

# AFTER THE NPT'S INDEFINITE EXTENSION: THE FUTURE OF THE GLOBAL NONPROLIFERATION REGIME

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A new era in nuclear nonproliferation and global security was ushered in at the conclusion of the 1995 Non-Proliferation Treaty (NPT) Review and Extension Conference on May 13, 1995. Two days earlier, 174 of the 178 states parties<sup>1</sup> to the Treaty had, without a vote, approved three important decisions on: 1) the NPT's indefinite extension; 2) a resolution on "principles and objectives for nuclear non-proliferation and disarmament"; and 3) a resolution calling for a "strengthened review process."<sup>2</sup> Interlinked but not conditional, the decisions were intended to provide permanence and accountability for the nonproliferation regime, of which the NPT is the acknowledged cornerstone. A further resolution, on the Middle East,<sup>3</sup> was also approved without a vote. Despite these successes, the Conference

failed to adopt a final declaration, since states were unable to agree on language on reviewing the Treaty's implementation.

This article begins with an explanation and analysis of the processes by which the extension decisions came about, while providing an interpretation of the meaning and implications of the decisions on "principles and objectives for nuclear non-proliferation and disarmament" and on a "strengthened review process." We next describe in detail the diplomacy that secured the support of a majority of states parties for the Canadian-coordinated resolution on indefinite extension. The article then comments on the preparations necessary for the new enhanced review process that will begin in 1997. We conclude with some observations on the permanence of the NPT and on specific future tasks facing states

within the global nonproliferation regime. This analysis draws in part on informal discussions between some of the principal players from the 1995 NPT Conference at a workshop organized by the Center for Nonproliferation Studies at the Monterey Institute of International Studies on July 27-29, 1995.<sup>4</sup> Appendix A provides a summary of the results of the 1995 NPT Conference and recent developments.

## THE 1995 NPT CONFERENCE: AN OVERVIEW

With 179 states parties,<sup>5</sup> the 1970 NPT is undoubtedly the most important multilateral arms control agreement in history. After 25 years, Article X.2 charged the 1995 NPT Conference with two simultaneous tasks: review and extension. Following a general debate, in which

116 states parties gave their national views, the Conference divided into three Main Committees to review progress on disarmament (I), safeguards (II), and peaceful uses of nuclear energy (III).

During the general debate, some 80 countries backed indefinite extension,<sup>6</sup> in one way or another, with 10 states (including seven Arab countries) against, and only seven states supported alternative proposals. The rest were uncommitted. From his own informal consultations, which included states that had not made formal opening statements, the President of the Conference, Ambassador Jayantha Dhanapala of Sri Lanka, concluded that there was a majority for indefinite extension, that many of these states wanted indefinite extension "plus a lot more," particularly on nuclear disarmament, and that the majority would prefer consensus to a vote, that they feared could be divisive.<sup>7</sup>

A proposal put forward by South Africa on strengthening the Treaty's implementation (also echoed by other countries, notably Mexico and Sri Lanka), was seized upon by Ambassador Dhanapala as a way of fulfilling the three dominant requirements that had emerged from the general debate and his own discussions. To consider the proposals in more detail, Dhanapala pulled together a group of "Friends of the President" early in the second week. Soon these President's Consultations involved 25 of the principal players,<sup>8</sup> who began negotiating, on the basis of a draft provided by South Africa, on "principles on nuclear non-proliferation and disarmament" and "strengthening the review process of the Treaty." As a result of the parallel President's Consultations, Main Committee I became

"orphaned," as the delegations concerned pulled their most senior diplomats into the President's Consultations, where the negotiations on "principles" and "enhanced review" had become the main focus of the Conference.

Main Committees II and III, chaired respectively by Hungarian Ambassador André Erdos and Jaap Ramaker of the Netherlands, struggled to produce near complete texts of their reports. They achieved some important agreements on full-scope safeguards as a condition for nuclear supply, and some useful language on nuclear safety, waste, and transport of radioactive materials. They also agreed that no benefits from so-called "peaceful nuclear explosions" (PNEs) had materialized, which was potentially important in undermining China's demand for these explosions to be permitted by a Comprehensive Test Ban Treaty (CTBT) under negotiation at the Geneva-based Conference on Disarmament (CD).

Both Main Committees II and III had considerable difficulty reaching agreement on export controls. Iran raised the issue of export controls as a "violation" of the Treaty's commitment to nondiscriminatory access to nuclear materials and technology for peaceful purposes.<sup>9</sup> Others, particularly nuclear suppliers in the Zangger Committee and Nuclear Suppliers Group, argued that export licensing was a necessary means of ensuring their compliance with Articles I and II, which prohibit transfers of nuclear material that might be used for weapons.<sup>10</sup> In the end, Iran accepted compromise language, on the necessity of export controls, in order to facilitate the completion of the reports of both main committees.

Main Committee I, chaired by Ambassador Isaac Ayewah of Nigeria, was a disaster from the outset. The debate on nuclear disarmament was carried out in the stilted and confrontational manner of a bygone time. The nuclear weapon states wanted the Conference to welcome the recent arms reductions without criticizing their various failures, including lack of a CTBT and fissile material ban, legally binding security assurances, and multilateral disarmament negotiations involving the five declared nuclear weapon states. With regard to future disarmament measures, the nuclear weapon states did not offer any new proposals. Rather they resisted any kind of a timetable for nuclear weapon reductions and eliminations as "unrealistic," despite strong calls from non-aligned states which were joined by some of the European and Pacific countries in the Western group.

