

The Non-Proliferation Treaty: On the road to 1995

How will political changes affect the NPT and the non-proliferation regime?

by Lawrence
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Deliberations in 1995 on the 1970 Treaty on the Non-Proliferation of Nuclear Weapons (NPT) will take place in a world fundamentally different from the one in which the Treaty was negotiated.

For the past 45 years, US-Soviet competition has dominated international relations, not only at the global level, but at the regional and local levels as well, with the superpowers intervening on one side or another of controversies stimulated by decolonization, self-determination, pressures for internal social and political change, and related considerations. But now, the relationship of major tension is dissipated, no longer insinuating itself into the political dynamics of virtually all regions of the world. The end of the Cold War does not mean superpower indifference to political developments around the world or even necessarily the end of any and all political competition, but rather that the scope, character, and conditions of the competition have changed. US leadership of the United Nations coalition in the recent Gulf crisis, and its promulgating of a new world order seeking regional stability and global peace provided ample evidence of this reality. The end of the Cold War does, however, mean the displacing on the international political agenda of East-West issues with increasingly important and destabilizing regional and local issues and conflicts, particularly in the southern tier.

These changes in international conditions present both opportunities and dangers for the future of non-proliferation. The direction that developments take will be defined by a complex of considerations involving domestic, national,

regional, historic, and other relevant factors. The question of the moment is how political change might affect the NPT and the non-proliferation regime, and what must be done if the NPT is to be perpetuated.

Without claiming to be comprehensive or that other scenarios might not be identified, one can postulate two generic alternative trends at the regional level in the wake of political change, each of which has important non-proliferation implications, especially for 1995.

One possibility is that States which now face uncertainty regarding the nature, scope, or even continued existence of support from outside powers for pursuing their interests, prosecuting their claims, or ensuring their security will, in reassessing their political and security interests and requirements, conclude that increased self-reliance may require a nuclear weapons option or even the actual acquisition of nuclear weapons. The Korean peninsula, South Asia, and the Middle East are all potential candidates for this outcome. It is even arguable that the European continent itself could fall prey to this kind of thinking. Much will depend on the intelligence and determination with which efforts to build a regional security system in place of the old competing alliance structures are pursued, as well as the perceived role and relevance of nuclear weapons in the future.

An alternative possibility is that under the changing international political conditions, regional protagonists will conclude that their security interests are best served by ensuring the integrity of the nuclear non-proliferation regime, forestalling defections, minimizing reasons for neighbouring States to consider a nuclear weapons option, and avoiding destabilizing nuclear arms racing. Until now it is most probably the case that many NPT adherents have seen the Treaty as serving primarily the interest of superpowers in avoiding the problems that a proliferated world would have brought to their

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global competition. In this view, the NPT has been "their" (the superpowers) treaty, not "ours": a vehicle for reducing the risk of a cataclysmic nuclear war as a consequence of that competition, and not a first step towards a transformed world order as much as that may have been the preference of many non-nuclear-weapon States. Under post-Cold War conditions, however, there may be increasing appreciation of the "security good" provided to *all* States of a treaty-based regime that acts to constrain, if not entirely foreclose, the spread of nuclear weapons, inculcates a norm that challenges the legitimacy of weapons acquisition, and institutionalizes a basis for confidence-building through international verification of compliance by States with their international non-proliferation undertakings.

Some basic assumptions about NPT

Normative considerations. This essay starts from the assumption that the NPT is fundamentally important to non-proliferation. It is so for at least two reasons: its normative value, and its anchoring role for international safeguards. The Treaty embodies and promotes the idea of the non-legitimacy of the spread of nuclear weapons. Of course, the first line of defense against proliferation is the governmental decision that it is not in the political or security interest of the State to acquire nuclear weapons. However, there can be no doubt about the relevance of the NPT to that policy conclusion. Such decisions are not made in a vacuum; they are made against the background of a number of considerations including not only domestic politics, bilateral, and regional relationships, but also the broader international environment of which the NPT and the non-proliferation regime are a part. The NPT does not dictate a decision one way or the other, but it is a part of the framework of the decision process of most, if not all, governments. It is difficult for a country to move to nuclear weapons status when 140 States, many of whom are important to it for political, economic, cultural, and other reasons, have rejected such action for themselves, seek a world ultimately devoid of such weapons, and have joined a treaty repudiating nuclear weapons. The non-parties who may have acquired the capability to make nuclear weapons, but have not openly acknowledged either the fact or that they may actually have produced them, have clearly been influenced by the NPT and by the substantial support the Treaty enjoys. The normative constraint of the Treaty should not be underestimated. Parenthetically,

