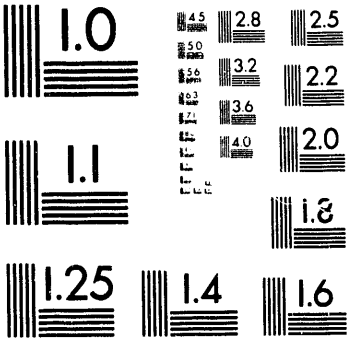
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Preparation for the Nuclear Non-Proliferation Treaty Extension Conference in 1995

Workshop Summary prepared by
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May 7, 1993

This paper was prepared as a summary of the workshop
Extension of the Treaty on Non-Proliferation of Nuclear Weapons: Issues for 1995
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Introduction

A workshop, *Extension of the Treaty on Non-Proliferation of Nuclear Weapons: Issues for 1995*, jointly sponsored by Lawrence Livermore National Laboratory and Harvard University, took place on February 11–12, 1993. About 30 specialists in non-proliferation participated to explore ideas for U.S. Government preparatory steps leading to the 1995 Nuclear Non-Proliferation Treaty (NPT) Extension Conference (see App. A). To that end, workshop sessions were devoted to reviewing the lessons learned from previous Review Conferences, discussing the threats to the non-proliferation regime together with ways of preserving and strengthening it, and examining the management of international nuclear commerce.

A fundamental premise shared by workshop participants was that extension of the NPT is immensely important to international security. The NPT has been a critical political instrument and a valuable confidence-building measure which has helped forge an international order where the proliferation of nuclear weapons is viewed as a severe threat to the security interests of all states. The importance of stemming proliferation and, more specifically, extending the Treaty, is growing as a result of the significant changes occurring in the world.

In 1995, 25 years after the NPT entered into force, an Extension Conference is to be held to decide whether the Treaty shall be continued indefinitely or for an additional fixed period or periods. If the conferees decide on no extension or extension for a short limited duration, some technically advanced states that have foregone development of nuclear weapons may begin to rethink their options. Also, other arms control measures, such as the Chemical Weapons Convention, could start to unravel.

The United States must provide strong international leadership to ensure that the Extension Conference is a success, resulting in Treaty extension, perhaps through successive terms, into the indefinite future. Workshop participants were struck by the urgent need for the U.S. to take organizational steps so that it is highly effective in its advance preparations for the Extension Conference. Moreover, the Extension Conference provides both a challenge and an opportunity to mold a cohesive set of U.S. policy actions to define the future role of nuclear weapons and combat their proliferation.

* The workshop was sponsored by The Center for International Affairs, Harvard University; Center for Science and International Affairs, Harvard University; and Center for Security and Technology Studies, Lawrence Livermore National Laboratory. Lawrence Livermore National Laboratory's contribution was performed under the auspices of the U.S. Department of Energy under Contract W-7405-Eng-48.

The NPT Extension Conference—What to Expect and How to Get Ready

Extension Options and Counting Votes

Article X of the NPT provides the basis for Treaty extension: "Twenty-five years after the entry into force of the Treaty, a conference shall be convened to decide whether the Treaty shall continue in force indefinitely, or shall be extended for an additional fixed period or periods. This decision shall be taken by a majority of the Parties to the Treaty." The procedural details of the conference remain to be ironed out by the parties and may follow many of the precedents set by the NPT Review Conferences, which have been held at five-year intervals. Some lessons learned from these Review Conferences are discussed below.

The options available for extension of the NPT are limited by the language in Article X. Four options for the extension period appear to be possible:

- *Option 1: Indefinite extension.* This option has been proposed by the Group of Seven (G-7), the Nuclear Planning Group of NATO, the European Community (EC), and the U.N. Secretary General.
- *Option 2: Fixed term extension.* A fixed term extension of 10 to 15 years has been raised as a possibility by Mexico.
- *Option 3: Successive fixed term extensions.* Fixed terms, each possibly 25 years in duration, would succeed each other indefinitely unless a majority voted against extension at the end of a term. This option could lead to indefinite extension of the Treaty, but it provides a means for a collective decision to terminate the NPT if the purposes and provisions of the Treaty are not being met.
- *Option 4: Fixed term extension with the understanding that another fixed term can be approved at the end of this fixed term.* Many developing countries argue that the Treaty permits extension in 1995 for one fixed term and that a new vote could be taken before the end of that term to further extend the NPT. This possibility is different from Option 3 in that it will require positive steps at the end of each fixed term to extend the Treaty. Lawyers can—and undoubtedly will—argue whether this option is legally permitted by the language of the Treaty.

