate goal of the Treaty of Tlatelolco has not yet been achieved. Additional protocol I of the Treaty has not yet been adhered to by all the countries which it applies.

To the extent that the incentive to acquire nuclear weapons may emerge from regional considerations, the establishment of denuclearized regions in various parts of the world certainly be an asset for the cause of non-proliferation.

It is difficult to see where a nuclear weapon free zone treaty could be concluded in the foreseeable future. Proposals for denuclearized zones, concern regions which are rife with political tension and where countries have not joined the NPT.

Zonal agreements require intergovernmental negotiations, and it is difficult to envisage negotiations as conflict areas where governments in question decide to give up the nuclear weapon option, they may find it easier to do so directly, through an act of adherence to the NPT, if necessary, simultaneously with neighbouring states.

Article VIII: Security Assurances

Strengthening the security of the non-nuclear weapon states that have surrendered their nuclear option is an intrinsic part of a non-proliferation regime. The first attempt to deal with security assurances was security Council resolution 255, adopted in 1968.

At the Second NPT Review Conference, there was an agreement to confirm the continued validity of the Security Council Resolution 255 and to note that states should have the right

to decide if and under what conditions, the assistance envisaged in that resolution might be granted. Differences remained on the scope and nature of the negative security assurances. Other proposals would further limit the recipients of security assurances to NNWS party to the NPT.²⁴

There were divergent positions regarding the form of the assurances. Both the Soviet Union and Pakistan had tabled draft texts for international conventions. The United States and the United Kingdom forwarded a resolution in General Assembly which would record the unilateral statements made by each of the nuclear powers.²⁵

The non-nuclear weapon states recognize that formal assurances cannot guarantee their security. Only nuclear disarmament can remove the risk of nuclear weapons. Nuclear war is unlikely to respect the borders between states that benefit from negative security guarantees and those that omit. Security assurances must be considered within the context of the NPT as a legitimate minimum quid pro quo for renouncing nuclear weapons.

Informal working paper reviewing Articles I and II of the Nuclear-Proliferation Treaty, prepared during the Second NPT Review conference.

24 Committee on Disarmament Document, CD/139.

25 Committee on Disarmament Document, CD/8A/WP.3.

Article I

The conference confirms that the obligations undertaken by the NWS parties under Article I have been observed.

The conference affirms that the obligation assumed by the NWS fulfilled the extent that there has been no such direct transfer, considers to emphasise obligation of NWS parties to the Treaty not to assist and expressed deep concern over the nuclear cooperation, and development of nuclear weapon capability of the non-NPT parties; convinced of stricter implementation of Article I.

Article II

The conference confirms that the obligations undertaken by the non-nuclear weapon states under Article II have been observed. The conference is convinced of stricter observance of Article II.

Article III

IAEA safeguards play a key role in preventing proliferation of nuclear weapons, commitments under the Treaty of NNWS to fully met by the conclusion and implementation of agreements, and attached importance to application of safeguards. NNWS not parties to the Treaty should submit all their source material in all their nuclear activities to the IAEA safeguards, urges

states parties to the Treaty participate actively in joint efforts with states concerned to adopt as a common requirement for the international exchange of nuclear materials calls upon NWS and NNWS to cease all cooperation and to cut off supplies to Israel and South Africa. Safeguard activities of the IAEA continue to respect the sovereign rights of states and calls upon States parties to take IAEA safeguards requirements into account in planning. More regard to be paid to the importance of recruiting and training staff for the safeguards activities of the agency. Welcomes the work of the IAEA export group on international plutonium storage.

Article IV

The conference convinced that nothing in the Treaty interpreted as affecting the inalienable right of all the parties to the Treaty to develop nuclear energy confirming with Article I and II of this Treaty; urges efforts to ensure that the benefits of peaceful applications of nuclear energy are made available to all parties to the Treaty; views that the activities of the IAEA of central importance; each country's choices in the field of peaceful use of nuclear energy should be respected, proposes to meet annually in Vienna to discuss the implementation of Article IV and III. Welcomes the establishment of an IAEA Committee on Assurances, stresses the importance of using the Committee on Assurance of

supply to develop wide consensus considers the international agreements on the peaceful use of nuclear energy should be fulfilled in accordance with International Law. Confirms the significance of peaceful uses of nuclear energy for economic development. Recognises that due to their weaker infrastructure and financial base, the developing countries are vulnerable to changing conditions; Suggests the continuation of the study of financing the technical assistance programme of the IAEA. Calls on states parties to establish the Special Fund, to encourage and to assist research in nuclear energy for peaceful purposes. The NNWS should be provided preferential treatment in access to technological information for the peaceful uses of nuclear energy taking into account needs of developing countries. The states parties to the Treaty should promote favourable conditions for the financing of nuclear energy projects in developing countries. Noted that there is a growing need for storage of spent nuclear fuel, calls on all parties to give serious consideration to the establishment of international nuclear fuel cycle facilities. The conference expects that the convening of the International Conference for the promotion of international cooperation in the peaceful uses of nuclear energy will be of importance to the nuclear cooperation matters addressed by the conference.

Article V

The conference reaffirms the obligation to ensure the potential benefits of peaceful uses of nuclear explosions made available to the NNWS.

The IAEA is the appropriate body through which the supply of nuclear technology to the NNWS could be made. The conference supports the work of the IAEA procedures. The conference notes the extensive work of the Ad Hoc Advisory Group on nuclear explosions set up by the IAEA, and commends its report. The conference notes that potential benefits from peaceful applications of nuclear explosions have not been demonstrated.

Article VI

The conference recalls that under the provisions of Article VI of the Treaty all parties have undertaken to pursue negotiation in good faith.

- On effective measures relating to cessation of the nuclear arms race at an early date.
- On effective measures relating to nuclear disarmament.
- On a Treaty on General and Complete Disarmament under strict and effective international control. Stresses that the implementation of Article VI is to maintain

the effectiveness of the Treaty as an instrument for non-proliferation of nuclear weapons. Welcoming the efforts for arms limitation and disarmament expresses the conviction that the prohibition of all nuclear explosions by all states in all environments is a basic requirement to halt the nuclear arms race. Determined to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time and to continue negotiations to this end.

Article VII

The conference considers that the most effective guarantee against the danger of nuclear war and the use of nuclear weapons is nuclear disarmament and the complete elimination of nuclear weapons. Envisages regional arrangements by the States in a region to assure the absence of nuclear weapons in their respective territories. Takes note of the proposals for the establishment of nuclear weapon free zones in various other regions. Regrets that more progress has not been made in pursuit of these proposals. Encourages states in the region concerned to continue efforts. Reiterates its conviction in the interest of promoting the objectives of the Treaty. Takes note of views that, should assistance to a State be contemplated under these provisions, that state shall have the right to decide if, and under what conditions, assistance might be granted.