the recent decisions of the French and Chinese Governments to adhere to the Treaty, thus bringing all five nuclear-weapons States under formal NPT obligation, even if it does not lead to all remaining States joining the NPT, can only serve to strengthen the norm and to raise further the barriers to proliferation.

Verification safeguards. Verification is a central ingredient of modern-day arms control agreements. It may serve either as a deterrent or as a means of assuring compliance or both. In the nuclear arena where the same technologies, materials, and facilities can serve peaceful or military ends, verification of use is particularly important and the NPT provides for verification by the IAEA of compliance with the undertaking not to divert nuclear materials.

Prior to the NPT, verification safeguards were limited to situations in which a supplier State conditioned transfer of nuclear plant or materials on the recipient accepting safeguards on whatever was transferred, but without requiring that any other nuclear activities in the State also be placed under safeguards. Under NPT, non-nuclear parties agree to submit *all* of their peaceful nuclear activities to safeguards whether imported or developed indigenously. The idea is to have a comprehensive picture of the location and status of all nuclear materials in the State.

As recent revelations regarding Iraq vividly demonstrate, NPT safeguards have their limitations: they are not particularly designed to seek out clandestine activities; nor do they verify all aspects of the obligations assumed by NPT adherents, but only the non-diversion of declared nuclear material. Remedy of that situation (which may or may not require limited new authority) is currently under active discussion in both the IAEA and national capitals.

Even with this limitation however, NPT-based safeguards are invaluable for bringing under international purview essentially all nuclear material in peaceful use in most non-nuclear-weapon States. The recent decision of South Africa to join NPT, and of Argentina and Brazil to conclude an agreement giving effect to the concept of full-scope international safeguards further reduces the scope of uncovered nuclear material and brings the safeguards system closer to the end of global universal application and coverage. As discussed below, extension of safeguards to all material in all States regardless of nuclear weapon status would close the circle.

In addition, NPT safeguards provide an important legal foundation for national export controls as well as the basis for uniform regulation of nuclear exports by NPT suppliers (established by the Non-Proliferation Treaty Exports Com-

mittee, also known as the Zangger Committee). NPT States are obligated not to export source or special fissionable material or equipment especially designed or prepared for processing special fissionable material unless the material will be subject to safeguards. The Zangger Committee specifies items and equipment that trigger safeguards. In short, the NPT provides an essential basis for export guidance and for establishing international safeguards whose effective and credible performance are invaluable in building confidence about the nature of nuclear activity wherever it is concluded.

Granted its importance to international stability and security, the central question is how to preserve and strengthen this regime and to ensure that it is worth the effort. While it is improbable that the parties to the NPT will not vote its extension in 1995, the duration of that extension is open to question: it could be for a fixed period at the end of which it would expire; it could be in the nature of a series of extensions with periodic reviews; it could be indefinite. It is useful to recall that at the time the NPT was negotiated, important States (e.g., Germany, Italy) did not endorse the idea of an indefinite duration. The case for indefiniteness was probably stronger then than now, since many anticipated that it would be a very long time before significant political change in the international system would occur. Now, with change having occurred, some may feel that this particular text should not endure unchanged and that new bargains should be struck. Extension is not an amendment however, and strictly speaking, to amend the NPT would require another procedure. This distinction notwithstanding, the outcome of the extension conference will depend on how the parties see the NPT serving their interests. Here we offer one view of what are the key elements of a successful long-term endorsement of the NPT and non-proliferation.