To enter into force, an extension option must receive a majority vote of the parties to the Treaty, which may increase to 165 states by 1995. If so, 83 votes will be required however many parties choose to attend the conference. As the Extension Conference approaches, vote counting will become an increasingly important exercise.

There appear to be about 45 strong supporters of the NPT, mostly highly industrialized states and other close U.S. allies, who will likely favor an indefinite extension to the Treaty. Another 38 votes must come from the more than 100 NPT parties that are developing countries, some 65 of which are members of the Non-Aligned Movement (NAM). Forging a majority vote for an indefinite extension will take a concerted effort. The NAM Conference in 1992 concluded that the nuclear weapon states have failed "to demonstrate a genuine commitment [to] complete nuclear disarmament within a time-bound framework under Article VI of the NPT." The Conference went on to call for renunciation of nuclear strategies, elimination of nuclear weapons, stopping nuclear tests, and providing nuclear supply and nuclear security assurances.

In spite of obstacles, it is feasible that the majority of NPT parties can be convinced that international security interests are best served by an indefinite extension. Much depends on our ability to craft persuasive arguments in support of an indefinite extension and on world events occurring between now and 1995.

A much broader consensus could form around an extension for successive fixed terms (Option 3). A succession of (25-year-long) fixed terms provides the opportunity for both nuclear and non-nuclear states to grade, every 25 years, the effectiveness of the Treaty in preventing proliferation and progress toward nuclear disarmament. Option 3 may be preferred by many states over indefinite extension in 1995 because important proliferation issues associated with the former Soviet Union and other trouble spots are not likely to be resolved by then. In addition, the nuclear states will not be prepared to go to zero by 1995, and the partial steps toward disarmament that are being taken (and could be started in the next two years) may be more palatable to non-nuclear states in the context of Option 3.

Past Review Conferences—Successes and Less-Than-Complete Successes

Some procedural precedence for the Extension Conference has been established in past NPT Review Conferences, which have been held at five-year intervals in accordance with Article VIII of the Treaty. The Review Conferences also provide an indication of the range and types of issues that may arise at the Extension Conference.

The purpose of the Review Conferences is "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 realised." One simple measure of success is whether a conference reached a consensus and issued a final statement about operation of the NPT. By this measure, the conference in 1975 was a success. A strong conference chairman was able to forge a consensus. In the 1980 and 1990 Review Conferences, no consensus was achieved, in part because of Mexican intransigence on nuclear testing issues and, particularly in one case, an ineffective conference chairman. The 1985 Review Conference did produce a consensus document. This success has been attributed in part to particularly effective advance preparation by U.S. representatives.

In spite of an absence of consensus, the 1980 and 1990 Review Conferences were not failures. They did provide U.S. representatives opportunities for dialogue on Treaty concerns with all parties and for progress on specific issues with some members of the NAM. In each case, there were identifiable accomplishments.

Past Review Conferences—Lessons Learned

Preparation for and participation in the past Review Conferences provide many lessons that are applicable for 1995. Some of these lessons include:

- *U.S. leadership is essential.* Without U.S. leadership, the conference will surely fail to achieve a successful outcome. Leadership begins by making thorough preparations for the conference, starting well in advance. A senior person is needed with appropriate staff support to represent the U.S. in preparing for the NPT Conference in 1995. For the Review Conferences, this responsibility has been delegated to the Director of the Arms Control and Disarmament Agency (ACDA). For 1995, the U.S. representative must have sufficient stature within the government that Treaty extension issues, and non-proliferation policy more generally, are integrated into bilateral discussions with states that are pivotal to the success of the Conference.
- *Face-to-face contact is an important part of the preparation process.* As part of the staff working Extension Conference issues, an Assistant Secretary–level person is needed full-time for detailed preparatory work, including person-to-person contacts with other states in preparation for the conference. Cable traffic is not enough. Personal contacts in foreign capitals are necessary to reinforce to Treaty parties the importance that the U.S. places on conference success, to demonstrate that we are interested in other parties' points of view, to build personal relationships and mutual confidence, and to help ensure consistency between the positions of parties to the Treaty and their representatives at the conference. For the Review Conferences, this activity was the responsibility of an Assistant Director within ACDA, whose assignment included paying close attention to the myriad of details that are critical for success.
- *It is important to establish key allies and work the issues early with key players.* Extensive preparation includes identification of the states that will be critical in the conference and development and implementation of a strategy for dealing with each. Key states include: Russia; China, whose position on extension is unclear and whose influence on NAM states is considerable; Mexico, which has provided leadership among non-nuclear states at past Review Conferences; and Egypt, with its critical position as a leader in the Arab bloc. Moreover, because the outcome depends on a majority vote of the signatories, we must listen attentively to the concerns of all states and make the effort to give each of them a stake in a successful outcome. We must also pay special attention to selection of the leadership of the conference, preparatory meetings, and committees.
- *We must define "conference success" successfully.* By the opening of the NPT Extension Conference, the U.S. should be in a position to anticipate the outcome of the vote and be comfortable with the extension option destined for approval. The preferred outcome is indefinite extension of the NPT, but if it occurs, emergence of a broad consensus for extension for an indefinite number of fixed terms should also be viewed as a success. Success will require extensive preparation and

agility, and some luck. Both great skill and luck will be required to successfully manage the many foreign policy challenges of the next several years relevant to Treaty extension.