### **Draft Decision and Extension Package**

In the second and third weeks, three draft decisions were floated by their supporters, to be tabled on May 5. The first was a resolution from Mexico<sup>11</sup> for indefinite extension with recommendations for action attached. The second was a simple resolution, proposed by Canada,<sup>12</sup> to extend the Treaty indefinitely, which had gathered 103 sponsors. And, the third, proposed by 11 "like-minded" states from the Non-Aligned Movement (NAM),<sup>13</sup> advocated a rolling extension of 25-year fixed periods that would succeed one another automatically unless a majority of states parties decided otherwise.

As negotiations on the "principles" and "strengthened review" neared

agreement, Ambassador Dhanapala focused on dressing up Canada's so-called "naked" or unconditional draft decision co-sponsored by a majority of states parties. After three-and-a-half days of intense debate, the President was able to devise language on indefinite extension that was acceptable to all parties. This draft resolution "reaffirmed" the decisions on the "principles" and "strengthened review."<sup>14</sup> In other words, the extension decision was indirectly linked to the two separate decisions on an enhanced review process and on principles and objectives for nonproliferation. Thus, on May 11, with a reference to the time of day as "high noon," Dhanapala secured the Conference participants' acceptance of an extension package comprising three decisions on: "principles and objectives for nuclear non-proliferation and disarmament"; "strengthening the review process for the Treaty"; and "indefinite extension."<sup>15</sup> The Conference then separately adopted each of the three decisions under the terms of NPT Article X.2 and thus made them binding on all NPT states parties.

The fourth and final resolution adopted on May 11 was on NPT adherence and establishing a nuclear-weapon-free zone in the Middle East.<sup>16</sup> Late on May 9, a complication had arisen with a resolution by 14 Arab states on the Middle East that threatened to wreck Dhanapala's efforts to secure agreement on the extension package. The resolution highlighted Israel's non-membership in the NPT, its unsafeguarded nuclear facilities, and the consequent threat to security in the region.<sup>17</sup> The United States refused to accept any explicit singling out of Israel as a non-party to the

NPT and as an operator of unsafeguarded nuclear facilities, on the grounds that singling out Israel might end up damaging the existing Middle East peace process and consequently the prospects for the region as a zone free of weapons of mass destruction.<sup>18</sup> After prolonged side discussions involving President Clinton in Moscow, a compromise solution was reached on a watered-down resolution that was, however, given additional weight by being co-sponsored by the three depositaries of the NPT: Russia, the United Kingdom, and the United States. A last-minute hitch with Iran over endorsement of the Middle East peace process held up the crucial final plenary meeting for almost two hours. Therefore, in order to preclude any possibility of further objections, Dhanapala quickly registered the Conference's endorsement of the resolution on the Middle East.

Thus, on May 11, four momentous decisions on nonproliferation were agreed to without a vote by 174 states—a major achievement under the circumstances, but not an unusual practice at multilateral negotiations, where this procedure can be a way of avoiding division and saving face when a majority is inevitable.

### **Absence of a Final Declaration**

On the final day, the Conference collapsed in disarray. It appeared that some states in the Western group (especially the United Kingdom and France) were satisfied over the victory on indefinite extension and were reluctant to make the compromises necessary for achieving consensus on the disarmament sections of the report of Main Committee I. At the same time, the leaders of the NAM were frustrated by what some viewed

as defeat. They were resentful of the heavy pressure which had been applied by the weapon states and angry at the resistance to critical language on nuclear disarmament.<sup>19</sup> The atmosphere had soured so much that both groups rejected a compromise proposal to incorporate in a draft final report of Main Committee I, the relevant language dealing with nuclear disarmament already agreed to in the decision on "principles"—that would have enabled the consideration of a draft text for a final declaration.

In the end, some NAM countries quietly informed the President that they could not agree to a final declaration without stronger language on nuclear disarmament, because they felt they had been pushed too far already. The President tried to reason with the nuclear weapon states to show additional flexibility, but his effort was in vain. Thus, late on the evening of May 12, Dhanapala reluctantly gave up the attempt to reconcile differences and called the Conference to a close.

Though a disappointing end, and viewed by some as an ominous beginning for the newly-permanent NPT, the loss of the final declaration should not detract from the historic import of the decisions already taken. This was the third review conference without a final declaration (previous failures were in 1980 and 1990). In several ways, paradoxically, the negotiations and agreement on "principles" and "strengthened review" contributed to the lack of a final declaration. As already noted, the priority accorded to the President's Consultations deprived Main Committee I, as well as the Drafting Committee, of the key players; and furthermore, some delegations regarded these two com-

mittees as sideshows, while negotiating keenly on every aspect of the “principles” and “strengthened review.” Some delegations came to regard a final declaration as the “icing on the cake,” which they were willing to sacrifice either if they could not get the desired language or as a way of registering their unhappiness at being outmaneuvered on the extension decision. The President’s Consultations represented more fluid, issue-based, alliances and negotiations, while Main Committee I, in particular, remained wedded to the stultifying dynamics of the Cold War.

Some important agreements—on nuclear safety and the disutility of peaceful nuclear explosions,<sup>20</sup> for example—were not reflected in the decision on “principles,” probably because the focus was on specific measures for nuclear arms control. The agreements reached in the reports of Main Committees II and III, which were attached to the final document of the Conference, can be taken up by the International Atomic Energy Agency (IAEA) and the U.N. General Assembly as recommendations for future action. Despite their significance, however, these reports lack the authority of a final declaration of the 1995 NPT Conference.