Recalls that the tenth special session of the General Assembly urged the nuclear weapon states, to pursue efforts to conclude an appropriate arrangement to assure NNWS against the use or threat of use of nuclear weapons. Urges all states to accelerate the negotiation in the Committee on Disarmament with the view to reaching agreement on effective international arrangements to assure NNWS against the use or threat of use of nuclear weapons.

Article VIII

The conference is of the opinion that the Review Conference invites states party to the Treaty to request the Secretary-General of the Organization to include the item in the provisional agenda of the thirtysixth session of the General Assembly: "Implementation of the conclusions of the Second Review Conference of the parties to the Treaty on the Non-proliferation of Nuclear Weapons." Proposed that a third conference to review the operation of the Treaty be convened in 1985; invites states party to the Treaty to request the Secretary-General to include the item in agenda of the 38th session of the General Assembly; Implementation of the conclusions of the Second Review Conference of the parties to the Treaty on the Non-Proliferation of Nuclear Weapons and establishment of a preparatory committee for the third conference.

Article IX

The conference satisfied that the overwhelming majority of states have acceded to the Treaty need further ensuring the universality of the Treaty. Welcomes the recent progress towards achieving wider adherence. The conference expresses the hope that states that have not already joined the Treaty will do so at the earliest date.

A Critical Note on Second NPT Review Conference

By the time of the Second Review conference, ten years elapsed since the Non-Proliferation Treaty' came into force. This period has confirmed the importance of the Treaty in preventing the spread of nuclear weapons, but also revealed its shortcomings.

The situation at the time of Second Review conference can be summarized as follows.

About two-thirds of all nations have joined the Treaty; but over 50 nations have not yet done so; there has been no overt violation of the Treaty by any of its members and only one of the non-nuclear weapon states (a non-signatory of the Treaty) has carried out a test of a nuclear explosive device, but considerable activities aimed at preparation for nuclear weapon production are being carried out in several of the non-nuclear weapon countries, and a few of them may already possess nuclear weapons.

Nuclear arms control negotiations, as referred to in Article VI of the NPT, have been carried out and some results have been achieved, the most important of them being the SALT agreements; but the nuclear arms race continues, indeed the inventory of nuclear weapons has grown considerably over the last decade and no nuclear disarmament has occurred upto now. This failure represents the most important and regrettable shortcoming in the implementation of the NPT.

While safeguards agreements with the International Atomic Energy Agency have been signed by about half of all nations, some non-signatories are being supplied by members of the NPT with nuclear facilities which could help them to produce nuclear weapons.

Concern about the emerging danger of proliferation arising from the above has promoted several international initiatives designed to curb this danger.

The main merit of these initiatives is to display a more realistic awareness of the danger implicit in nuclear weapon proliferation. However, they may create new problems and increase the probability of conflict. They may lead to a new type of economic dependence. If, as has been proposed, facilities for enrichment and reprocessing of nuclear fuels will be located in only a few countries, this might give these countries the means of control over the supply of materials

essential to the economy of other countries. The division of nations into two groups, the haves and have not already inherent in the Treaty, would then be aggravated. This risk could be removed if the sensitive parts of the nuclear fuel cycle were operated internationally.

The past decade has also seen a remarkable reassessment of the scale of nuclear energy for peaceful purposes. When the NPT came into being there was the expectation of rapid and extensive growth of nuclear power. At the same time there has been an increased interest in alternative sources of energy, some of which, in particular solar, may offer a more acceptable option for some countries than nuclear energy.

Conclusions

The Second NPT Review Conference failed to adopt a consensus declaration, the reasons are, in the uncertain future of the strategic arms limitation talks, in the inability of the US government to take major decisions during a presidential campaign in the Soviet intervention in Afghanistan, in the evermore acute conflict in the Persian Gulf area, in the brewing social unrest in Poland, with its potential threat to security in Europe, in the controversy over Eurostrategic missiles, and in the continuous build-up of military strength, in an international situation, characterised by growing East-West tension, Third World countries

could not condone the complete standstill in nuclear disarmament negotiations. The conference took place at the wrong time.

The provision dealing with disarmament included in the Treaty at the insistence of non-nuclear weapon states, with a view to matching the cessation of horizontal proliferation of nuclear weapons with the cessation of vertical proliferation. The idea was that the NPT should become a transitional stage in the process of nuclear disarmament, but the nuclear weapon powers seem to regard it as an end in itself.

The NPT is an unequal Treaty in the sense that the NNWS in renouncing the nuclear weapon option have assumed the main burden of obligation, while the nuclear powers, in committing themselves not to transfer nuclear weapons, have sacrificed relatively little. It is correct to maintain that the NPT only serves the interests of the great powers. The NNWS which more than two decades ago proposed an international undertaking to prevent the wider dissemination of nuclear weapons, benefit at least to the same degree as the great powers from the renunciation of these weapons by the parties to the NPT. The security of all states could be jeopardized if new states acquire nuclear weapons. But without a process of actual disarmament, which would deemphasize the role and utility of nuclear weaponry in world diplomacy and military strategy.

The arms race undermines the credibility of the Treaty in the eyes of its non-nuclear~~weapon~~ states parties and provides an excuse to non-parties for not joining the Treaty. Under these conditions, it may be difficult to contain the nuclear ambitions of certain NNWS. This is why the demands put forward by the majority of the participants that the nuclear weapon parties to the NPT should undertake concerted commitments to halt the arms race were fully justified. A review conference is not a forum where arms control agreements can be negotiated, but, the nuclear powers could at least have signalled their readiness to step up the pace of ongoing negotiations and to agree to procedures for new negotiations.

Chapter IV

THE THIRD NPT REVIEW CONFERENCE

The parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) met on 27 August to 21 September 1985 at a Conference in Geneva to review the operation of the NPT and to ensure that its purposes and provisions were being realized. Preceded by three preparatory committee sessions, this Review Conference, the third since the NPT entered into force, was attended by 86 of the 130 states parties and by 2 signatories which have not yet ratified the Treaty.

The second NPT Review Conference held in 1980 had not been able to adopt a common declaration, the chances for a successful outcome of the third review conference were rather low. Many observers expected sharp polemics between the US and the USSR on nuclear arms control issues, besides harsh criticism by Third World countries of the super powers failure to start the process of nuclear disarmament. In the event none of these predictions came true, the USA and the USSR expanded their well known positions, but without directly assailing each other. This is further evidence that the NPT continues to be one of these rare areas of international politics in which the super powers see eye to eye. Nor was there a wholesale attack by the nonaligned states on the policies of both super powers.