Delegitimization, disarmament, equity

The NPT is patently discriminatory; it condemns the spread of nuclear weapons to countries that did not already have them at the time it was negotiated while condoning their continued presence in a handful of States. Although NPT Article VI calls for progress in nuclear arms control and disarmament, the Treaty's *legally* binding obligations relate to not seeking or assisting in the acquisition of nuclear weapons or nuclear explosive devices. In the Cold War era, for those allied with a nuclear-weapon State, the security benefits of such an arrangement were high, and the costs low, particularly since the

Treaty guaranteed parties full access to the peaceful uses of nuclear energy. Those whose security interests were not accommodated by the Treaty abjured participation, as did those who politically would not abide a discriminatory agreement.

With the passing of the Cold War, the dismantling of the Warsaw Pact, and the negotiation of conventional force reductions, the rationale for maintaining large nuclear weapons arsenals and for continuing a doctrine that threatens the first use of nuclear weapons to repel a conventional attack in Europe passes as well. The case for adopting a posture of using nuclear weapons only as a last resort, and for going even further and adopting a policy of no first use is advocated today with increasing frequency. At the same time, while relatively few would argue that it would be plausible to dismantle existing nuclear weapons systems entirely in the near term, there is growing support for the proposition that not only the delegitimization of the use of nuclear weapons is a necessary step in the direction of nuclear disarmament, but also delegitimization for maintaining anything more than substantially down-scaled nuclear weapons arsenals to cope with unanticipated changes or reversals, or the emergence of small nuclear forces in unstable and aggressive countries.

This line of reasoning evokes the need to pursue a number of measures, some of which are already underway: negotiation of very deep cuts in the strategic stockpiles of the nuclear-weapon States, well beyond what has now been agreed in START; the withdrawal of nuclear artillery and tactical nuclear missiles from weapons arsenals; the dismantling of nuclear warheads, the removal of their fissile material from the military stockpile, and preferably the conversion of the redeemed material to permanent peaceful use; negotiation of an agreement on a verified cutoff of the production of fissile nuclear material for weapons purposes; and progress toward an eventual comprehensive test ban.

The main point of all this is to undercut the legitimacy of nuclear weapon use and of the maintenance of nuclear arsenals with the understanding that total elimination, while the end-goal, is unlikely to be attainable in the short or medium term, and that intermediate measures that bring one closer to that goal are timely, consistent with the changed political climate, and essential steps toward achievement of nuclear disarmament.

From a non-proliferation point of view, measures along these lines would go far toward meeting the political expectations inherent in Article VI of the NPT, remove discrimination as

an argument against participation, and contribute substantially to ensuring the extension of the Treaty. As argued very eloquently in a recent article, "Long-term security ... demands much stronger efforts to stop proliferation. If this is to occur, the nuclear superpowers must demonstrate that they not only preach nuclear abstinence but are dramatically reducing their own nuclear addiction".*

Even these measures, of course, would not suffice to persuade all holdout States to join the NPT since in some cases fundamental security concerns, not the behaviour of others, drive national decisions. Nevertheless, measures that support the delegitimization of nuclear weapons make a very important contribution to reinforcing the nuclear non-proliferation regime. **

Non-relegitimization

The point here is very straightforward and very political. It is essential that other major States in the international system that do not have military nuclear assets, but are economically and technologically significant members of the international community, do not feel marginalized by the weapon States on the basis of the nuclear weapon differentiation. For as long as nuclear weapons remain in the hands of the weapons States their relevance must be circumscribed, serving only as deterrents against nuclear attack and not as a political resource so that major non-nuclear-weapons States do not draw the conclusion that international influence is ultimately a function of holding military nuclear assets. That would send the wrong message and would have the effect of supporting the view that nuclear weapons are legitimate features of great power status.

A robust verification system

Effective verification safeguards are essential to a credible non-proliferation regime. Successive NPT Review Conferences have applauded IAEA-NPT safeguards for promoting "confidence among States" helping to "strengthen their collective security", and playing a "key role in preventing the proliferation of

nuclear weapons". On the other hand, as mentioned earlier, Iraq's rather extensive clandestine nuclear weapon research and development programme, which escaped the attention of both the IAEA inspection teams and national intelligence services, underscored certain weaknesses in the system.