### **FACTORS CONTRIBUTING TO THE EXTENSION DECISION**

The political climate in 1995 was propitious for a successful outcome to the 1995 NPT Conference. The Cold War had ended, the two nuclear superpowers were engaged in a process of far-reaching dismantlements and deactivations of nuclear weapon systems, and important achievements

had been made in other areas of disarmament, for example, the Chemical Weapons Convention (CWC) was signed in 1993, discussions were continuing on a verification system for the Convention on Biological and Toxin Weapons (BTWC), and in its 1994 session, the U.N. General Assembly had passed a number of resolutions by consensus on nuclear disarmament. More significant in this regard was the important progress made at the Geneva-based CD on negotiating a CTBT. A “rolling” text was in place, and four of the five nuclear weapon states were observing moratoria on nuclear testing. China and France, two long-time hold-outs to the NPT, were finally parties to the Treaty and participating in their first NPT conference. This was also the first time that all five declared nuclear weapon states were taking part in a NPT conference. Just prior to the start of the 1995 NPT Conference, the special coordinator for the CD discussions on a multilateral convention banning production of fissionable materials for nuclear weapons or other nuclear explosives was able to submit a consensus report agreeing on a mandate and establishment of an Ad Hoc Committee on a Cut-Off Convention.

The initiative taken by South Africa, in its opening plenary speech, on “principles for nuclear non-proliferation” and on “strengthened reviews” of the Treaty, served to energize debate and to create a positive context for the discussions on the future of the NPT regime. The nuclear weapon states, led and driven by the United States, recognized that securing indefinite extension would be facilitated by agreement on new language on nuclear disarmament and on enhanced re-

views. Thus, they joined the President’s Consultations with a spirit of accommodation and hopes of reaching agreement. By the same token, recognizing the inevitability of an indefinite extension, most of the NAM leaders came to see in the South African proposal the only hope of leverage. Thus, the NAM states also went into the President’s Consultations prepared to negotiate flexibly. In short, agreement was achieved at the President’s Consultations on the three decisions principally because, despite their differences, the participants wanted to reach an agreement.

The President himself, with the administrative help of the Secretariat, played an important role in nudging and nurturing the Consultations to reach consensus. In choosing the participants to the Consultations, the President was mindful to select a geographically and politically representative group, which also included the leaders of the traditional political groupings. In addition, Ambassador Dhanapala enjoyed the confidence and trust of all states parties, and he was careful to play an impartial but fair and firm role. In deciding to launch his Presidential Consultations at an early stage, the President pre-empted stalemate and divisive debate on the extension decision—something that nonetheless took place in Main Committee I, where lower level officials got embroiled in counterproductive exchanges.

The President, while recognizing that a clear majority existed for indefinite extension,<sup>21</sup> did not overtly favor any particular option, and chose to table language on an extension decision in his Consultations only after agreement had been reached on the “principles” and

“strengthened review.” Finally, when presented with incontrovertible proof that a majority supported indefinite extension, as was the case when the Canadian list of co-sponsors was read out in a plenary session on May 5, the President worked to craft language on the extension decision in a manner that brought states parties together and presented the decision as a common victory for all—with no winners or losers. This was no mean achievement, as his task was unnecessarily complicated by so-called “triumphalist” messages from some Western delegations. By the same token, the failure of the NAM states to reach a common agreed position on NPT extension at the Bandung summit, held from April 25-27, led to feelings of bitterness among some, and also created some difficulties for the President. Partly as a result, states parties could not make the required compromises to agree on a text for a final declaration.

### **Indefinite Extension and the Role of Pressure**

Much has been written and said on how support for indefinite extension was achieved and the way in which pressure, sometimes heavy pressure, was exerted by the three Western nuclear weapon states and by Russia. What is sometimes forgotten by some observers is that the 1995 NPT Conference was vital to national and international security, and hence the national security (“realist”) interests of powerful states were an important driving force.<sup>22</sup> When states’ national security interests are at stake, they may have little time for diplomatic niceties; the powerful exert pressure to make others follow. The 1995 NPT Confer-

ence demonstrated yet again that on vital national security issues, the “realist” or power politics paradigm still reigns supreme, rendering essentially irrelevant conceptions of regime-building or interdependence.<sup>23</sup> Where the powerful states erred was in their underestimation of the number of states that had already recognized that the NPT served their respective security interests and that the Treaty’s preservation and stability were no less important to them. On the other hand, it was necessary for the powerful states to reiterate repeatedly the importance and the value of indefinite extension, since many delegations seemed ill-prepared or did not fully comprehend the dynamics of the 1995 NPT Conference and the extension process.

Particularly after the third meeting of the PrepCom in September 1994, which was a strategic calamity for the Western group as a result of shrewd diplomatic and procedural maneuvering particularly by Iran and Mexico, the nuclear weapon states and their allies were far from certain of a successful outcome to the 1995 NPT Conference. In their nervousness, they engaged in endless *démarches* in capitals, and in New York, Geneva, and Vienna. Many of these *démarches* were not appreciated, as they alienated and irritated several of the states that had already decided—for their own reasons—to favor indefinite extension. The effect of the *démarches*, however, was to underscore the importance of reaching agreement on indefinite extension at the 1995 NPT Conference.

Most states, as discussed above, independently came to the conclusion that their security interests required either indefinite extension or

something such as a 25-year rolling extension, which some viewed as tantamount to indefinite—and potentially providing some greater leverage on the nuclear weapon states. From the very beginning, Western advocates of indefinite extension sought to present alternative extension options as fraught with pitfalls and ambiguities, with indefinite as the only straightforward choice and the only option lending predictability to the NPT regime.