1 World Armaments and Disarmament, SIPRI Year Book, 1986
(London, 1986), p.469.

The Soviet Union escaped censure, due to the moratorium which it had proclaimed on nuclear weapons tests. One month earlier and which received support at the conference, and also owing to its suspension of anti-satellite weapon testing and advocacy of other measures to prevent an arms race in outer space the voluntary submission of a Soviet nuclear reactors to international inspection. There was a general recognition that it has helped to keep the number of nuclear weapon states constant and that it has served thereby the interests of all nations, nuclear and non-nuclear alike.

Important reason for the Calm Conference was the imminent US-Soviet summit meeting, because of the general slow down in nuclear power generation coupled with a world wide economic depression and the enormous indebtedness of the developing countries, the latter's expected complaints about inadequate assistance in the peaceful application of nuclear energy turned out to be much milder than at the previous Review Conferences.

Many delegates seemed to consider that the UN conference for the promotion of international cooperation in the peaceful uses of nuclear energy would be a better forum for airing such grievances than the NPT Review Conference. States holding out from the NPT have softened their international campaign against the Treaty.

Preparations for the Conference

Preparation of the Third Review Conference was undertaken on the basis of resolution 38/74 of 15 December 1983, by which the United Nations General Assembly, noting that a third review conference had been proposed for 1985 and a preparatory committee arranged, requested the Secretary-General of the United Nations to provide the necessary assistance to the preparatory committee for the Third Review Conference of the parties to the Treaty on the Non-proliferation of Nuclear Weapons and such services as might be required for the conference itself.²

The preparatory committee, with 71 states participating, met three times: from 2 to 6 April 1984; from 1 to 9 October 1984; and from 22 April to 1 May 1985. The first session was chaired by Ambassador R. Imai of Japan; the second by Ambassador M. Vejvoda of Czechoslovakia and the third by Ambassador J. Dhanapala of Sri Lanka.

The Committee in the course of the work, recommended the establishment by the conference of three main committees, one to consider primarily the implementation of Articles I and II and VI (which obliges parties to negotiate in good faith on the early cessation of the nuclear arms race and on nuclear disarmament). A second to concentrate on Article III (dealing

2 Fact Sheet 43, United Nations Press Release, March 1985.

essentially with safeguards) and Article VII (covering nuclear weapon free zones) and a third to consider especially Articles IV and V respectively, concerning the use of nuclear energy for peaceful purposes and the peaceful application of nuclear explosions. The preparatory committee drew up a detailed proposal for such an allocation of the major substantive items to the Main Committees.³

At the second session of the preparatory committee the group of nonaligned and neutral states endorsed the candidature of Ambassador Mohammed Shaker of Egypt as President of the Review Conference and other delegations indicated support of that candidature.

As preparations proceeded, intergovernmental contacts intensified. In Geneva, the Bureau, composed of the three Chairmen of the preparatory sessions, met several times to discuss progress and was in regular contact with the provisional Secretary-General of the Conference, Mr Ben Sanders of the United Nations Department for Disarmament Affairs. Meanwhile, several States, especially the depositories were very active in drawing the attention of states parties to the forthcoming Review Conference partly as a result of such efforts, by the time the Review Conference convened, the Treaty had 131 states parties, which was 17 more than at the start of the second Review Conference.

4 Ibid.

The Third Review Conference

The conference acknowledged the declarations by the parties that the Central non-proliferation undertakings⁴ (Articles I and II) -- that of the nuclear weapon powers not to transfer nuclear weapons, and that of the non-nuclear weapon states not to acquire such weapons -- have been fulfilled; expressed the opinion that any further detonation of a nuclear explosive device by a NNWS would be a most serious breach of the non-proliferation objective.

The conference expressed the conviction that nuclear safeguards administered by the IAEA have played a key role in preventing nuclear weapon proliferation by providing assurance that states have been complying with their undertakings. The parties noted with satisfaction that the IAEA had not detected any diversion of safeguard material to the production of nuclear explosive devices, but they stated that unsafeguarded nuclear activities in certain NNWS pose serious proliferation dangers.

The conference noted that IAEA safeguards had not hampered the economic, scientific and technological development of the parties to the NPT or international cooperation in peaceful nuclear activities.⁵ On the contrary it was pointed out in

4 World Armaments and Disarmament, SIPRI Year Book 1986 (London, 1986), p.471.

5 Ibid.

the debate that the NPT verification system provides service to states wishing to demonstrate their compliance with non-proliferation obligations and thereby facilitates nuclear trade.

The conference called on all states to adhere to the 1980 convention on the physical protection of nuclear material.

Regarding nuclear energy for peaceful purposes, the conference confirmed the need for assurances of long term supplies of nuclear items and agreed that modification of agreements in the nuclear field should be made by mutual consent of the parties concerned. There was a common view that preferential treatment should be given to the NNWS to the NPT over non-parties for access to or supply of nuclear material. The conference agreed that the potential benefits of peaceful applications of nuclear explosions are to be made available by the nuclear weapon parties to NNWS had not been demonstrated.

The conference gave much attention to the question of an armed attack on a safeguarded nuclear facility or threat of such attack. Expressed the view that in such a case consideration should be given to all appropriate measures to be taken by the UN Security Council. In this connection, reference was made in the final declaration to the 1981 Israeli attack on nuclear installations in Iraq, which had been condemned by the Security Council.

The conference agreed to take note of concerns expressed about the nuclear weapon capability of South Africa and Israel, and calls for the prohibition on transfer of all nuclear facilities, resources, or devices to these two countries and for stopping all exploitation of Namibian Uranium until the attainment of Namibian independence.

Noted with regret the continuing development and deployment of nuclear weapon systems, and called upon the nuclear weapon parties to intensify their efforts to reach agreements on measures relating to the cessation of the arms race and on nuclear disarmament. Agreed that the implementation of the relevant provisions was essential to the maintenance and strengthening of the Treaty.

Emphasized the importance of nuclear weapon free zone arrangements for the cause of achieving a world free of nuclear weapons.⁶

Recognising the need to assure the NNWS against the use or threat of use of nuclear weapons.

Urged all NNWS not party to the treaty to make an international and binding commitment not to acquire necessary weapons or other nuclear explosive devices and to accept IAEA in order to verify the commitment.

6 Ibid., p.473.

It was agreed to convene the fourth NPT Review Conference in 1990.

A dispute developed around the application of nuclear, safeguards. Whereas NNWS parties to the NPT are subject to full scope safeguards covering all of their peaceful nuclear activities, the nuclear activities of non-parties are partially covered by safeguards.

Suppliers party to the NPT require full scope safeguards to apply to all existing and future nuclear activities as a condition of nuclear supplies to non-parties. Suppliers opposing the imposition of such requirement perceptibly on the grounds that it could compel non-parties to embark on a course leading to uncontrolled self-suffering in the nuclear field. All states were urged in their international nuclear cooperation, nuclear export policies to take effective steps towards achieving a commitment to non-proliferation and acceptance of full scope safeguards as a necessary basis for the transfer of nuclear supplies to NNWS not party to the NPT.⁷

The conference regretted that a Comprehensive Nuclear Test Ban Treaty had not been concluded, and called on the NWS to the NPT to resume trilateral and multilateral negotiations.