Some weaknesses reflect inadequacy of authority granted to the verifying agent (e.g., safeguards are intended to confirm what the country declares to be the case rather than the undertaking in its entirety). Some reflect the absence of adequate information, the availability of which would permit the IAEA to take additional verification measures (e.g., non-safeguards related information — primarily national intelligence information — regarding an undeclared site that could house nuclear activity or material that the State is obligated to report). And some reflect implementation practices with respect to existing authority (e.g., with respect to the timely reporting of design information, the verification of facilities, or the invoking of special inspection rights).

Part of the reason for this situation is that the safeguards system devised to implement NPT was drafted at a time when the principal proliferation concerns were advanced industrial States which, in defense of industrial and commercial interests, insisted on circumscribing the scope and intrusiveness of international safeguards. The focus of safeguards was nuclear material, rather than facilities *per se*, and the principal means of inspection was material accountancy supported by containment and surveillance, which in practical terms means that the greatest effort will be focused where the largest amount of material is located. The 1990s are not the 1960s or 1970s, and today the proliferation problem is primarily in Third World countries which, as noted earlier, may be more inclined in the post-Cold War era to seek access to nuclear weapons in order to better assure their security now that external assistance may be less forthcoming, or to pursue regional hegemonic aims, as for example, Iraq in 1990.

There are other reasons as well. International organizations like the IAEA do not enjoy either sovereign status or an independent political base. They cannot easily discriminate among States and they cannot go too far in asserting independent authority. This places them at a disadvantage when dealing with a hard-nosed sovereign State, and only the backing of an assertive political body like the IAEA Board of Governors or the United Nations Security Council can help to offset this disadvantage.

Still another factor is the lack of independent means for gathering information beyond imple-

*H. Bethe, K. Gottfried, and R. McNamara, *New York Review*, 27 June 1991.

**For an extended discussion of some of these themes, see Lewis A. Dunn, "Global Order in an Era of Proliferation", in Rose Gottemulle (ed.), *Strategic Arms Control in the Post-START Era*, forthcoming publication by the International Institute of Strategic Studies.

menting safeguards agreements which, together with their subsidiary arrangements, designate where, under normal circumstances, inspectors can go, when they can come, and what they can ask to see, and so on. However, these limitations are subject to the right of the inspecting agency to independently verify to its satisfaction the status of nuclear material in a safeguarded State and to call for further information and access where it cannot satisfy itself that it knows all that it needs to know to reach a conclusion regarding national compliance with undertakings. And still another factor is the limited power of sanction vested in most international organizations in the case of violations, although the IAEA can report lack of co-operation or the existence of events that raise the possibility of diversion of nuclear material to the United Nations Security Council which can take appropriate, and as we saw in the case of Iraq, far-reaching steps to seek compliance and to punish offenders.

It is evident from this brief review of some of the key factors involved in international verification that a more robust and reliable verification system will require a number of things.

- First, adequate political support by key Member States and relevant political institutions for vigorous implementation by international officials of their verification rights.
- Second, greater co-operation between national authorities and the IAEA to ensure that the agency has access to whatever information is necessary to enable it to insist on access to any location at which activities that should be accounted for might be taking place.
- Third, implementation by the IAEA of the full measure of its safeguards authority including assurance that design information on facilities imported or under construction is made available to the agency on a sufficiently timely basis to ensure knowledge of the existence of the facility and, where appropriate, to incorporate safeguards during construction; ascertaining that facilities which contained nuclear material, but allegedly no longer do, can be verified for zero inventory; and making effective use of its authority to deploy special inspections.

In regard to this last point, it should be recalled that the 1990 NPT Review Conference draft final document asserted that where there is uncertainty about safeguards coverage, the IAEA should "not hesitate to take full advantage of its rights, including the use of special inspections as outlined in ... INFCIRC/153".* In short, the

Agency should have and implement whatever access is necessary to verify compliance.