The lack of a clear-cut alternative extension option may have contributed to the inability of the NAM to coordinate opposition to indefinite extension. Although most of the traditional NAM leadership opposed indefinite extension, they were hampered by disagreements among themselves. Egypt had coordinated the Arab League states in focusing attention on Israel’s nuclear program and refused to endorse any particular extension option without further progress to achieve universal membership of the Treaty, i.e., Israel’s accession to the NPT. Nigeria preferred a single short-term extension. Venezuela advocated its own special version of a 25-year “rolled over” extension,<sup>24</sup> while Indonesia, Iran, and others wanted a “rolling” extension but could not agree—until their summit at Bandung—on 25-year fixed periods. It is possible that such an alternative may have attracted wider support if it had been proposed by the NAM leadership months earlier, but by the time the NAM ministers met in Bandung in late April, it was far too late.

By the first week of the 1995 NPT Conference, it was already clear that there was a majority for indefinite extension. With continuing deadlock on whether voting—if required on an extension decision—should be

by “open” or “secret” ballot, the challenge was to mold and manage the existing majority support in order to build momentum for consensus on indefinite extension, while meeting the needs expressed by so many states for better implementation and accountability. Canada took on the responsibility of coordinating and building upon support for indefinite extension.

### **Canada’s Strategy and Role in Securing “Permanence with Accountability”**

Following the conclusion of the fourth and last PrepCom meeting in mid-January 1995, Canada recognized that, while indefinite extension was by far the leading option, the number of states in favor still fell short of a legal majority and was not growing quickly enough. In order to promote consensus support for indefinite extension, Canada considered it necessary to avoid a contest of blocs, to generate dialogue across bloc structures, and to contain the influence of prominent opponents. To achieve its goal, Canada emphasized the importance of: a) listening respectfully to arguments on options other than indefinite; b) highlighting the multiple benefits of the Treaty and reinforcing the case for indefinite extension; c) appealing to the responsibility of all parties, large and small, in whatever grouping or region, to be cognizant of a common interest in preserving global security through a permanent Treaty; and d) exposing the security and arms control implications of the threat to end the Treaty. Further, as a means of building support for indefinite extension across blocs and regions, Canada advocated a creative and enhanced review pro-

cess and engaged in constructive diplomacy in New York, Geneva, Vienna, Ottawa, and in most capitals around the world.

Based on consultations with friends and allies, and on reporting from posts, Canada identified a list of 74 states to be “lobbied” during March and April.<sup>25</sup> This group included: 28 states “undecided,” 19 states “leaning against,” and 27 states “leaning for,” indefinite extension. The objective was a low-profile, systematic engagement of states to maximize support for indefinite extension. Such an exercise in cooperative multilateralism was necessary in order to thwart coalescence around one or another limited/conditional extension option, as well as to make reasoned and persuasive arguments to win states over to indefinite extension.

The idea of finding some mechanism to demonstrate tangible support for indefinite extension was first broached by Russian Ambassador Grigory Berdennikov at a meeting in Geneva, on March 21, of the Western Group plus Russia. At a Mason Group<sup>26</sup> meeting in Geneva on April 6, the United Kingdom provided language on an unadorned decision to be put forward by this Group at the 1995 NPT Conference. The draft decision read: “The Conference of States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, held in accordance with Article X.2 of the Treaty, decides that the Treaty shall continue in force indefinitely.” It was agreed that the Group would consolidate broad-based support for this draft decision at the Conference. Canada was asked to play a leading role and to exercise custodianship of a list of co-sponsors.

At a meeting of the Mason Group

in New York on April 19, a list of co-sponsors of this draft decision on indefinite extension was initiated with the signature of most Mason Group members. The objective was to secure the declared support, at a minimum, of a legal majority of states parties—90 out of 178—by 6 p.m. on May 5, the Conference deadline for the submission of proposals (or draft decisions) on Treaty extension. Canada, with active support from the United States and the United Kingdom in the first week, and the added support of other “good company” in the latter days, achieved a total of 65 co-sponsors by May 1. By May 4, Canada finally secured 90 signatures—the legal majority—in favor of indefinite extension. That it took so long, despite the existence of a clear majority for this option, was due to a number of Western states, including Australia, New Zealand, Sweden, and Switzerland, as well as some NAM states. They were reluctant to sign too soon, fearing that the Canadian resolution might pre-empt the negotiations on “principles” and “strengthened review” and force the extension decision through against the wishes of a significant minority.

On the afternoon of May 5, Canada’s Ambassador for Disarmament Christopher Westdal presented the Canadian coordinated draft decision on indefinite extension to a plenary session of the 1995 NPT Conference with the support of 103 states parties, thus incontestably proving that a majority existed in favor of indefinite extension. By May 11, 111 states parties had co-sponsored the Canadian proposal. The 25-year rolling extension, proposed by the “like-minded” NAM states had attracted 14 co-sponsors, while Mexico had not

sought co-sponsors for its resolution on indefinite extension linked to specific objectives for attaining full compliance with the provisions of the NPT. The Canadian-coordinated resolution, which was supported by over 100 states, thus helped to create the necessary momentum and pressure for the adoption of the President's "package" of three decisions that rendered the Treaty permanent but with enhanced accountability.