7 Ibid., p.474.

The dissenting two nuclear powers did not deny their commitment to the goal of an effective verifiable CTBT, but considered deep reductions and existing arsenals of nuclear weapons as the highest priority in the process of pursuing the disarmament objectives of the NPT.

In view of the existing differences on nuclear testing the US and the UK on the one hand, the group of nonaligned and neutral states on the other prepared three draft resolutions.

Urging the depository states of the NPT to undertake negotiations during 1985 for the elaboration and adoption of a Comprehensive Nuclear Test Ban Treaty, the same states to institute an immediate moratorium on all nuclear weapon tests, a freeze on the testing, production and deployment of all nuclear weapons and their delivery vehicles. To take a vote on these resolutions remained until the last day of the conference.⁸

Review of the Operation of the
Treaty and Recommendations

Articles I and II

The states party to the Treaty remain resolved in their belief in the need to avoid the devastation that a nuclear war

8 Ibid., p.475.

would bring. The conference remains convinced that any proliferation of nuclear weapons would seriously increase the danger of a nuclear war.

The conference acknowledged the declarations by nuclear weapon states party to the Treaty that they had fulfilled their obligations under Article I. The conference further acknowledged the declarations that NNWS party to the Treaty had fulfilled their obligations under Article II. The conference was of the view, therefore, that one of the primary objectives of the Treaty had been achieved in the period under review. The conference expressed deep concern that the national nuclear programmes of some states non-party to the Treaty may lead them to obtain a nuclear weapon capability States party to the Treaty states that any further detonation of a nuclear explosive device by any NNWS would constitute a most serious breach of the Non-Proliferation objective.

The Conference noted the serious concerns expressed about the nuclear capability of South Africa and Israel. Noted the calls on all states for the total and complete prohibition of the transfer of all nuclear facilities, resources or devices to South Africa and Israel and to stop all exploitation of Namibian Uranium until the attainment of Namibian independence.

Article III

The conference affirms its determination to strengthen further the barriers against the proliferation of nuclear weapons or other nuclear explosive devices to additional states. The spread of nuclear explosive capabilities would add immeasurable to regional and international tensions and suspicions. It would increase the risk of nuclear war and lessen the security of all states. The parties remain convinced that universal adherence to the NPT is the best way to strengthen the barriers against proliferation and they urge all states not party to the treaty to accede to it. The Treaty and the regime of Non-Proliferation it supports play a central role in promoting regional and international peace and security by helping to prevent the spread of nuclear explosives.

Expresses the conviction that IAEA safeguards provide assurance that states are complying with their undertakings and assist states in demonstrating this compliance. They thereby promote further confidence among states and being a fundamental element of the Treaty, help to strengthen their collective security.

Conference expresses its satisfaction that four of the five nuclear weapon states have voluntarily concluded safeguards agreements with the IAEA covering all or part of their peaceful nuclear activities. The conference regards

these agreements as further strengthening the non-proliferation regime and increasing the authority of IAEA and the effectness of the safeguards system.

The conference notes with satisfaction the adherence of further parties to the Treaty and the conclusion of further safeguards agreements in compliance with the undertaking of the Treaty.

The conference notes with satisfaction that IAEA in carrying out its safeguards activities has not detected any diversion of a significant amount of safeguard material to the production of nuclear weapons.

The conference notes with satisfaction the improvement of IAEA safeguards which have enabled it to continue to apply safeguards effectively during the period of rapid growth in the number of safeguard facilities.

Article IV

The conference affirms that the NPT fosters the worldwide peaceful use of nuclear energy and reaffirms that nothing in the Treaty shall be interpreted as affecting the inalienable right of any party to the Treaty to develop, research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Article I and II.

The conference reaffirms the undertaking of the parties to the Treaty in a position to do so to cooperate in contributing, alone or together with other states of international organizations, to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of the NNWS party to the Treaty, with due consideration for the needs of the developing areas of the world. The conference confirms that each country's choices and decisions in the field of peaceful uses of nuclear energy should be respected without jeopardising their respective fuel cycle policies. International cooperation in this area, including international transfer and subsequent operations, should be governed by effective assurances of non-proliferation and predictable long term supply assurances.

The conference recognizes that an armed attack on a safeguarded nuclear facility, or threat of attack, would create a situation, in which, the Security Council would have to act immediately in accordance with provisions of the UN Charter.

The conference considers that such attacks could involve grave dangers due to the release of radioactivity and that such attacks or threats of attack jeopardize the development of the peaceful uses of nuclear energy.

The conference concluded that since no agreements had been reached in the period under review on effective measures relating to the cessation of an arms race at an early date, on nuclear disarmament and on a Treaty at general and complete disarmament under strict and effective international control, the aspirations contained the preambular paragraphs 8 to 12 had still not been met, and the objectives under Article VI had not yet been achieved.

The conference reiterated that the implementation of Article VI is essential to the maintenance and strengthening of the Treaty, reaffirmed the commitment of all states parties to the implementation of this article and called upon the states parties to intensify efforts to achieve fully the objectives of the Article. The conference addressed a call to the NWS parties to demonstrate this commitment.

The conference welcomes the fact that the USA and the USSR are conducting bilateral negotiations on a complex of questions concerning space and nuclear arms -- both strategic and intermediate range -- with all these questions considered and resolved in their inter-relationship. It hopes that these negotiations will lead to early and effective agreements aimed at preventing an arms race in space and terminating it on earth, and reducing nuclear arms, and at strengthening strategic stability.

Article V

The conference reaffirms the obligation of parties to the Treaty to take appropriate measures to ensure potential benefits from any peaceful applications of nuclear explosions are made available to NNWS party to the Treaty.

Article VI

The conference examined developments relating to the cessation of the nuclear arms race in the period under review and noted in particular that the destructive potentials of the nuclear arsenals of NWS parties were undergoing continuing development, including a growing research and development component in military spending, continued nuclear testing, development of nuclear delivery systems and their development.

The conference noted with regret that the development and deployment of nuclear weapon systems had continued during the period of review.

The conference noted the lack of progress on relevant items of the agenda of the conference on disarmament, relating to the cessation of the nuclear arms race and nuclear disarmament, the prevention of nuclear war including all related matters and effective international arrangements to assure non-nuclear weapon states against the use or threat of use of nuclear weapons.

The conference recalls that in the Final Document of the First Review Conference, the parties expressed the view that the conclusion of a Treaty banning all nuclear weapons tests was one of the most important measures to halt the nuclear arms race. The conference stresses the important contribution that such a Treaty would make towards strengthening and extending the international barriers against the proliferation of nuclear weapons, it further stresses that adherence to such a Treaty by all states would contribute substantially to the full achievement of the Non-Proliferation objective.