Preparing for 1995—Challenges for the Clinton Administration

The Extension and Review Conferences in 1995 will be the first of the post–Cold War era. The demand could arise at the conferences that the United States address a host of new world order issues. In addition, numerous North–South issues have arisen in previous Review Conferences, principally in the areas of nuclear technology transfer, positive and negative security assurances, nuclear testing, and reductions in the arsenals of nuclear weapon states. Because the option approved at the conference could be indefinite or long-term Treaty extension, the issue of security assurances to non-nuclear states may be particularly important, and nuclear disarmament to zero weapons might overshadow nuclear testing as an issue.

In addition, many foreign policy challenges that have bearing on extension of the NPT must be dealt with over the next two years. These challenges include denuclearization of the non-Russian Former Soviet Union (FSU), progress in the Middle East peace talks, steps toward achieving a Comprehensive Nuclear Test Ban (CTB), resolution of nuclear issues in North Korea, and full compliance of Iraq with pertinent U.N. resolutions. Because setbacks could profoundly affect the Extension Conference, policy actions in these areas must take into account ramifications on the integrity of the NPT regime.

In the face of these challenges, the Clinton Administration could use the 1995 NPT Extension Conference as an opportunity for molding a cohesive set of U.S. policy actions to define the future role of nuclear weapons and combat their proliferation. The U.S. has the opportunity to demonstrate its commitment to taking significant steps in the reduction of nuclear weapons through bilateral and multilateral commitments that have been made with the FSU. Additional actions are possible to hasten weapon dismantlement and to establish a global norm that nuclear weapons should serve no other purpose than deterrence of nuclear attack by others. Many states will likely expect progress on a CTB. Also, there will be questions about the continuing need for nuclear weapons by the "have" states, so we must be prepared to articulate a long-term vision of world security under the NPT. Finally, there are other unilateral or multilateral steps, discussed later in this paper, that the U.S. could take which warrant trade-off analysis.

The importance of the 1995 Extension Conference dictates that the U.S. Government appoint a senior person with appropriate staff support to prepare for and represent the U.S. at the Conference. As noted above, the U.S. representative must have sufficient stature that non-proliferation issues are raised in high-level discussions with states that are pivotal to the success of the NPT Conference. China is a case in point. Although non-proliferation is but one of a myriad of bilateral issues, its pivotal role in our overall concept of international security and stability requires that non-proliferation issues not be overlooked in Ministerial meetings with China.

The Director of ACDA served as the titular U.S. representative at the past NPT Review Conferences. Conference leadership and much of the preparatory work were the responsibility of an Assistant Director in ACDA. Within the Clinton Administration, the future role of ACDA remains to be defined. One possibility is that the Agency will become more of a service bureau within the State Department rather than a distinct policy bureau. Whatever role ACDA will play in the new Administration, preparation for the NPT Conference in 1995 requires attention. Leadership of this critical responsibility must be assigned expeditiously and not be devalued as a coincidental consequence of organizational changes within the government.

Challenges to the NPT and the Current Non-Proliferation Regime

The Former Soviet Union

Unless a significant change occurs in its foreign policy, Russia will likely support the NPT regime, as it did at the Review Conference in 1990. The U.S.S.R. had not always contributed constructively at earlier conferences. The Russian leadership is keenly interested in non-proliferation, but Russia may not be a strong force at the Extension Conference. There is a chance that the state might disintegrate by 1995. In spite of its positive stance on non-proliferation, Russia is in technical violation of Article III.2 of the NPT, which forbids transfer of unsafeguarded fissionable material to non-nuclear-weapon states. Reactor pellets are being shipped to Kazakhstan and Ukraine without international controls. Moreover, control of nuclear exports is currently problematic for Russia. The U.S. is trying to assist through a bilateral Russian–U.S. agreement on export control cooperation, but the draft agreement is currently languishing in the Russian government.

