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Political requirements to meet the non-proliferation and disarmament bargain

Do we have a crisis within the system, or of the system? This challenging question was launched by William Walker at a Wilton Park conference on the NPT held late last year. The preliminary answer I came up with was that, whatever the outcome of this turbulent time in the field of nuclear non-proliferation and disarmament, it will be pretty much by extension of the present system. Therefore, without denying that we are facing a crisis, it would be better to see our present time in terms of a paradigm shift. We are moving swiftly from one belief system to another, as a rapid modulation on a much more steady institutional and military reality. Before we can move ahead and define the political requirements to meet the non-proliferation and disarmament bargain, we need to find terra firma again in a consistent appraisal of where the old paradigm was lacking and where a new one should consist of. This will be as much an exercise in accommodating existing realities into a new belief system as in changing reality itself.

The old paradigm is best exemplified by the outcomes of the NPT Review Conferences of 1995 and 2000, respectively the Principles and Objectives and the Final Document with the famous 13 Steps. It consisted of carefully balanced combinations of requirements flowing mainly from Articles II and VI of the NPT. The 2000 Review Conference may have been successful in that it produced an outcome, but we should remember how much of a cliff hanger that Conference actually was. Already at that moment the old paradigm was unravelling. Six months earlier, the US Senate had voted down ratification of the CTBT. The Iraq-issue held the Conference hostage to the very last moment. Brinkmanship saved the conference but could not prevent highlighting that the old paradigm was getting worn. So where is it fraying?

The old paradigm suffers from (at least) the following inconsistencies or anomalies:

Logical: there are 3 nuclear capable states outside the NPT, some of which are still building up their arsenals. How can any meaningful discussion on nuclear disarmament take place within the framework of the NPT when these three countries are not present at the table?

Ideological: the ideological distress of the NPT flows from two distinct but very different sources that complement and

reinforce each other. Treaty based disarmament and non-proliferation is based on the conviction that international law should guide the conduct of and between nations, and that some limitation of national sovereignty is the price to be paid for all the good this can produce. At least one major partner to the NPT shows a diminution of this essential conviction. The other source of ideological distress is the discriminatory character of the NPT. Within a developing world, more and more countries will challenge the old divide for want of objective criteria.

Historical: closely related to the ideological strain is the fact that the NPT froze a situation in time that existed briefly during the second half of the last century. The fact that India was not allowed into the NPT as a nuclear weapon state would, from Mars, be seen as an artifact of history. The old paradigm wished this unwelcome truth away. This has led over the years to ritualistic calls on India to join the NPT as a non-nuclear weapon state, with the ritualistic answer that it would be prepared to do so if all nuclear weapon states were to abolish their arsenals. Now that India's economy grows with almost 10% per year, it will need access to nuclear energy technology and the historical anomaly can no longer be maintained.

Political: Ideological and historical inconsistencies can be accommodated politically as long as the discriminatory arrangement of the NPT are deemed to contribute to national security needs. The NPT was based on strong cold war interdependencies in security matters. Nuclear sharing, nuclear umbrella's and influence spheres made this discriminatory arrangement possible. Re-alignment of strategic partnerships and the development of new threats make some countries reconsider the value of this discriminating arrangement for their national security.

Factual 1: it has come to light that countries like Iraq, North Korea, Libya and Iran had or still have nuclear programmes in contravention of their Art. II responsibilities. Besides the disturbing nature of these facts themselves, it furthermore showed shortcomings in IAEA full scope safeguards to detect, deter or prevent clandestine nuclear programs.

Factual 2: UK and France are facing political decisions on modernization of their nuclear arsenals. They might wish to develop strategic reasons for justifying huge future financial outlays by increasing the salience of nuclear weapons. Russia relies more heavily on nuclear deterrent because of conventional weaknesses and modernizes. China modernizes but is not transparent, so who knows. US defines military challenges (BW, CW storage, buried facilities) that can only

be met by non-conventional means. There are three nuclear capable states outside the NPT some of which may well be still expanding.

In order to meet the political requirements to meet the Non Proliferation and Disarmament bargain, we need to deal with these inconsistencies, one by one, and find pragmatic, politically realistic solutions to each of them before we can move ahead. That's seems quite a challenge and pretending to have a clear outline of what should lay ahead would be presumptuous.

Therefore, just some broad orientations for the future debate:

- 1) A premise for dealing with the NPT-bargain is a full return to the conviction that the basis for peaceful relations between states requires the development of international law. Furthermore, that international law can be successfully enforced by credible international verification mechanisms. Case history (Iraq, Iran) has shown that verification by international inspection mechanisms can produce credible outcomes that surpass the results of national investigative means. Likeminded countries have found each other on this point, but the issue is how to get this point across where it really matters. In the end, we will have to rely on domestic political forces in the countries concerned to change prevailing political attitudes.
- 2) Building on 1): in order to deal with the logical inconsistency of the old paradigm, we will have to develop an inclusive forum for NPT and non-NPT states alike to meet on matters related to nuclear non-proliferation and disarmament. We have such a forum, the Conference on Disarmament in Geneva, but it has been under utilized over the past decade. The inclusive issue it should start negotiating has been identified years ago: a verifiable Fissile Material Cut Off Treaty. This could only happen if the major powers decided it was in their interest to do so. In view of factual 2 unlikely for the moment.
- 3) Given the improbability of 1) and 2) materializing within the next 1,000 or so days, we have to concentrate on factials 1 and 2. The verification possibilities of the IAEA will have to be enhanced. Perpetrators against the NPT will have to be dealt with. To put some weight on the other end of the scale: strong resistance ought to be given to attempts to increase the salience of nuclear weapons. It is a political requirement for the nuclear weapon states to meet the bargain that they diminish as

much as possible the military usefulness of nuclear weapons, and continue to define them as purely political weapons of last resort.

- 4) We have to address the historical anomaly of India. However, doing so will increasingly press on the issue of dealing with Pakistan and Israel. It may as well lead to further antagonizing countries that already have fundamental difficulties with the present discriminatory regime. Best solution here again would be to have a verifiable FMCT, which would place all nuclear installations under full scope IAEA safeguards, regardless of their location.

In conclusion

Nuclear weapons are exceptional weapons which have required an exceptional kind of politics. Whilst certain states have acquired nuclear weapons for their own political and security reasons, it has always been understood that intensive international cooperation and a commitment to the rule of law is of mutual interest to all countries in all categories under and outside the NPT. Thus, whilst the security challenges may have changed, we must retain our commitment to these exceptional cooperative politics. There are some tough issues ahead of us that will require timely action to be taken. All the more reason to hang on to the political approach that we have developed over so many years. Otherwise, we do indeed face a crisis of the system itself.

For political reasons, the NPT cannot be amended, even as times have moved on. The belief system that found its roots in this treaty is in crisis now; a paradigm shift is taking place that could potentially destroy the treaty. At the core of the issue are international law and the effective implementation thereof. The basic political requirement to meet the bargain of the NPT is therefore a restoration of the international consensus that we can and must settle nuclear non-proliferation and disarmament by means of inclusive negotiations, and that we can translate the results thereof into binding international law. Only if this premise is fulfilled, we can move on to build on the basis of the NPT an effectively verifiable Fissile Material Cut Off Treaty as an essential first step towards the development of a new paradigm.

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