The conference took note of the appeals contained in five United Nations General Assembly resolutions since 1982 for a freeze on all nuclear weapons in quantitative and qualitative terms which should be taken by all NWS or by the USSR and the US on the understanding that the other NWS would follow their example.

Conference reiterated its conviction that the objectives of Article VI remained unfulfilled and concluded that the NWS should make greater efforts to ensure effective measures for the cessation of the nuclear arms race at an early date for nuclear disarmament and for a treaty on general and complete disarmament under strict and effective international control.

The conference noted the statement of the USSR as one of the NWS party to the Treaty, recalling its repeatedly

expressed readiness to proceed forthwith to negotiations with the aim of concluding CTBT and the submission by it of a draft treaty proposal to this end.

Article VII

The conference considers that the establishment of nuclear weapon freezones on the basis of arrangements freely arrived at among the states of the region concerned constitute an important disarmament measure and, therefore, the process of establishing such zones in different parts of the world should be encouraged with the ultimate objective of achieving a world entirely free of nuclear weapons, in the process of establishing such zones, the characteristics of each region should be taken into account.

The conference notes the endorsement of the South Pacific nuclear free zone treaty by the South Pacific Forum on 6 August 1986 at Rarotonga and welcomes this achievement as consistent with Article VII of the NPT. The conference also takes note of the draft protocols to the South Pacific Nuclear Free Zone Treaty and further notes the agreement at the South Pacific Form the consultations on the protocols shall be held between members of the Forum and the nuclear-weapon states eligible to sign them.

The conference underlines the importance of adherence to the Treaty by NNWS as the best means of reassuring one

another of their renunciation of nuclear weapons as one of the effective means of strengthening their mutual security.

The conference takes note of the continued determination of the depository states to honour their statements, which were welcomed by the United Nations Security Council in resolution 255(1968) that, to ensure the security of the NNWS parties to the Treaty they will provide or support immediate assistance, in accordance with the Charter, to any NNWS party to the Treaty which is a victim of an act or an object of a threat of aggression in which nuclear weapons are used.

The conference reiterated the conviction that, in the interest of promoting the objectives of the Treaty, all states, both NNS and NNWS, should refrain, in accordance with the Charter of the United Nations, from the threat or the use of force in relations between states involving either nuclear or non-nuclear weapons.

Article VIII

The states party to the Treaty participating in the conference propose to the depository governments that a fourth conference to review the operation of the Treaty be convened in 1990.

Article IX

The conference having expressed great satisfaction that the overwhelming majority of states have acceded to the Treaty on the Non-proliferation of Nuclear Weapons and having recognized the urgent need for further ensuring the universality of the Treaty, appeals to all states, particularly the NWS and other states advanced in nuclear technology, which have not yet done so, to adhere to the Treaty at the earliest possible time.

Final Declaration

- their conviction that the Treaty is essential to international peace and security;
- their continued support for the objectives of the Treaty;
- the prevention of proliferation of nuclear weapons or other nuclear explosive devices;
- the cessation of the nuclear arms race, nuclear disarmament and a Treaty on general and complete disarmament;
- the promotion of cooperation between states parties in the field of the peaceful uses of nuclear energy;
- the reaffirmation of their firm commitment to the purposes of the preamble and the provisions of the Treaty;

- their determination to enhance the implementation of the Treaty and to further strengthen its authority.⁹

Analytical Study on the
Third NPT Review Conference

In the third review conference on the non-proliferation Treaty reducing nuclear arms play a pivotal role. While the continuing arms race has not been so far a main reason for other nations to take steps upward on the nuclear ladder -- regional security concerns played a more prominent role -- it has had four types of impacts on proliferation considerations.

The growth of and increasing emphasis on super power intervention capabilities and power projection is disturbing for countries aspiring to regional leadership. The ever stronger navies; the improved readiness, logistics, and weaponry of Soviet airborne forces, and the permanent increase of US rapid deployment forces have not gone unnoticed. The nuclear-tipped Tomahawk sea-to-land cruise missile even provides an instrument for limited nuclear intervention, and the Soviet Union appears to be developing similar weapons.

9 Third Review Conference of the parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document NPT/Conf/61, 21 September 1985.

The unabated arms race frustrates aspirations for equality. Although nations with different resources will inevitably remain unequal, the ultimate inequality engendered by nuclear weapons is hard to bear especially for countries which have experienced inequality as a direct threat to their nationhood and the dignity of their people.

The conventionalization of nuclear weapons in nuclear strategy conveys to potential proliferators the promise that those weapons may hold answers to their own more conventional problems.

The continued arms race is a direct threat to the non-proliferation regime. The implied renunciation of sovereignty by those who have acceded to the regime is an extraordinary burden which becomes hard to sustain if some players do not keep the bargain. Even if no country will leave the Treaty for this reason in the short term, dissatisfaction is growing. India can claim to have predicted correctly the consequences of the NPT: 25 years of unfettered licensed proliferation. Other non-signers can depict their policy as upholding the equality of South and North. If the consensus breaks, one of the major barriers to a government's final decision to acquire nuclear weapons will falter.

None of the nations on the threshold of acquiring nuclear weapons possesses an unambiguous interest in doing so. Gains in security, national power, and prestige are counter-balanced by the high social and economic costs of the nuclear weapons themselves, the additional costs of a regional nuclear arms race, and the ultimate risk to national security such as arms race would imply.

The problem can also be approached from the direction of the effect of different arms control measures on the non-proliferation regime predominantly cosmetic or declaratory arms control steps, while probably not doing much harm, will not, add much strength to the regime, since they are subject to abrupt changes in case of national emergencies. The same applies to declaratory policies which are contradicted by doctrine and force, development, such as the Soviet no-first-use declaration. Similarly, a ratified Threshold Test Ban Treaty and Peaceful Nuclear Explosions Treaty -- unless posed as steps toward a comprehensive test ban -- arouse the suspicion that they are meant to close the door for the small powers while leaving the big ones alone.

The achievement of a space freeze would be important for non-proliferation. An arms race in space would make it hard for the smaller nuclear forces to accede to sensible

arms control, since effective ballistic missile defense would compromise their independent deterrent. All nuclear-weapons states would be indeed to respond by increasing numbers of warheads in order to saturate the defenses.

The worldwide perception would be that rather than cooling down their arms race the super powers were now poised to crowd space, a new frontier, with weapons after they have already claimed land, sea, and air for this purpose. The Strategic Defence Initiative could be the final trigger for the outburst of dissatisfaction about the unfulfilled promises of the non-proliferation bargain. Moreover, a successful ballistic-missile defence, however, unlikely, will direct attention toward the most dreadful sort of nuclear weapons: small, portable, disguisable, quasi-terrorist devices.