A legal basis for export control in Russia has been set by Presidential decree; however, the licensing and control mechanisms established are not being applied to materials and equipment destined for other Republics within the CIS. Although it is the intention of Russia to treat these Republics as foreign states, there are open borders and insufficient staffing to implement effective controls. As bad as these problems are, the situation could become far worse if the Russian Federation begins to unravel.

Export control within the non-Russian FSU Republics is generally in much worse shape because Russia at least had the benefit of inheriting the relevant bureaucratic institutions from the U.S.S.R. Belarus is taking the first steps to becoming a success story by joining the NPT. We need to help educate Belarussians about proliferation concerns—perhaps through establishment of a center on these issues in Minsk—and to help them implement an effective safeguards regime. Unfortunately, the situation in the other Republics is not as promising.

The main source of concern is Ukraine. Many problems can arise if Ukraine insists on becoming a nuclear weapons state. It has made a commitment under START and the Lisbon Protocol to have its nuclear weapons dismantled within seven years of treaty implementation; however, the agreements have not been ratified by the Ukrainian parliament. The prospect is uncertain because of a combination of security concerns about Russia and domestic politics. Without Ukrainian ratification of START, the pacts to reduce strategic nuclear armaments to 3000 to 3500 weapons on each side do not enter into force. Superpower arms control could become unglued. Thus, Ukraine must be convinced that its security interests are best served by ratifying and implementing START and by entering into the NPT as a non-weapon state.

The myriad of problems in the FSU that raise nuclear concerns are not likely to be resolved by 1995. Steps to address these problems would benefit the non-proliferation regime, but setbacks could be fatal. Prospects for extension of the NPT would be bolstered by measurable progress in several areas: ratification and initial steps to implement START; entry into the NPT by many of the non-member FSU Republics and commitments to do so by others; and steps to establish effective export control and safeguard regimes throughout the FSU. On the other hand, a substantially worsening situation in the FSU could provide a crippling blow to Treaty extension. As an example, Ukrainian intransigence on denuclearization could affect the security concerns of other central European states, including Germany, and undercut their support of the NPT regime.

Rogue States, Non-Signatories to the NPT, and Other Problem States

Rogue states are parties to the NPT that are either not complying with the terms of the Treaty or appear to be developing capabilities with the intention of not complying. This category includes Iran, Iraq, and North Korea. The prospect of North Korea withdrawing from the NPT without being penalized by international sanctions is particularly unsettling to the integrity of the regime.

Although the behavior of rogue states has not raised divisive issues at past NPT Review conferences, these states cause concern about Treaty extension. The situation in North Korea and Iraq is far more serious than it was

understood to be at the most recent Review Conference in 1990. Now it is not as easy to ignore rogue states as a problem. Their actions undercut confidence in the NPT held by neighboring states, by the United States, and by technically advanced states that have refrained from developing nuclear weapons. If the U.S. loses confidence in the NPT, the consequences could be devastating because of the leadership role the U.S. has played within the regime.

Active measures to deal with rogue states, should they be sanctioned, can undercut the regime by causing friction between nuclear and non-nuclear states within the NAM. It is an issue of "haves" vs "have nots." Dealing harshly with states intent on developing nuclear weapons is perceived by some as being discriminatory even if the measures taken are in the best interests of international peace and security. Discrimination is also an issue in the development of more effective safeguards and export control measures to stem the progress of rogue states.

Non-signatory states include Israel, India, Pakistan, and Ukraine. In past Review Conferences, criticism of the non-signatory states, as a bloc, has been somewhat muted by the prominent positions that India and Pakistan hold in the NAM. India, as a principal actor in the NAM, may raise options for amendments to the NPT in various fora, such as the Conference on Disarmament. We must try to anticipate these issues before they arise and be prepared to deal with them. Moreover, because signatories are bound to Treaty provisions, it can be argued that the national interests of both India and Pakistan are best served by extension of the NPT without modification, so these states may not take specific intentional actions to disrupt the Treaty regime. However, the existence of unacknowledged nuclear states not party to the NPT in itself may adversely impact the prospects for Treaty extension.

Israel is a special example of the problem that an unacknowledged nuclear state poses to NPT extension. It is in Israel's national interest that the Treaty be extended, yet Israel itself is an impediment to that action. To preserve the regime and as part of the Middle East peace process, Israel may show a willingness to make some concessions in the nuclear area, although dramatic steps are improbable between now and 1995. On the other side, it is difficult to surmise how various Arab states will react to extension proposals, depending on Israeli action or inaction and the status of the peace process. While Treaty extension is fundamentally beneficial for all parties in the Middle East, NPT signatories in the region may be not supportive of extension without some changes in the status quo.

