

## **The Erosion of the NPT**

By Dr. José Goldemberg  
University of São Paulo  
São Paulo, Brazil

The proliferation of nuclear weapons has been a concern since the dawn of the nuclear age. In 1946 hopes ran high that atomic energy could be placed under international control but the failure of the Baruch Plan indicated clearly that other industrial powers, in addition of the United States, would soon develop such weapons. The Soviet Union did so in 1949 and the United Kingdom in 1951. France joined the “club” of nuclear-weapon states by testing a nuclear device in 1960 and China in 1964, presumably with some help from the Soviet Union

By the 1960’s widespread testing of nuclear weapons in the atmosphere sparked serious concern about radioactive fallout and led in 1963 to the banning of such tests. During this period also the increased destructive power of nuclear weapons with H-bombs convinced the two great nuclear powers – the US and the Soviet Union – that a proliferation of nuclear states was totally undesirable and should be prevented.

In 1968 the two superpowers presented a draft of what was to become the Non Proliferation Treaty (NPT) to the Eighteen Nations Disarmament Committee. Although several members of the Disarmament Committee did not agree with the draft, even after some modifications were introduced by the proponents, the two co-chairmen sent it to the United Nations General Assembly which endorsed it.

The basic features of the Treaty are:

- a) states that did not possess nuclear weapons as of 1967 agree not to obtain them, and
- b) states that do possess them agree to divest themselves of these weapons over time.

Mention should be made that item b above enshrined in Article VI of the Treaty was not in the initial draft and was only included by the insistence of developing at countries.\*

In retrospect it seems pretty clear that the adoption of the NPT was engineered to stop other industrialized states (particularly Japan, Germany) from developing nuclear weapons for which they had the technical capability. The vision of the great powers was that developing countries didn't have such capabilities and didn't pose any real danger of proliferation. This vision proved to be entirely mistaken.

In a way it is a miracle that the NPT was ever adopted, because it divided, by "fiat," the world into two permanent categories of states the: "haves" and "have nots." This was done over the objections of nationalists in many developing countries, who argued that their countries were submitting to a "new colonialism" and should not abandon aspirations of becoming nuclear weapon states, the reason being the "status" and prestige associated with mastering nuclear technologies and producing nuclear weapons.

The five nuclear powers that acquired their weapons prior to 1968 were also the permanent members of the U.N. Security Council with veto power. This is sometimes wrongly interpreted as meaning that the possession of nuclear weapons is a necessary condition to reach that "status". The organisation of the United Nations predated by many years the possession of such weapons and is the result of the geopolitical decisions taken after the end of the Second World War in 1945 and not of the possession of nuclear weapons.

Every President of the United States since Richard Nixon has reaffirmed U.S. support of the Treaty obligations. Nevertheless, widespread skepticism is growing worldwide that nuclear weapons states would ever live up to their commitment to relinquish completely their stocks of nuclear weapons.

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\*Article VI of the NPT

Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a Treaty on general and complete disarmament under strict and effective international control.

A candid statement about the intention of the U.S. to fulfill its obligations under Article VI has recently been made by John Deutch, the co-chair of the MIT study on the of nuclear power, former director of the CIA, and co-author an the article on making the world safe for nuclear energy<sup>1</sup>. “This goal [establishing an international norm that forbids the nuclear ambitions of the non-nuclear states] in fact raises a basic hypocrisy on the part of the nuclear powers: they retain their own arsenals while denying others the same right. This contradiction prompted Washington unwisely to commit under Article VI of the NPT ‘to pursue good-faith negotiations’ towards complete disarmament, a goal it has no intention of pursuing.”

Although most countries joined the NPT it is not surprising that countries such as India, Pakistan, Israel, South Africa, Brazil and Argentina didn’t join. Others, like Sweden, Iran, Iraq, Libya, South Korea, North Korea, joined but this did not keep all of them from attempting to acquire nuclear weapons by several methods. Reasons given for that are usually the following<sup>2</sup>.

- The "status" and prestige associated with mastering nuclear technology,
- The search for enhanced security against or the wherewithal to intimidate regional or international rivals;
- Domestic policies and bureaucratic “self-aggrandizement”.

For India and Pakistan, South Africa, Iran, Iraq, Taiwan, South Korea, and North Korea, regional security and “status” were determining factors driving their nuclear programs. For Iraq possibly the desire to intimidate and coerce rivals. For South Africa it was the perception that nuclear weapons were needed to prevent the overthrow of the apartheid regime by onslaught of black Africa. For Israel the weapons were seen as a guarantee of the survival of the nation encircled by many hostile countries. In almost all of these countries and particularly in the case of Brazil and Argentina "bureaucratic self-aggrandizement" of the nuclear establishment played an important role.

For all these reasons the NPT today is an international regime under severe pressure and the main concerns regarding it as pointed out by Johnson<sup>3</sup> and Duarte<sup>4</sup> among others:

- North Korea's nuclear brinkmanship and its apparent ease of withdrawal from the Treaty.
- The nuclear fuel cycle road to nuclear weapons, particularly Iran's intentions to enrich uranium, purportedly for “peaceful purposes”, has divided the NPT regime between those who want limits to be placed on the nuclear fuel cycle and those who believe the curbs should be placed on 'states of concern' rather than on the technologies.
- Institutional weaknesses inherent in the pré-1990’s safeguards system have been corrected in part by the IAEA's Additional Protocol. However all safeguards suffers from inadequate implementation since the Treaty parties must rely on the Security Council or “ad hoc” arrangements in cases of suspected or proved non compliance
- Increased awareness of terrorist threats has doubled the attention paid to the safety and security of nuclear weapons, materials, technologies and facilities. Measures such as Cooperative Threat Reduction (CTR) initiatives, the Proliferation Security Initiative (PSI) and UN Security Council Resolution 1540 go only some way to address the gaps in the nonproliferation regime.
- Finally the US-India deal which might damage seriously the NPT for the following reasons:
  - it grants aid to a country not accepting full scope safeguards thus calling into question why non-nuclear weapons signatories accepted the NPT.
  - it might doom the acceptance of the Additional Protocol. If one has two systems of inspections (one involving foreign fuel and the other native fuel) the sensitivities on accepting the Additional Protocol will be even greater than today since the factories to be inspected might be the same. India’s non acceptance of the Additional Protocol will influence other countries, such as Brazil and Argentina, in not accepting it either.
  - A special safeguard system for India might lead to a reinterpretation of the safeguard agreements by other countries.

Reflecting the pessimism surrounding the effectiveness of the NPT a recently published op-ed by Kissinger and other former US policy makers<sup>5</sup> argues that

nuclear weapons were considered essential to maintaining international security during the Cold War because they were a means of deterrence. The end of the Cold War made the doctrine of mutual Soviet-American deterrence obsolete. Deterrence continues to be

a relevant consideration for many states with regard to threats from other states. But reliance on nuclear weapons for this purpose is becoming increasingly hazardous and decreasingly effective.

North Korea's recent nuclear test and Iran's refusal to stop its program to enrich uranium -- potentially to weapons grade -- highlight the fact that the world is now on the precipice of a new and dangerous nuclear era. Most alarmingly, the likelihood that non-state terrorists will get their hands on nuclear weaponry is increasing. In today's war waged on world order by terrorists, nuclear weapons are the ultimate means of mass devastation. And non-state terrorist groups with nuclear weapons are conceptually outside the bounds of a deterrent strategy and present difficult new security challenges.

Kissinger's views were summarily dismissed by other leading policy makers in Washington since apparently few in THE Washington's foreign-policy establishment have ever shared these views. Brent Scowcroft<sup>6</sup>, chief of Staff of the first President Bush for one, calls abolition:

a fantasy. But even if you could do it, that's dangerous. I just think that we have invented nuclear weapons, and we cannot disinvent them. And a world where everybody gets rid of their nuclear weapons means that anybody that cheats can become a superpower in a short period of time. And I just think that's a very dangerous world.

There is no question that the lack of understanding and faith in the sensibilities and technological capabilities of large developing countries in 1968 proved to be a serious mistake by the nuclear states.

On this score what an US audience has to understand is that, in a number of developing countries, a technical elite exists which is capable of designing nuclear reactors, enriching uranium, and reprocessing fuel rods, and no policy of complete denial is possible. Control of nuclear materials has limitations and the success in enriching uranium in Argentina (with gaseous diffusion) and Brazil (with untracentrifuges) proves it. Dr. Abdul Q. Khan's bazaar is not the only source of know-how on building uranium centrifuges.

The U.S. and others tried to make the NPT work and to stop proliferation primarily by using the “denial approach” (Additional Protocol, Nuclear Suppliers Group, sanctions and even war). The only case where this approach worked seems to be Libya (a combination of sanctions and “positive incentives”). The promise of nuclear assistance embedded in Article IV\* is a partial exception to the denial approach but the case of Iran has given rise to efforts to curtail the extent of the assistance that can be given under article IV.

Proposals for multinational control of enrichment and reprocessing coupled to enhanced fuel-cycle assurances are now being tried to discourage proliferation of such technologies. Such proposals require that the recipient country foregoes enrichment and reprocessing which is viewed as a violation of Article IV. The only proposal that might work is a “real” fuel bank administered by the IAEA to assure countries a supply of reactor fuel. This might discourage some States from enriching since it does not make economic sense to undertake such enrichment unless the country has a large nuclear program. They could then keep pilot plants for enrichment under IAEA safeguard but not engage in large scale enrichment

Finally the U.S. propelled efforts to revive nuclear energy (and its advocacy of GNEP) appear to be leading more countries to consider reprocessing and, in some cases, starting civilian nuclear programs, which will spread fissile materials into problematic states. This could generate, in time, new Irans, such as Saudi Arabia, Nigeria and others eroding completely the effectiveness of the NPT.

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\*Article IV of the NPT

1. Nothing in this Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II of this Treaty.
2. All the parties to the Treaty undertake to facilitate and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy. Parties to the Treaty in a position to do so shall also cooperate in contributing alone or together with other State or international organizations to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon State Party to the Treaty, with due consideration for the needs of the developing areas of the world.

1. John Deutch, “A Nuclear Posture for Today”, *Foreign Affairs*, January/February 2005, p. 51.
2. José Goldemberg – “Lessons from the denuclearization of Brazil and Argentina” *Arms Control Today* vol. 36 n° 3 April 2006.
3. Rebecca Johson – “Politics and Protection: Why the 2005 NPT Review Conference Failed” – *Disarmament Diplomacy* n° 80, autumn 2005 pages 1-23
4. “Lessons from the NPT 2005 Reviews Conference” Statement by ambassador Sergio Duarte – Oslo Seminar – Oslo Norway – August 29/30 2005
5. George P. Shultz, William J. Perry, Henry A. Kissinger and Sam Nunn – “A world free of nuclear weapons”. *The Wall Street Journal*, January 4, 2007
6. Michael Crowley – “The Stuff Sam Nunn’s nightmares are made of” *The New York Times*, February 25, 2007