Two different approaches are sensible. On the one hand, intermediate nuclear force negotiations must be brought back on track. Trading away the perishing IIs could be a valuable symbolic step and would relieve Europeans of a heavy burden of possible crisis instability.

NATO should also continue reducing nuclear battlefield weapons and encourage the Soviets to do the same. Combined

10 Harold Muller, "Super Powers' Unfulfilled NPT Promise", Bulletin of Atomic Scientists, vol.41, no.8, September 1985, pp.18-20.

with the strengthened conventional defence, the role of nuclear weapons in Europe could be reduced incrementally to the tripwise function essential for a deterrent role -- a function for which far fewer warheads than are now deployed are needed.

Non-proliferation considerations will seldom be in the forefront of arms control proposals. But connections do exist and non-proliferation is an essential ingredient of security. It would, therefore, be highly advisable to keep the non-proliferation impact in mind in devising and implementing policy for security and arms control.¹¹

11 Ibid.

Chapter V

THE FUTURE OF THE NPT

By the end of the 1985, the number of parties to the NPT had reached 132. This number, which includes three nuclear weapon powers -- the UK, the USA, and the USSR -- as well as many developed countries not possessing nuclear weapons may be taken as evidence -- that the non-proliferation idea has been accepted by a substantial portion of the international community. However, the non-proliferation regime will be in constant danger as long as the NPT has not been subscribed to by all states having significant nuclear activities, and there are about a dozen states belonging to this category which remain outside the Treaty. Only such universal adherence to the NPT could reinforce the legal barrier against further nuclear weapon dissemination.

In quantitative and symbolic terms the NPT is a huge success. More than two-thirds of the world's nations have signed on this the most popular arms control agreement on earth. Not a single nation has declared itself to be a nuclear-weapons state beyond the original five members of the "nuclear club" who qualified for weapons status under the terms of the Treaty itself: the United States, the Soviet Union, the United Kingdom, France, and China.

No party to the Treaty has exercised the permitted option to drop out, and none has been found by the International Atomic

Energy Agency (IAEA) to have diverted nuclear material from civil to weapons purposes. Nor has any party, been known to have violated NPT prohibitions on developing or assisting other nations to develop nuclear weapons.

Treaty enthusiasts credit the NPT and the IAEA with being the principal reasons that dire predictions, by President Kennedy and others, of dozens of nuclear armed nations emerging by the 1980s have not been fulfilled. The Treaty's nuclear-assistance and safeguards provisions have been instrumental in the development of peaceful nuclear power and research programmes around the world.

First, the Treaty is crafted in such a way that its measure of nuclear proliferation, as spelled out in its prohibitions, is in terms of explosions and acquisition of explosive devices, rather than the basic ingredients of proliferation -- the explosive materials themselves separated plutonium and highly enriched uranium.

Second, the IAEA inspections and audits required by the Treaty are unequal to the task of safeguarding quantities of materials that can be used by the pound to make nuclear weapons.

1 Bulletin of the Atomic Scientists (Chicago), vol.41, no.8, September 1985.

But even if the safeguards deter sneak diversions, there remains the latent proliferation problem; the plutonium equivalent of hundreds of thousands of nuclear weapons world wide will be temptingly close at hand if current plans proceed to reprocess power sector spent fuel.

Third, the Treaty requires parties not possessing nuclear weapons to place all their nuclear activities under IAEA safeguards as a means of verifying that there are no diversions to clandestine weapons production facilities. But the NPT does not obligate suppliers who are party to it to require non-parties to accept full-scope IAEA safeguards as a basic condition of supply. This puts non-parties at a relative advantage to NPT parties and serves as a disincentive for non-parties to join the Treaty -- a situation that violates both the spirit and the letter of the Treaty.

Fourth, the Treaty is silent regarding physical protection of nuclear materials against theft, by terrorists, either from facilities or in transit. An international convention has been negotiated to establish minimum standard for nations in guarding international shipments of nuclear materials, but for lack of signatories the convention has not come into force, and it is in any case widely regarded as inadequate to meet a credible terrorist threat.

A number of countries are critical of the NPT. India, for example, has always been a major critic -- voicing criticisms shared with varying emphasis by many of the others. The main objections to the NPT can be summarised as follows.

The Treaty does not ensure the non-proliferation of nuclear weapons but only stops their spread to non-nuclear weapon states, without imposing any restraints on the continued manufacture stockpiling and sophistication of nuclear weapons by the existing nuclear weapon states.

The Treaty does nothing to remove the special status of superiority in power and prestige conferred by the possession of nuclear weapons.

The Treaty does not provide for a balance of obligations and responsibilities between the nuclear-weapon states and non-nuclear weapon states. Most of the obligations are imposed on non-nuclear weapon states, and the nuclear-weapon states accept very few.

The Treaty is not a step towards nuclear disarmament.

The Treaty does not prohibit one nuclear weapon state from assisting another nuclear weapon state by providing technical assistance.

The Treaty endorses and legitimises the present state of affairs and legalizes, if not encourages an unrestrained vertical proliferation by the present nuclear-weapon powers.

The Treaty gives a false sense of security to the world.

The Treaty is discriminatory so far as the benefits of peaceful nuclear explosions are concerned.

The Treaty is discriminatory in regard to safeguards and controls which are all imposed on the non-nuclear-weapon states while none whatsoever are imposed on the nuclear weapon states.

Few would deny that the NPT is a fragile document. The Treaty is weak because two nuclear weapon powers (China and France) and many key states with ambitious nuclear plans (Argentina, Brazil, India, Israel, Pakistan and South Africa among them) have not associated themselves with it.

Measures to Strengthen the NPT

The most urgent measures needed to reinforce the NPT do not necessarily require that amendments are made to the text of the Treaty. These measures could be brought into effect through statement of interpretation of the existing Treaty formulations, or through separate agreements or understandings among all the parties or among just the suppliers of nuclear equipment and material. These statements and agreements need not be directly linked with the text of the NPT.

The minimum measures required to ensure the NPT for a reasonable chance of survival as a workable document are:

Article I

The nuclear weapon states should undertake not to render assistance to any recipient whatsoever in the manufacture or acquisition of any nuclear weapon or nuclear explosive device.

Article II

The non-nuclear weapon states should undertake not to transfer technology or assistance in regard to nuclear weapons or nuclear explosive devices to any other non-nuclear weapon state.

Article III

A commitment should be made by supplier countries party to the NPT to supply nuclear material, equipment and services to non-parties only if the latter states accept IAEA safeguards to all their peaceful nuclear activities.

Article IV

The assessment should be made on the needs of the developed and the underdeveloped countries in the field of nuclear energy for the next decade or two. On the basis of this assessment, ways and means should be elaborated to meet these needs. The IAEA remains the best agency for the provision of technical

assistance to the underdeveloped countries. But the developed countries should commit themselves to provide adequate funds to enable the IAEA to carry out this function successfully.