China is the most prominent example of an NPT signatory state that is complying with the Treaty yet presents a problem. China is an enigma in that we do not understand its non-proliferation agenda. It is one of the five nuclear states in the NPT and a permanent member of the Security Council; it is a key actor in South Asia; it is perhaps the only state that has any significant influence over North Korea; it extends considerable influence over the NAM; and it has chosen not to be a member of cooperative arrangements, such as the Nuclear Suppliers Group, to stem nuclear proliferation.

The cooperation of China is necessary for the success of a great many possible international actions outside of its NPT obligations that would help preserve and enhance the non-proliferation regime. Chinese cooperation is essential to freezing nuclear materials production in South Asia, strengthening international export controls, stopping nuclear testing, developing responsible nuclear security assurances for non-nuclear NPT states, and imposing effective sanctions on North Korea should it not comply with its IAEA safeguards obligations.

Yet non-proliferation is but one of many issues between the United States and China. For the U.S., there are also human rights issues, the trade imbalance, and Northeast Asia stability issues unrelated to nuclear weapons. Clearly, issues related to economic growth are important to China. We need to better understand China's views on important non-proliferation issues, and we must strive to convince China that its interests are best served by exerting a positive influence at the Extension Conference and cooperating in other international efforts to stem proliferation.

North–South Issues

As an example, a divisive North-South issue is raised by efforts to strengthen IAEA safeguards and cooperative arrangements to control the export of nuclear technology. These actions are viewed by some as being contrary to the spirit of Article IV, which calls for "the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy." In addition, military or

economic sanctions to deal severely with rogue states can take on the appearance to NAM states of neocolonialism by the great powers. Similar difficulties could arise from aggressive counterproliferation efforts by the U.S., should they be pursued by the Clinton Administration.

The above possible actions appear to be discriminatory to the non-nuclear weapon states because, in fact, they are. However, the common interests of both the North and the South are served by the existence of a strong non-proliferation regime. This point must be emphasized to all states as the Extension Conference approaches. An educational effort is required that the U.S. should be prepared to lead. In addition, some positive steps, highlighted below, could further delegitimize nuclear weapons. These efforts should help reduce North–South tensions about discriminatory differences between "have" states and "have-not" states.

Opportunities to Strengthen the NPT and the Current Non-Proliferation Regime

As noted above, the 1995 NPT Extension Conference provides the U.S. with an opportunity to formulate a cohesive set of U.S. policy actions with respect to the future role of nuclear weapons and their proliferation. There are unilateral and multilateral steps to strengthen the NPT and the current non-proliferation regime that merit close examination. Some possibilities were raised at the workshop and are discussed here.

Delegitimization of Nuclear Weapons

The U.S. has made bilateral and multilateral commitments to significantly reduce nuclear weapons. Provided that all parties ratify START promptly, the stage is set for reductions, within a decade, of strategic nuclear weapons to less than 3500 in the U.S. and 3000 in Russia. With additional efforts and funding, it may be possible to hasten weapon dismantlement.

Reduction of the size of nuclear stockpiles, made politically possible by the end of the Cold War, reinforces a growing global norm that nuclear weapons should serve no other purpose than deterrence of nuclear attack by others. Delegitimization of the use (or the threat of use) of nuclear weapons to achieve political ends serves the goal of international peace and security. Consistent with this global norm, recent action by the U.N. Security Council identifies nuclear proliferation as a potential threat to peace, which provides a basis for invoking Chapter VII of the U.N. Charter and taking action.

Delegitimization of nuclear weapons use should be the goal of U.S. policy actions. In addition to stockpile reductions, several activities should be pursued. First, in accordance with the Hatfield Amendment, the U.S. should take steps to begin negotiations on a CTB with the other nuclear states. Many NAM states will be expecting progress on a CTB, and it would be damaging to U.S. interests if a lack of progress derails extension of the NPT.

Second, in addition to the CTB issue, the focus of some NAM states may be on the continuing need for nuclear weapons by the "have" states. Although the perception is growing that the practical impact of the Five Powers possessing nuclear weapons is almost nil, the "have" states should expect to be pressed on the issue. We must be prepared to present a long-term vision of the role of U.S. nuclear weapons and their contribution to world security in the context of the NPT. The U.S. will not be in a position by 1995 to commit to zero nuclear weapons by any specific date. There is a continuing need for U.S. weapons, and the stabilizing role of the U.S. nuclear security umbrella must be articulated clearly to all states. In this context, we need to be clear on the issue of nuclear security assurances to non-nuclear states.