To develop further support for indefinite extension, Canada convened an informal "Cosmopolitan Core Group"<sup>27</sup> of states parties. This group was unique in that it transcended traditional blocs and promoted multilateralism on the common cause of securing the global nonproliferation norm and building international security, together with the concepts of "permanence with accountability." Canada also chaired an informal "co-sponsors list management group" that held six meetings at the Canadian mission from April 19 to May 10. The members were: the United States, the United Kingdom, Japan, Germany, The Netherlands, and France. This group met informally to coordinate strategy to attract additional co-sponsors, take note of whether co-sponsors' credentials were in order should it be necessary to go to a vote, and exchange information on the status of various countries' support for indefinite extension. The Group was also instrumental in coordinating two meetings called on short notice of all co-sponsors, held on May 10 and the morning of May 11. Chaired by Canada, the meetings aimed to: muster support for the President's draft decision on indefinite extension; to organize and rally the co-sponsors in case the

President's language failed to win the approval of all states, necessitating a vote on the proposals from Mexico, Canada, and the "like-minded" NAM states; and to provide information and distribute 1995 NPT Conference documentation to smaller delegations that did not have the personnel to cover all committees. Each of the two meetings attracted over 90 delegations, thus demonstrating that a solid majority favored indefinite extension and that this majority was willing to stand up and be counted should a vote become necessary.

### THE MEANING OF THE EXTENSION DECISIONS

The decision to extend the NPT indefinitely is legally binding in accordance with Article X.2. The decisions on "principles" and "strengthened reviews" are politically binding, although both had been deliberately written into the preamble of the extension decision. Under customary international law, politically binding decisions can become equally as binding as those taken under specific treaty law, and Ambassador Dhanapala quickly dismissed arguments which sought to undermine the importance of the "principles" and "strengthened review" by means of this distinction. Despite Iran's calling the decisions "conditional indefinite extension,"<sup>28</sup> the "principles" and "strengthened review" are not conditional in the sense that any failure to fulfill them could dissolve commitments to the Treaty's permanence. The two decisions are, however, expressions of the political will of the parties and reflect the political bargain struck at the 1995 NPT Conference. If not taken seriously, they could lead to a weakening of

support for the nonproliferation regime.

### Principles and Objectives for Nuclear Nonproliferation and Disarmament

A major achievement of the 1995 NPT Conference was to agree on common language on a statement of "principles and objectives on nonproliferation and disarmament"—a template against which to measure implementation of the Treaty. The "principles and objectives" call for a reaffirmed commitment by the nuclear weapon states to Article VI, including the following steps: a "program of action" for the "full realization and effective implementation" of NPT Article VI, the completion of a CTBT no later than 1996; the immediate commencement and early conclusion of negotiations on a convention banning production of fissionable material for nuclear weapons; and the determined pursuit by the weapon states of "systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons." The decision also deals with universality (bringing all remaining states into the Treaty), security assurances building on Security Council Resolution 984 (1995), nuclear-weapon-free zones, safeguards, and the non-military and commercial uses of nuclear energy. In effect, the "principles and objectives" comprise a "rolling text" with a program of action geared toward achieving total nuclear disarmament. South Africa designed these to be dynamic and responsive to changing international conditions—as certain agenda items are fulfilled, new priorities for disarmament will be identified.

In common with the decision on

“strengthened review,” states parties have not yet fully grasped the wide-ranging scope and implications of these “principles and objectives.” In effect, the agenda for future PrepCom meetings and for review conferences will be able to cover the full scope of the disarmament agenda and this will provide non-nuclear weapon states with opportunities to hold the nuclear weapon states accountable for their action or inaction during the period under review and to identify priorities as required.

### Strengthened Review Process

Between 1970 and 1995, states parties agreed, in accordance with NPT Article VIII.3, to hold review conferences at five-year intervals. These were normally preceded by PrepCom meetings to agree on rules of procedure and management of the conferences. The “strengthened review” agreed to at the 1995 NPT Conference will be much more than this. Ten-day PrepCom meetings will be held in each of the four years preceding quinquennial review conferences, beginning in 1997. Instead of dealing only with a review of the past, as was the previous practice, the PrepCom meetings and review conferences are required to consider “principles, objectives, and ways in order to promote the full implementation of the Treaty....”<sup>29</sup> The “strengthened review” process is intended to establish “subsidiary bodies within the respective Main Committees for specific issues relevant to the Treaty, so as to provide for a focused consideration of such issues.”<sup>30</sup> Thus, NPT implementation will be discussed four out of every five years, in between review conferences. States parties have yet to

confront the logistics of making this enhanced review process work.

### PREPARATIONS FOR THE 1997 PREPARATORY COMMITTEE

The decisions on “principles” and “strengthened review” were the means by which the President brought many states—perhaps as many as one-third of the states—to accept indefinite extension without a vote. The decision on the Middle East was required by the Arab states as the minimum condition for their acquiescence. The decisions on enhancing accountability were not just the “sugarcoating on the pill,” as the Philippines suggested, but rather the expression of the non-nuclear weapon states’ desire to keep the Treaty but to have it work better than it did during the first 25 years. The “principles” and “strengthened review” process could become powerful instruments in holding both the nuclear weapon and non-nuclear weapon states to account for the fulfillment of their Treaty obligations. The question is how best to utilize these two decisions. Although there are almost two years before PrepCom I in 1997, in practical terms this does not leave much time, since the wheels of international bureaucracy and diplomacy move slowly. Thus, it is not too soon to develop ideas and give serious practical consideration to the structural and substantive planning necessary to ensure that the agreed mechanisms can fulfill the political intentions of the NPT parties.