Article V

The international regime, specified in the NPT, under which peaceful nuclear explosions are to be made available to the non-nuclear weapon parties to the Treaty should be established.

Article VI

A firm commitment should be made by the USA and the USSR to reduce their nuclear arsenals by significant amounts by a specified date, which could, for example, be the date of the next Review Conference.

In the final analysis, a near-nuclear country will base its political decisions on the acquisition of nuclear weapons according to the perceptions of the security interest. The question of security guarantees will almost certainly be revised as an important issue at the Review Conference. The NPT would be considerably strengthened if the nuclear weapons powers would commit themselves not to use nuclear weapons, and not to threaten to use these weapons, under any circumstances against non-nuclear weapon parties to the NPT. Some non-nuclear weapon states parties to the NPT have nuclear weapons

stationed on their territory. For these countries this commitment could take the form of an undertaking by the nuclear weapon powers not to be the first to use nuclear weapons. A pledge of this type would be one way of reducing the inequalities of the parties under the Treaty.

Further more measures

The nuclear weapon powers should clearly commit themselves to reversing the arms race, they could start by halting permanently all nuclear weapon tests and undertaking to reduce their strategic and tactical nuclear armaments.

Participation in the Treaty should be made more attractive by the provision of internationally agreed, legally binding security assurances to non-nuclear weapon states parties.

Pressure should be brought to bear upon non-parties by denial of supplies of nuclear materials and equipment, while outright defiance of the Treaty should be met with more stringent measures.

The obligation not to assist others to manufacture nuclear weapons should apply to all states without exception and, consequently, all exports of nuclear materials and equipment, to nuclear weapon powers should be subject to IAEA safeguards so as to avoid their use for weapon purposes.

Safeguards procedures should be improved, and the IAEA authority be strengthened, to enable both rapid detection of any diversion of fissionable material for weapon purposes and quick subsequent action.

In so far as the peaceful uses of nuclear energy are concerned, the cause of non-proliferation would best be served if the following conditions were met.

The sensitive parts of the nuclear fuel cycle, i.e., uranium enrichment, fuel fabrication and reprocessing, should be managed on an international scale and operated only under the authority of an international agency with full responsibility for the security of the plants and their sites.

An international repository of spent fuels and a bank of fresh fuels should be established.

Encouragement, including financial support should be given to countries wishing to rely on non-nuclear sources of energy. This might be achieved by the setting up of a specialised international body to deal with energy matters.

Of the measures suggested above, those dealing with political aspects of the problem of non-proliferation are of primary importance, because the problem itself is basically political. But they ought to be accompanied by technical measures of control to assure a clear distinction between

nuclear power and nuclear weapons. All this can be achieved through agreed statements of understanding of the NPT provisions or international instruments complimentary to the Treaty. The NPT is the main tool in stemming the dangerous proliferation drift and no efforts must be spared to avert the collapse.

The Future of Nuclear Proliferation

The NPT is not of permanent duration. In 1995, a conference is to be convened to determine its future. The parties will decide whether the treaty should continue in force indefinitely or be extended for an additional periods of time. In this respect the nuclear weapon powers carry major responsibilities.

Comprehensive Test Ban is considered important in the limitation of nuclear arms. The development of new designs of nuclear weapons by the nuclear weapon powers would be rendered impossible without tests. The importance of such a ban for non-proliferation would also lie in the practical obstacles it would create for would be proliferators.

After the shutdown of facilities dedicated to the production of material for nuclear weapons, the nuclear powers would still maintain in their civilian nuclear activities facilities capable of producing quantities of fissionable material for weapons. There would have to be arrangements to ensure that



civilian facilities were not serving military purposes. Separation of civil and military nuclear sectors in nuclear weapon countries and placing under IAEA safeguards all installations and materials in the civil nuclear fuel cycles of these countries would help to prepare the ground for verifying the implementation of a cut off.

Uniform and unconditional assurances of the non-use of nuclear weapons must be given to NNWS by the NWS failing this, the qualified assurances provided by these powers could be incorporated in a formal international document.

Restraint to exercise, regarding exports to NNWS of dual purpose weapon systems, those capable of delivering both conventional and nuclear bombs. This would complement the restraints on supplies of nuclear material.

The authority of the IAEA must be strengthened. The Agency's Board of Governors should develop rapid action responses to acts in defiance of safeguards agreements. Better material accountancy and reporting from safeguarded countries are needed. Regional arrangements for nuclear suppliers should be encouraged, and the idea of establishing international nuclear fuel cycle centres could be revived if the demand for sensitive dual purpose material were to increase.

By deemphasizing the role of the nuclear weapons in foreign policy through a sustained process of dismantling the nuclear arsenals that the imperative of non-proliferation can secure entrenched among the norms of international behaviour.

For the foreseeable future accession to the NPT -- the enterprise of the non-proliferation regime by those most critical states is doubtful. The chief priority is to reinforce another pillar of the regime by making IAEA nuclear safeguards as nearly universal as possible through the application of full-scope international controls even without accession to the NPT. It is disturbing that unsafeguarded plants that can make nuclear weapon material are now in operation in at least five countries. There appears to be no imminent danger of an overt expansion of the nuclear club. The nuclear activities are still weaker than the disincentives, which means that the status quo will probably be maintained for some time.

Conclusion

The Treaty on the Non-Proliferation of Nuclear weapons has been analysed on the basis of the five principles of the UN General Assembly resolution 2028 (XX). Each principle has so far been applied to those parts of the Treaty it relates to the most. Principle (a) has been applied to Articles I and II

containing the basic obligations; principle (b) to Article IV and V on the peaceful uses of nuclear energy as well as to Security Council resolution 255 on nuclear security guarantees; principle (c) to Article VI on the cessation of the nuclear arms race and nuclear disarmament; principle (d) to Article III on international safeguards, Article IX on universality of adherence and Article VIII and X on the Treaty's adaptability to changing circumstances and lastly principle (e) to Article VII on nuclear weapon free zones.

As far as principle (a) is concerned, the Treaty is not void of any loopholes which might permit nuclear or non-nuclear powers to proliferate, directly or indirectly, nuclear weapons in any form. In permitting under Article I and II the assistance in the manufacture of nuclear weapons between the nuclear-weapon states themselves as well as from non-nuclear-weapon states to nuclear-weapons states, the Treaty is contributing to the further vertical proliferation of the latter states. An equally serious loophole left open in Article II is that assistance in the manufacture of nuclear weapons or other nuclear explosive devices from non-nuclear-weapons states parties to the Treaty to non-nuclear weapon states not parties to it is not explicitly prohibited. Although assurances were given by the two -- co-authors of the Treaty, i.e., the Soviet Union and the United States, that such assurance, if it ever takes place, would be

considered as a violation of the Treaty, the elimination of this loophole would definitely have been preferable.