Nuclear Security Assurances

Nuclear security assurances have been important in stemming proliferation. Without assurances provided by the U.S., countries such as South Korea, Japan, Germany, and Taiwan could well be nuclear states by now. Assurances have been provided through alliances, such as NATO, and other security arrangements. With the prospect of nuclear weapons acquisition by rogue states and the demise of bipolar stability, the guarantees provided by the U.S. and other

nuclear weapon states need to be clarified and extended to prevent proliferation chain reactions from occurring. Troublesome possibilities exist in East Asia (spreading from North Korea), Central Europe (spreading from Iran or Ukraine), and the Middle East (spreading from Iran, Iraq, or Israel).

Other than its specific treaty commitments, the U.S. provides two types of nuclear security assurances. As a negative assurance, it has promised not to use nuclear weapons against non-nuclear states that are not allied to another nuclear weapons state. As a positive assurance, in 1968 the U.S. (together with the U.S.S.R. and U.K.) declared that it would seek immediate U.N. Security Council assistance for a non-nuclear NPT party state that is "a victim of an act of aggression or an object of a threat of aggression in which nuclear weapons are used." France and China, not initially parties to the NPT, did not sign the declaration but allowed passage of U.N. Security Council Resolution 255, which welcomed the intention to provide assistance under the circumstances specified by the declaration.

France and China are now both parties to the NPT, and they could proclaim adherence to the 1968 assistance declaration of the other nuclear states, thereby making it a Five Power declaration. In addition, to reassure non-nuclear NPT states, the Security Council should reaffirm Resolution 255. The resolution could be extended to guarantee non-use of nuclear weapons by the Five Powers against non-nuclear states that are party to the NPT. These actions entail some risks by limiting nuclear options that the U.S. would otherwise have or because they could inadvertently lead to involvement in crises outside U.S. interests.

Even if the Five Powers provide this sort of nuclear security assurance, it will not solve all problems and may be inadequate for some critical cases. Ukraine is a case in point. Its principal security concern is non-nuclear aggression by Russia, not nuclear aggression. The security assurance would not be applicable. Even if it were, support would not be forthcoming from the U.N. Security Council if Russia vetoes any action. It is exceedingly difficult, short of a formal alliance, for the U.S. to provide Ukraine nuclear security assurances that directly address its principal concerns. However, these assurances should be valuable to many other states, and their adoption would improve the prospects for NPT extension.

Nuclear Materials Production Freeze

A freeze on the production of weapons-grade nuclear materials—plutonium and highly enriched uranium—is a way of strengthening the non-proliferation regime. The freeze would be a ban on material production for use in weapons, allowing, in principle, reprocessing of plutonium for nuclear fuel and uranium enrichment to produce highly enriched uranium for naval reactors. All production sites would have to be shut down or declared, with all new weapons-grade materials generated subject to international monitoring. The weapons-grade nuclear materials produced to date that are not already being safeguarded by the IAEA would not be monitored as part of this freeze.

The production freeze could be global, or it could begin as a regional ban with the goal of it growing into a global ban. If regional, one possibility is the development of regional arrangements to verify the agreements. The IAEA does not necessarily have a role in verifying a production freeze except for safeguarding produced materials. Technical issues—some potentially serious—would have to be resolved, particularly if the freeze involves an asymmetric pair of states (one producing plutonium and the other enriching uranium). For plutonium, there is an issue regarding what to do about unprocessed fuel rods, and for uranium enrichment, centrifuges could be hidden to allow clandestine production.

There are issues particular to each region if the production freeze starts out as a regional arrangement. The Middle East is a leading possibility. In fact, a production freeze for the region was proposed by President Bush as part of his peace initiative for the Middle East. The basic question is: what does Israel get for it? For Israel to draw any tangible benefit from a freeze, the freeze must be tied to specific guarantees developed as part of the peace process. Alternatively, the production ban could come to the Middle East under the umbrella of a global ban. A global ban may not hurt Israel, but it would not solve anything for the Israelis and it would raise security concerns for some. On the other hand, the ban is a gesture that could make long-term extension of the NPT more palatable to Arab states. It is also a way Israel could begin to conform to emerging global norms against nuclear weapons.

The Korean peninsula presents another

prospect for a regional nuclear materials production freeze. This possibility seems more remote since North Korea announced its intention to withdraw from the NPT. It is uncertain how much help China would provide in promoting a regional freeze in Korea. China would also be a key actor in any proposal for a regional freeze in South Asia.

India is unlikely to be interested in a production freeze in South Asia unless China is involved. Moreover, India might only be interested in a freeze if it were global. Any production freeze proposal will appear to India to be insincere unless the framework of discussion is global security. And, if the freeze is global, some allies of the U.S. may raise security concerns, and China would likely be an unwilling player. China is perceived to have no interest in a freeze but would have a hard time backing out if it were global and all other parties participate.