### Procedural Issues

In the past, NPT review conferences have been called into session

according to the provisions of NPT Article VIII.3, which stipulates *inter alia*:

Five years after the entry into force of this Treaty, a conference of the Parties to the Treaty shall be held in Geneva, Switzerland, in order to review the operation of this Treaty with a view to assuring that the purposes of the Preamble and the provisions of the Treaty are being realized. At intervals of five years thereafter, a majority of the Parties to the Treaty may obtain, by submitting a proposal to this effect to the Depositary Governments, the convening of further conferences with the same objective of reviewing the operation of the Treaty.<sup>31</sup>

Thus, four review conferences took place, respectively, in 1975, 1980, 1985, and 1990. The normal procedure has been for a majority of states parties to propose to the three depositaries—the United States, the United Kingdom, and the Soviet Union—to initiate proceedings to hold a review conference.<sup>32</sup> Meeting in caucus, these states parties would agree on a draft resolution to be considered by the U.N. General Assembly. The resolution would request the U.N. secretary-general to provide secretariat services for both the review conference and its preparatory committee.<sup>33</sup>

The decision on “strengthened review” provides the necessary authority to states parties to commence the review process beginning in 1997, and to hold a meeting of the preparatory committee in each of the four years prior to a review conference.<sup>34</sup> In practice, states parties would need to call on the United Nations to supply services and venue for a series of annual PrepCom meetings beginning in 1997, and for a review conference in the year



2000. For PrepCom I in 1997, a resolution would need to be adopted either during the 1995 or 1996 sessions of the General Assembly, calling upon the United Nations to supply secretariat services.

Past precedence dictates that the country providing the last president for a NPT review conference also opens the first PrepCom meeting for the next review conference and then hands over to the new chair selected by the PrepCom. In the interim, a senior diplomat from Sri Lanka should be appointed to work with the Secretariat on preparations for the 1997 PrepCom.

As in the past, rules of procedure, a draft agenda, and program of work need to be decided in advance in consultations between states parties, which could take place on the margins of the General Assembly, or the First Committee, or the CD. It is probable that a working group would need to be set up, with the assistance of the Secretariat, to commence initial preparations for 1997. This could be open-ended or it might be more feasible to involve representatives from the countries that were involved in the President's Consultations at the 1995 NPT Conference.

Unlike at previous NPT review conferences, the decision on "strengthened reviews" provides guidance on the scope of discussions at the PrepCom meetings from 1997 onward. Paragraph 4 on the decision notes *inter alia*:

The purpose of the Preparatory Committee meetings would be to consider principles, objectives and ways in order to promote the full implementation of the Treaty, as well as its universality, and to make recommendations thereon to the Review Conference. These include those identi-

fied in the Decisions on Principles and Objectives for Nuclear Non-Proliferation and Disarmament adopted on 11 May 1995. These meetings should also make the procedural preparations for the next Review Conference.<sup>35</sup>

The decision on "strengthened reviews" was intended to widen the scope of the agenda for the PrepCom meetings. However, how this guidance will be understood and interpreted by states parties has yet to be determined. It might be suggested, however, that it would be productive for PrepCom meetings to begin with discussion on substantive issues rather than on procedural matters, since this would be in keeping with the spirit of the May 11 decisions. Procedural questions would also need to be addressed. Logically, PrepCom I should map out the course of discussion, production of documentation, chairing, and financing, among other matters, for the five year cycle of PrepCom meetings and the review conference.

It will be important to determine appropriate rules of procedure for the new process. By precedent, each review conference decides upon its own rules of procedure, while PrepCom meetings are traditionally held using provisional rules based on previous experience. It is common at multilateral fora on security matters for decisions to be taken by consensus or without a vote. While it would be expected that this decisionmaking procedure would continue, the persistent failure of previous review conferences to agree on final declarations—(three out of the past five: 1980, 1990, and 1995)—may require a reconsideration of the way in which the views of states parties are reflected at the end of review conferences. Reliance on the

concept of consensus in drafting a final declaration tends to create deadlock or result in lowest-common-denominator language on contentious issues, which becomes almost meaningless. At future review conferences—beginning in the year 2000—it might be better to produce a factual rendition of the views of states parties on implementation of the Treaty, reflecting where there are substantial differences of perception, together with agreed recommendations for future action.

Without prejudging the preferences of states parties, consideration must be given to how best to organize and focus the PrepCom meetings to enable them to utilize the "principles and objectives" in a dynamic and positive way, to address substantive issues, and to avoid repetition and the potential for stalemate on controversial issues. For example, it might be useful to decide that each of the PrepCom meetings would consider a separate set of issues outlined in the "principles and objectives." As objectives such as a CTBT are achieved, as is hoped, the PrepCom meetings would also need to examine such progress with a view to identifying agenda items on further action for the consideration of the review conference.

### **Overlap with other Arms Control Fora**

Given that the PrepCom meetings will commence in 1997, there is some concern about the possibility that the proliferation and overlap of fora on nuclear arms control and disarmament will lead to diplomatic fatigue or gridlock.<sup>36</sup> In addition to PrepCom I, 1997 will see sessions of the CD, the U.N. Disarmament Commission, the First Com-

mittee, and the General Assembly. The U.N. Special Session on Disarmament originally scheduled for 1997 is expected to be postponed to 1998. Of these, only the CD has negotiating powers, all of the others are deliberative fora. While there is a plethora of opportunities to discuss arms control and disarmament, mechanisms for concrete action are scarce. This can lead to sterile debates on agenda items that polarize the participants and do little to advance the cause of global security. In 1995, for example, the CD could only agree on two working agenda items: a) the negotiation of a CTBT; and b) discussions on a mandate for a ban on production of fissionable materials for weapons purposes. But it made little progress on substantive matters regarding the two items.<sup>37</sup>

One major issue that must be taken into account in the relationship between the NPT PrepCom meetings and the CD is the differing membership: the CD includes India, Pakistan, and soon Israel, none of which are NPT members and all with significant unsecured nuclear programs and highly-charged security interests. The CD has been recently tasked with reviewing its agenda, although this too became paralyzed by gridlock in 1995. It is likely that further arms reduction measures between the nuclear superpowers will continue to be discussed bilaterally, and that, if and when the lesser nuclear weapon states join the process of nuclear disarmament negotiations, it would be in the framework of the permanent members of the Security Council (P-5). As such, it might be wise for the CD and NPT states parties to ensure that their respective agendas address practical

issues that can be usefully discussed in these multilateral fora and that due care is given to minimizing repetitious or sterile debates. As has already been seen, such contentious exchanges tend to polarize participants around ideological positions. If the "strengthened review" process merely replicates this, four years out of every five, the intentions of the NPT parties will have been thwarted and the entire "strengthened review" process could be rendered meaningless or even counterproductive—possibly leading to a weakened commitment among certain states parties to the NPT.