Regarding principle (b), an acceptable balance of mutual responsibilities and obligations of the nuclear and non-nuclear powers has been hard to achieve in view of the insistence of the two co-authors to base the Treaty on a clear cut distinction between nuclear-weapon states and non-nuclear-weapon states. The discriminatory nature of the Treaty has more particularly marked the Treaty's key provisions contained in Articles I, II and III. No restrictions whatsoever are imposed on the nuclear-weapon states' freedom to carry on their non-vertical proliferation. They are also exempted from the application of international safeguards on their nuclear activities whether peaceful or military, although it has to be pointed out that both the United Kingdom and the United States have voluntarily accepted to submit their peaceful nuclear activities to international safeguards. The compensatory provisions of Articles IV, V and VI depend almost entirely on their implementation on the good faith and cooperation of the nuclear-weapon states party to the Treaty. It must be noted, however, that a new institutional framework for the future utilization of nuclear energy for peaceful purposes has been set up by the International Atomic Energy Agency. As another compensatory measure, Security Council resolution 255 is of a doubtful value and its

effectiveness would basically depend on the mutual understanding of the guarantor states.

Principle (c) has been met in the Treaty by the meagre provisions of Article VI and the corresponding paragraphs of the preamble. More explicit and precise provisions would have been needed in this respect. The steps which so far have been taken by the two super powers in the field of arms control are still far from meeting the expectations of the non-nuclear weapon states. As to principle (d) the effectiveness of the Treaty depends on the proper implementation of all its provisions and, more particularly, these provisions especially designed for this purpose, i.e., Article III, VIII, IX and X. As far as Article III is concerned, a new system of safeguards has been designed for the non-nuclear-weapon states party to the Treaty. Although the NPT system seems to be operating satisfactorily, Article III itself needs to be strengthened, if the Treaty is to become an effective barrier to the proliferation of nuclear weapons.

The Treaty also contains in its Article IX workable provisions to ensure the widest possible adherence to it. However, because of the Treaty's discriminatory nature as well as for economic and security considerations, this widest adherence is not forthcoming. The Indian nuclear explosion of 18 May 1974 has rendered such an objective less

attainable, and specially if no measures were to be taken to bolster the Treaty's viability.

Moreover, measures provided for in Articles VIII and X for adopting the Treaty to changing circumstances were put to the test at the First Review Conference. In spite of the shortcomings of the provisions of the two articles, they seem so far to have worked out well as safety valves. Finally, principle (e) has found another but similar expression in Article VII of the Treaty. Apart from Latin America no other densely populated region of the world has yet followed the example of the Treaty of Tlatelolco.

The failure of the NPT to comply in general with the five principles set forth in the UN General Assembly resolution 2028 (XX) is quite regrettable.

The first NPT review conference had been the first occasion to examine measures aimed at introducing certain changes and additions to the text of the Treaty itself and to lay the ground for concluding complementary measures to the NPT. However, the review conference was deprived of introducing or at least examining amendments to the Treaty. This has certainly weakened the role of the conference in promoting the cause of nuclear non-proliferation. In retrospect, the conference of 1975 appears as an exercise in futility between the haves, i.e., the nuclear-weapons

states party to the NPT and in some instances their close industrialized allies, and the haves not, the Third World countries. The confrontation between the two categories of countries was the most significant symptom of the conference.

In the field of peaceful uses of nuclear energy, supplier states had already through a concerted effort to impose certain restrictions in the supply of nuclear material and equipment to the importing countries of the Third World. Therefore, it was not surprising that one of the most elaborate parts of the Final Declaration of the conference was the part concerned with the review of Article IV of the NPT. The conference recognized that there continued to be need for the fullest possible exchange of nuclear materials, equipment and technology.

Regarding peaceful nuclear explosions, a certain disappointment could be felt among the Third World countries for the waning of the interest and effort on the part of the United States in this domain as well as for the lack of preparedness on the part of both nuclear super powers to commence immediate negotiations with a view of concluding a special international agreement regulating the use of peaceful nuclear explosions.

On the issues of disarmament and more particularly nuclear disarmament, and security assurances, the rift was even greater between the nuclear-weapon states and the non-nuclear-weapon states. The failure to adopt the three draft protocols on these issues exemplified the inertia of the conference in going beyond certain limits. It should be recalled that the protocols were rejected by the nuclear weapon states on the basis that they were, *inter alia*, tantamount to introducing amendments to the NPT.

As to the application of IAEA safeguards, a feeling of inequality of treatment between nuclear-weapon states and non-nuclear-weapon states resurged but was mooted in the Final Declaration. Although two nuclear-weapon states had offered to place part of their peaceful nuclear activities under IAEA safeguards, a great number of non-nuclear weapon states at the conference were of the view that safeguards should be applied at least on all the peaceful nuclear activities of the nuclear-weapon states.

Had this been possible to examine and introduce amendments at the Review Conference would this have helped to accelerate the implementation of the NPT in all its aspects by the nuclear-weapon states. The answer must be in the negative. Fifteen years after the Third Review

Conference, the nuclear weapon states do not seem to have even paid too much attention to the pleas of the non-nuclear weapon states in 1975. More restrictions are imposed by them and their industrialized allies on the trade of so called "sensitive" nuclear material, equipment and knowledge. Peaceful nuclear explosions have reached a dead end in the United States and are on uncertain ground in the Soviet Union. Real progress towards nuclear disarmament and arms control is lagging. Even the SALT-II agreement lacks the minimum element of freeze on the production of new nuclear-weapon vehicles. The symbolic application of IAEA safeguards in response to the offers made by the United States and the Soviet Union and recently by France does not obviously establish the equality of treatment in this domain so long sought by the non-nuclear weapon states.

Most of the states parties to the Treaty have no or insignificant nuclear activities in their territory. Some of them hope that their adherence to the NPT would render some nuclear supplier states more amenable to assist them in the field of transfer of nuclear technology. Some others feel that as long as they have to submit to international safeguards, it is easier to accept them under the umbrella of the NPT rather than as a direct result of a bilateral agreement. On the other hand, what is more significant is that none of the reticent, potential nuclear-weapon powers

or the so-called threshold states has adhered or expected to adhere to the NPT such as Argentina, Brazil, India, Israel, Pakistan and South Africa.

The establishment of nuclear weapon-free zones offers advantages which cannot otherwise be obtained through a universal instrument such as the NPT.

To conclude, if the further proliferation of nuclear weapons is to be really averted, the nuclear-weapon states have to take the first step in deemphasizing the role and importance of nuclear weapons as an instrument of policy. A reversal of the nuclear arms race is needed if mankind is to live in a secure world.

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