- Fourth, consideration should be given to arrangements that provide broader access rights to the IAEA in exchange for reduced conducting of certain routine safeguards activities.
- And fifth, closer and more systematic linkage with the United Nations Security Council in the interest of giving more "bite" to the verification system and enhancing its deterrent value.

Sanctions

The previous remarks on the linkage between IAEA safeguards and the political interest in non-proliferation of a revitalized UN Security Council evokes the long-standing issue of sanctions. It is conventional wisdom that the IAEA lacks significant sanctioning authority in the case of safeguards violations, and that responding to non-proliferation violations or threats of proliferation rests in the hands of the States acting individually or collectively. Insofar as the IAEA is concerned, it can respond to safeguards violations by suspending assistance, recalling material that it has provided the delinquent State, suspending that State from exercising the privileges and rights of membership, and reporting non-compliance to the UN Security Council. The first three measures have marginal value vis-à-vis a State that has made a calculated decision to divert. The latter — invoking the UN — meant little until 1990 when the Security Council, for the first time since 1950, acted with conviction and dispatch in condemning and authorizing sanctions including the use of force against Iraq.

Not only did the UN act to meet an aggression, but in Resolution 687 (3 April 1991), establishing a formal cease-fire, it took steps to eliminate weapons of mass destruction and missile systems from Iraq. In particular, it required Iraq to submit a list of its nuclear weapons or weapons-usable material and related facilities; to place all such material under the exclusive control of the IAEA for custody and removal; to provide access for on-site inspection of its nuclear capabilities; and to submit to arrangements for ongoing monitoring of Iraqi compliance.

The scope of action invoked against Iraq must be regarded as largely *sui generis*. It is punitive and preventive action against a nation defeated in armed conflict, and not necessarily a precedent for dealing with less egregious proliferation problems. But it does signify that the Security Council has taken cognizance of the problem of

**Nucleonics Week*, Special Report, "Outlook on Non-Proliferation", 10 January 1991.

the proliferation of weapons of mass-destruction, and, in a sense, put on notice would-be proliferators that the regime directed toward preventing nuclear proliferation no longer lacks "bite". With France and China having both indicated their decision to join the NPT, future proliferators will have to reckon with the fact that all five permanent members of the Security Council are also NPT parties, and committed thereby to the norm of non-proliferation.

All of this points toward opportunities to establish a more robust non-proliferation system that could have some deterrent effect vis-à-vis those who would seek to circumvent the regime while professing to be bonafide adherents. And those who choose to remain outside may nevertheless find additional reasons not to cross the line of overt proliferation. Insofar as the IAEA is concerned, the July 1991 decision to report Iraqi safeguards violations to the Security Council (which subsequently took additional punitive steps) sets a precedent for future such action, and invokes an important linkage between the Agency, which is a technical body, and the Security Council, which is the highest agent of collective international political authority. It is important that this linkage be confirmed and institutionalized.

Priority of non-proliferation

Throughout the Cold War non-proliferation has had to compete with other policy objectives, not always successfully. The United States, although the leading advocate of non-proliferation, has trimmed its sails on more than one occasion: Pakistan and Israel are cases in point. Military and economic assistance to Pakistan had been terminated in 1979 pursuant to legislation foreclosing assistance to any country importing enrichment or reprocessing technology unless it accepted IAEA safeguards on all its nuclear activity. That policy changed dramatically in the wake of the Soviet invasion of Afghanistan in December 1979, leading to substantial assistance until 1990 when President Bush failed to certify (as required by legislation as a condition for continued assistance) that Pakistan did not possess a nuclear explosive device. Soviet withdrawal from Afghanistan coupled with the end of the Cold War had created the opportunity for non-proliferation to take a higher priority in US foreign policy.