In summary, the idea of a weapons-grade nuclear materials freeze has merits. It would be a stabilizing factor in various regions. Even steps to pursue a freeze would positively affect prospects for NPT extension. However, technical and administrative complications lurk in the details. In addition, such a freeze might be difficult to orchestrate on either a regional or a global basis, so both possibilities should be explored in parallel. One needs to worry about the peculiar differences in each area, and it is not clear that there is a single formula that works worldwide. A regional agreement on the Korean peninsula or in the Middle East might be possible if there were progress in the peace process in either of these areas. For South Asia, the ban would most likely have to be part of a global agreement for India to concur.

Strengthening IAEA Safeguards and Export Controls

The public discussion about IAEA safeguards is dominated by the events in Iraq and the breakup of the Soviet Union. Yet one must keep sight of the basic purposes of safeguards: to provide confidence that states are not producing nuclear devices; to verify compliance with non-proliferation undertakings; to deter non-compliance; and to detect non-compliance if it is occurring. The NPT safeguards inspection regime has been based on the premise that if there is no diversion of declared nuclear materials, there is no proliferation. Iraq presented a very different problem: clandestine activities. As a consequence, public expectations have changed about safeguards, and confidence in the system has eroded. If confidence in safeguards diminishes to the point that it is perceived to be totally ineffective, U.S. public support for the existing non-proliferation regime will wane, and extension of the NPT without amendment could be in trouble.

A business-as-usual approach to IAEA safeguards based on INFCIRC/153 is inadequate. Safeguards, as they had been implemented until recently, did not deal with undeclared activities, nuclear programs, and nuclear materials. Some enhancements to INFCIRC/153 safeguards have been adopted that address current shortcomings. Other developments to strengthen the regime have been proposed but are not yet in place.

One enhancement to IAEA safeguards that was recently reinvigorated is the right to conduct special inspections at undeclared sites to detect illicit activities. INFCIRC/153 contains a provision for the conduct of special inspections if the information obtained from routine inspections is not adequate for the IAEA to fulfill its responsibilities. However, before the events in Iraq, this right had not been invoked by the Agency. In 1992, the Board of Governors of the IAEA approved a statement that reaffirmed the right of inspectors under INFCIRC/153 to conduct special inspections at undeclared sites.

Several other enhancements to the safeguards regime have been proposed, but they either have not been approved or have no teeth. There was a proposal to establish an intelligence entity within the IAEA to develop information to be used as a basis for identifying facilities to be targeted for special inspections. It was not approved. Rather, the IAEA is relying on information developed and provided by member states. Second, states are requested, but not obligated, to provide early design information about nuclear facilities which, when constructed, would be subject to IAEA safeguards. Third, on a voluntary basis, there is to be universal reporting to the IAEA of exports and imports of nuclear materials and special nuclear equipment. Other proposals have been raised that merit consideration. One redefines the values of significant quantities of materials that ought to be detected by safeguards. Another establishes supplier requirements for safeguards on plants, various equipment, and yellowcake.

Even with enhancements to the IAEA safeguards, several challenges face the regime.

Some cultural changes within the IAEA must accompany the increased emphasis on policing compliance as compared to monitoring compliance. The distinction, although subtle, calls for a different and more aggressive attitude within the Agency. Even if there is detection of illicit activities, refusal of a special inspection, or withdrawal from the NPT to avoid a verdict of noncompliance, it is uncertain what actions could be taken. Clearly, there is a role for the U.N. Security Council, but what sanctions constitute effective, proportional responses to untoward behavior? Finally, there is a communications problem. IAEA's responsibilities and constraints are complicated. Public expectations about the role of the potential effectiveness of safeguards do not correspond to what might be practically achievable. IAEA must explain its safeguards responsibilities simply and succinctly in plain language so that the public has a more realistic appreciation of the issues.

In addition to the enhancement of IAEA safeguards, export controls have been tightened through the development of a list of dual-use items and imposition of export controls on them. More items may be added to the list over time. Furthermore, in the aftermath of the Gulf War, national legislation has been developed in several states, most notably Germany, to raise costs to violators of export controls.

These actions constitute positive steps to bolster the export control regime, which has been an important element in international non-proliferation efforts and has proven useful in retarding the progress of states intent on acquiring nuclear weapons. Nevertheless, the export regime remains leaky. China is not a member of the Nuclear Suppliers Group and has not always demonstrated restraint in its export of nuclear technologies and equipment. This situation is worsened by the fact that indigenous capabilities of developing states continue to improve as advanced technologies spread worldwide. This has led some to question the benefit of instituting tighter export controls, which is seen domestically as being detrimental to U.S. economic competitiveness. The case for tighter export controls needs to be demonstrated through careful studies. For the future, we must prioritize our export control efforts and avoid wasting energy on marginal cases.