### Political Factors

Developments in the field of nuclear arms control and disarmament, between the end of the 1995 NPT Conference and the beginning of PrepCom I in summer/autumn 1997, will significantly affect the attitudes and expectations of states parties as they enter PrepCom discussions. Major changes in top political leaderships will take place in key states: in China there is continuing uncertainty in the political succession following Deng Xiaoping; the U.S. presidential election in November 1996 may result in new leadership, more concerned with domestic military issues and isolationist in foreign policy; presidential elections are to be held in Russia in 1996, with Boris Yeltsin looking less than secure. Elections are also planned in India in 1996, and in the United Kingdom in 1996 or 1997. Changes could well occur in other countries and regions. These could affect the implementation of existing arms control treaties and the negotiation of future agreements, all with a bearing on

the review process of the now permanent NPT.

Prospects for the conclusion of a CTBT, once so promising, now appear less bright. With China's hardening position, continuing French and Chinese nuclear testing, and a lack of adequate attention at senior levels of the U.S. and Russian governments, there is serious concern that the signing and entry into force of a CTBT could be delayed. Since conclusion of a CTBT "no later than 1996" was the one specific target date in the "principles and objectives" agreed in May 1995, failure to meet it could seriously damage the credibility of the extension package and undermine some parties' commitment to the NPT. Similarly, the prognosis is not good for early achievement of a multilateral agreement banning the production of fissionable materials for nuclear weapons or other nuclear explosive devices.<sup>38</sup>

The ratification of START II, pending before the U.S. Congress and Russian Duma, now also appears uncertain, and there is no expectation yet of a follow-on agreement to START II or of multilateral nuclear arms reduction talks involving all five declared nuclear weapon states. Neither is it likely that the P-5 will soon agree on a legally binding statement on security assurances, although a conference may be convened to discuss this. Further, it still remains to be seen when a nuclear-weapon-free zone (NWFZ) in Africa will come into force, much less NWFZs in more complex regions, like the Middle East, South Asia, and Southeast Asia.

The International Atomic Energy Agency (IAEA) is finally making good headway on strengthening its

NPT safeguards system, under the aegis of its "93 + 2 programme,"<sup>39</sup> and the IAEA has been provided the means of enhancing its ability to improve detection of clandestine activities thus improving its credibility. How, in practice, the IAEA will implement its strengthened safeguards system still remains to be seen.

As regards international cooperation to prevent nuclear nonproliferation, in the view of several influential NAM countries, the Security Council's stronger declaratory role in policing nonproliferation commitments,<sup>40</sup> but silence on the continuing possession of nuclear weapons, could create unnecessary tension.

The tenor of relations between major players will also be important. Between the United States and Russia, will there be further progress, a standoff, or regression? Will NATO expansion serve to enhance European security or provoke a backlash from Russia? How will the present awkward relations between the United States and China evolve? Will the resumption of French testing result in greater pressure from European Union (E.U.) partners or (as recently suggested) wider consideration of the role for French and British nuclear weapons in an integrated European defence structure? Will the Middle East peace process continue or be disrupted? How will the Kashmir crisis develop, and what bearing might this have on relations between India and Pakistan? How will events evolve on the Korean peninsula—will North Korea fully abide by the terms of the Agreed Framework with the United States and allow unrestricted IAEA inspections, and will the inter-Korean agreement on a nuclear-weapon-free zone in the peninsula

be implemented? What will be the reaction of the United States, Japan, South Korea, and China to developments on the Korean peninsula?

Since some of the nuclear weapon states themselves—and many of their allies—argued that indefinite extension would facilitate further nuclear disarmament, they will now be expected to make a determined effort to implement the moderate and reasonable program outlined in the "principles and objectives." Failure to do so could seriously erode international confidence in the NPT and may lead to much more radical demands for nuclear disarmament at the fourth United Nations Special Session on Disarmament in 1998. Furthermore, as Ambassador Dhanapala conveys the thinking in some NAM capitals, a failure to make a sincere effort to implement the decisions of the 1995 NPT Conference might provoke an exodus of several Third World states from the Treaty at the next review conference as a sign of protest and frustration.

## CONCLUSION

The decisions on "principles and objectives" and "strengthened review" were intimately and inextricably related to the decision to make the NPT permanent. Together with the decision on the Middle East, they were politically indispensable to the achievement of agreement without a vote on indefinite extension. The decisions taken by the 1995 NPT Conference will help establish new parameters of discourse on nonproliferation and nuclear disarmament, beginning in 1997. While these are important gains, they nonetheless represent minimal rather than maximal (or even optimal) progress in terms of achieving

a world free of nuclear weapons. How faithfully states parties, in particular the nuclear weapon states, live up to these decisions, will determine the future viability of the "strengthened review" process, as well as the relevance of the "principles," and the pace of the nuclear arms control and disarmament process.