Perhaps even more significantly, the US has never frontally addressed Israel's nuclear programme, although the Bush proposals of May 1991 on security in the Middle East call, among other things, for implementing a verifiable ban

on the production and acquisition of weapons-usable nuclear material, the creation of a nuclear-weapon-free-zone, accession of all States to the NPT, and acceptance of full-scope safeguards. How these objectives are pursued vis-à-vis Israel still remains to be seen, but there is now at least the sense that US political leadership sees more clearly the need to confront this question. The Israeli case is, and will continue to be, a significant problem for US credibility unless it is seen to be taken seriously.

Soviet leasing of a nuclear submarine to India in 1988, and its earlier oversight in not requiring safeguards on heavy water that was provided to India are other examples of non-proliferation not having sufficient foreign policy priority. So also is the less than adequate and vigilant approach to export controls of nuclear-related components, equipment, and technology taken over the past years by a number of advanced States. It bears emphasis that behaviour along these lines can only serve to weaken the norm and undermine the regime.

The end of the Cold War creates opportunities to elevate the standing of non-proliferation in foreign and national security policy of which it is a part. One way in which this might be achieved would be to call upon the anticipated new members of the United Nations, stemming from the restructuring of the Soviet Union, to proclaim their commitment to the norm of non-proliferation and to the NPT upon entering the UN. *

Not only is there an opportunity to reinforce non-proliferation, but also a necessity, since some States may see nuclearization as a way to promote their regional aspirations, or to keep out what are perceived as new hegemonies, all of which adds up to decreasing regional security and increasing international instability.

Taking advantage of these opportunities means ensuring the sustained attention of the top echelons of the political system to non-proliferation. For the most part, non-proliferation has been left to middle-range bureaucrats in most countries. What is required is Presidential/Prime Ministerial-level involvement in defining and implementing non-proliferation. Exemplary of this is the joint statement on non-proliferation by US President George Bush and former Soviet President Mikhael Gorbachev at their Washington summit in June 1990. This kind of important and highly visible action must be accompanied by commensurate leadership and attention at the national level to ensure that

*I am indebted to James Leonard for drawing this opportunity to my attention.

bureaucratic inertia and force of habit do not hamper achievement of the end objective. This is not a case for micro-management, but for setting a tone and establishing expectations of conduct that would permeate national bureaucratic structures and the conduct of the export community.

Regional approaches

However robust the non-proliferation regime, and however much emphasis is given to it at the political level, and even however much is done pursuant to policies of delegitimization and disarmament, it remains a fundamental reality that some nations may have political and security concerns that they believe require at least a policy of nuclear ambiguity if not actually acquiring weapons. These concerns, which involve fundamental political and social relationships, must be taken seriously and efforts made to develop or facilitate constructive initiatives that seek to address the problems and to remove or reduce the incentive to find comfort in weapons of mass destruction. While it is clear that outside States cannot impose lasting solutions to long-festering local or regional problems, and that solutions must ultimately come from the contending parties themselves, others can help to create conditions that enable the directly involved States to address those problems.

These considerations suggest the need for regional or even local approaches to proliferation. This should be undertaken not in lieu of global non-proliferation but in addition to it. A credible and widely supported global regime is critical to building effective regional or local strategies. The idea is the nesting of regional non-proliferation strategies in the context of a global non-proliferation regime.

This is not new. For example, regional nuclear-free-zone arrangements have been established for Latin America and the South Pacific. There is a long standing initiative before the UN General Assembly to create a nuclear-free-zone in the Middle East. Africa south of the Sahara and South Asia are other cases of regions in which the weapon-free-zone concept is being proposed.

The Middle East is the most intensively armed region in the world. Security Council Resolution 687, discussed earlier, should be read not only as addressing the Iraqi case but as planting the seed for a broader approach to the problems of the Middle East region. The Bush proposals of May 1991 for dealing with all weapons of mass destruction including missile delivery systems, are essentially a regional take-off from Resolution 687. Their contribution, among other things,

would be to help dampen the regional arms race by: developing institutionalized restraint on the transfer of weapons of mass destruction, their associated technologies, and even conventional arms that threaten destabilization; freezing further acquisition or development of surface-to-surface missiles and their eventual elimination from the region; and calling on all States in the region to commit to nuclear, chemical, and biological weapons non-proliferation through appropriate regional and multinational mechanisms.