Other ideas about the management of nuclear commerce were raised at the workshop. Each merits additional study and consideration.

First, the development of regional arrangements to monitor regional agreements should be encouraged. An example is provided by the inspection agreement between Brazil and Argentina, which should ameliorate concerns about each other's nuclear programs. In the long run, what might develop worldwide is a two-tier structure of nuclear security and monitoring agreements that would address both global and regional issues.

Second, the merits of developing regional or multilateral fuel cycle center arrangements need to be explored. There may be benefits in denationalizing programs.

Third, public expectations in developing countries must be that they are deriving not only security benefits from the NPT, but also economic, social, and developmental benefits. Nuclear power is not viable in many parts of the third world. We must take a broader view of world energy needs and assist developing countries with non-nuclear energy alternatives. This assistance would fulfill the spirit of Article IV of the NPT, which codifies the inalienable right of all party states to nuclear energy for peaceful purposes.

Fourth, consideration should be given to reaffirming the original meaning of the prohibition in Article II of the Treaty on the "manufacture of nuclear weapons" so as to clarify that the Treaty prohibits non-nuclear-weapon-state parties from fabricating or possessing non-nuclear components for nuclear arms. This reaffirmation would ensure that South Africa and non-Russian FSU parties to the NPT do not retain weapon parts, and it would provide the international community with a legal basis for confronting a country such as Iran, should evidence emerge that it is developing weapon components.

Finally, full-scope safeguards could be applied to nuclear weapon states. There are benefits to doing so in Russia, and application of safeguards to other nuclear states might have useful symbolic value. Another possibility is the application of safeguards to nuclear material from retired warheads. Ideas are also being discussed for international storage of the material from warheads. Use of the IAEA for these matters could help bolster confidence in both the IAEA and safeguards on the part of the rest of the community. Each of these possibilities warrants more careful study.

Summary Observations

- *The NPT has played a fundamental and central role in forging an international order where the proliferation of nuclear weapons is viewed as a severe threat to the security interests of all states.* The importance of non-proliferation and, more specifically, the Treaty, is growing as a result of the significant changes occurring in the world. The 1995 NPT Extension Conference will decide the fate of the Treaty. It is critical that the NPT be extended as long as possible, either indefinitely or through successive fixed periods (of 25 years).
- *The U.S. Government urgently needs to take organizational steps to provide strong leadership in preparation for the 1995 NPT Extension Conference.* The U.S. Government should immediately appoint a senior person with appropriate staff support to represent the U.S. in preparing for the NPT Conference in 1995. The U.S. representative must have sufficient stature within the government that Treaty extension issues, and non-proliferation policy more generally, are integrated into bilateral discussions with states that are pivotal to the success of the NPT Conference. As part of the staff, an Assistant Secretary–level person is needed full-time for detailed preparatory work, such as person-to-person contacts with other states. Developing contacts, working issues early, and paying close attention to details are critical for success.
- *The U.S. Government must begin to develop its strategy to ensure that the 1995 NPT Extension Conference is a success.* By the opening of the NPT Extension Conference, the U.S. should be in a position to anticipate the outcome of the vote and be comfortable with it. The preferred outcome is an indefinite extension of the NPT. If an indefinite extension seems not to be feasible, the U.S. must be prepared to succeed with another acceptable result, such as a broad consensus for extension for an indefinite number of long, fixed terms.
- *Success will require extensive preparation, agility, and some luck.* Extensive preparation includes identifying the states that will be critical in the conference and developing and implementing a strategy to deal with each. Moreover, because the outcome depends on a majority vote of the signatories, we must listen attentively to the concerns of all states and make the effort to give each of them a stake in a successful outcome. We must also pay special attention to the selection of conference leadership, preparatory meetings, and committees. Both great skill and luck will be required to successfully manage the many foreign policy challenges of the next several years that have bearing on extension of the NPT. Because setbacks could profoundly affect the Extension Conference, non-proliferation-related policy actions must take into account ramifications on the integrity of the NPT regime.
- *The 1995 NPT Extension Conference provides the U.S. Government with both a challenge and an opportunity to mold a cohesive set of U.S. policy actions to define the future role of nuclear weapons and combat their proliferation.* Many of the concerns that other states could raise as a prelude to the NPT Extension Conference might be dealt with collectively through U.S. policy actions to (1) define a more limited role for U.S. nuclear weapons in the post–Cold War world, and (2) prevent the spread of nuclear weapons through positive and negative measures. Preparation for the Extension Conference can stimulate examination of policy options and lead to implementation of policy decisions in these areas.

Appendix A
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