Zonal approaches are not the only facet of a regional strategy for dealing with nuclear proliferation. Without going into detail, two other approaches are mentioned that the group might wish to air:

● ***Strengthening nuclear security guarantees.***

With the anticipated adherence of France and China to the NPT, it would seem appropriate to restate the positive security assurance made by the US, Soviet Union, and Great Britain in Security Council Resolution 255 in 1968. The fact that the permanent five members of the Security Council, who are also the only acknowledged nuclear-weapon States, confirm that they will "provide or support immediate assistance, in accordance with the Charter, to any non-nuclear-weapon State party to the NPT that is a victim of an act or threat of aggression in which nuclear weapons are used" would be an extremely important factor in any State's consideration about using or threatening nuclear aggression or nuclear blackmail for that matter. Until recently the promise of taking action through the UN Security Council left many uncertain about the reliability of the commitment. But changes in international politics, the response to aggression and to violation of the NPT and safeguards undertakings, and the closing of ranks on NPT membership alter the situation and put a new and more positive and meaningful light on positive security assurances.

Negative security assurances (NSAs) are the obverse side of this coin. At the 1978 First Special Session on Disarmament, the five nuclear-weapon States made unilateral declarations assuring non-nuclear-weapon States against the use of nuclear weapons against them. Since then, NSAs have been on the Geneva agenda as non-nuclear-weapon States have sought collective and more binding assurances than that provided by the unilateral declaration. Nigeria and Egypt both advocated improved NSA formulations at the 1990 NPT Review Conference. The only multilateral NSA commitment to which the five nuclear-weapon States adhere is Protocol II of the Treaty of Tlatelolco. Once again, international political change invites consideration of how

to enhance the quality and credibility of this assurance and to making it work in support of regional non-proliferation.

● **Promoting confidence building measures.** Where adherence to binding multinational non-proliferation commitments cannot be achieved, bilateral measures that work to stabilize relationships between regional protagonists can serve both as alternatives and as building blocks to deeper and more institutionalized security and stability. Non-NPT States have sometimes sought to characterize bilateral measures as functional equivalents of international commitments, but this is not the way other States see these measures since they do not create binding obligations to third parties.

In several regions, important confidence building measures are underway. India and Pakistan have brought into force a treaty in which they undertake not to attack each others' nuclear installations and, more recently, signed an agreement for advanced notification of military exercises and information on military flights. Significant progress in Indo-Pakistani relations is hampered by the "third man" factor, namely China, whose policies and nuclear capabilities are inextricably linked to the eventual resolution of the nuclear situation in South Asia. The nuclear-weapon-free-zone concept literally hangs on a trilateral hook in that region. Argentina and Brazil signed an agreement to use nuclear energy for exclusively peaceful purposes and to submit their nuclear programmes to bilateral and international inspection to ensure the

peaceful character of their programmes and have reached accord on mutual safeguards arrangements establishing a common accounting and control system to apply to all nuclear activities.

Similar measures are needed in two other regions: the Middle East and the Korean peninsula. Israel should be encouraged to consider closing down its Dimona facility and submitting its closed down status to international verification involving inspection teams including nationals of other States in the region. Arab States should consider accepting a freeze on the development or acquisition of chemical weapons or ballistic missiles as an act of reciprocity. Measures similar to what has been done in Latin America and South Asia are now being activated by the Governments in Seoul and Pyongyang, which, on 31 December 1991, signed a joint declaration for a non-nuclear Korean peninsula, including an agreement not to possess facilities for nuclear reprocessing and chemical enrichment. Pyongyang has now signed a safeguards agreement with the IAEA; its recent ratification now enables the Agency to implement comprehensive safeguards and begin the process of confidence building.

In short, there is a need for regional approaches that are nested in the global non-proliferation regime so that local issues can be dealt with in a manner that is responsive to the particular problem, but consistent with certain overriding norms, principles, and rules regarding the legitimacy of the nuclear solution. This is the toughest challenge of them all.

Nuclear non-proliferation: Major international steps and proposals