Much will also depend on how effectively states parties can establish the mechanisms for making the "strengthened review" process work. A precedent will be set in 1997 and great care must be given to make that precedent positive. Experience shows that it is best to outline realistic and practical goals instead of providing a forum for the airing of grandiose or ideologically-driven expectations. States parties made a deliberate choice to provide for review conferences that look forward as well as backward. It will be important to avoid getting trapped in sterile and counterproductive exchanges on past implementation. The focus should be on practical agendas for concrete future action.

The 1995 NPT Conference marked another watershed in international politics. Interests prevailed over ideology, as evidenced by the failure to get any NAM unity on extension and some rifts in the Western caucus and E.U. over nuclear disarmament. Membership in other fora such as the Commonwealth, Francophonie, Organization for African Unity (OAU), Organization of American States (OAS), Association of South-East Asian Nations (ASEAN), etc. counted for little when determining extension preference. This should not be surprising, as political-security interests intersect other boundaries, and the end of the Cold War has begun to

free states from the shackles of moribund ideologically-based security alliances. Middle powers, such as Australia, Canada, Mexico, South Africa, Argentina, and Sweden, have much in common on a spectrum of new global security issues. That South Africa and Canada provided the key tools, by which Ambassador Dhanapala was able to achieve the acquiescence of all 174<sup>41</sup> states parties present at the 1995 NPT Conference, is a harbinger of this new thinking. The future is likely to see more interest-based coalitions that cut across geographic and ideological boundaries, leaving behind the outmoded blocs of the past half century.

The nuclear weapon states (except for China, which did not participate in generating momentum for indefinite extension) miscalculated the level of support for preserving the global nonproliferation norm among many developing countries, and thus were perhaps overly heavy-handed in their tactics to garner support for indefinite extension. This contributed to the impasse over a secret or open ballot and greater pressure for accountability, as some NAM countries sought to nullify the pressure brought to bear on them through a secret vote on the extension decision. The nuclear weapon states had to compromise somewhat in agreeing to the "principles" and "strengthened review." Given the acquiescence of the United States and Russia, France, and the United Kingdom were left with little option, and China rather passively joined in.

China's nuclear test explosion on May 15, barely two days after the conclusion of the 1995 NPT Conference, was characteristic of Beijing's insensitivity and hypocrisy on crucial global issues. China's

testing, France's decision in June to break its moratorium on nuclear testing and to conduct up to eight more tests, as well as renewed insistence by the United States on exemptions for tests up to hundreds of tons,<sup>42</sup> serve as crude reminders that the implementation of NPT Article VI commitments by the nuclear weapon states requires close watch by the international community. The unexpectedly large public and international protests against Chinese and French testing may not have stopped further tests on August 17 (by China), and September 5 and October 1 (by France), but they forced concessions on the scope of a CTBT from the United States, the United Kingdom, and France. All three countries now back a "true zero yield" comprehensive ban on all nuclear explosions, with Russia expected to follow. China remains obdurate, clinging to the right to conduct peaceful nuclear explosions,<sup>43</sup> despite their unanimous rejection in Main Committee III, carrying on testing and ignoring its commitment in the "principles" to exercise "utmost restraint." China also continues to delay and obstruct the CTBT negotiations with hard-line positions on verification and other issues.

Perhaps the most important outcome of the 1995 NPT Conference is that the "strengthened review" process will provide regular and frequent examinations, while the "principles and objectives" establish the basis for the present 174 non-nuclear weapon states parties to the NPT to begin laying the groundwork in 1997 for the delegitimization of nuclear weapons. In order to demonstrate their good faith regarding commitments made at the 1995 NPT Conference, NPT parties need to re-

double their efforts to conclude a CTBT by 1996 (as envisaged in the decision on "principles") and a convention banning production of weapons-grade fissionable material shortly thereafter. The United States and Russia need to show continuing leadership in promoting nonproliferation and nuclear disarmament. In this context, ratification of START II by both Washington and Moscow would be regarded as a minimum, but positive development. Another area where progress might be feasible, in the short term, is the elaboration of legally-binding security assurances by all five nuclear weapon states. Canadian Ambassador for Disarmament Christopher Westdal has provided a useful template by which to assess the indefinite extension of the NPT and the future of the global nonproliferation regime:

Non-nuclear weapon states see indefinite extension as a permanent commitment by the nuclear weapon states to pursue disarmament. Thus, the non-nuclear weapon states will now, in effect, call on the nuclear weapon states to fulfill their commitments under Article VI: to lower the numbers of such weapons, to reduce the risk of use, to delegitimize nuclear weapons, and to get rid of them. That is the message to nuclear weapon states, a message some of them might not welcome. The world has, in effect, proclaimed permanent values and what must be done now is to get on with the hard work of fulfilling them.<sup>44</sup>

This, then, was the compact struck between nuclear weapon and non-nuclear weapon states at the 1995 NPT Conference. Unfortunately, the tendency among some defense and arms control experts in the United States and in Russia is one of reluctance to cope with the

post-1995 NPT Conference disarmament agenda. Some scholarly and official discussions seem to focus on preserving the essentials of the Cold War model of deterrence and related nuclear forces, but reduced in keeping with fiscal restraints. Both the nuclear posture review in the United States and the revised military doctrine in Russia have reiterated and reinforced the role of nuclear arms in their respective national security strategies. Nuclear missions range from “weapons of last resort” to specialized roles in regional conflicts. The decisions of the 1995 NPT Conference clearly indicate that future policy choices must not be to devise new roles or missions for nuclear weapons, but rather to minimize the role of nuclear arms<sup>45</sup> with the aim of maximizing nonproliferation objectives. As preparations commence for a strengthened review process—beginning with the PrepCom in 1997—states parties need to revisit the decisions comprising the 1995 extension package, or risk breaking up the coalition of states that made it possible.

Welsh (Senior Research Associate) and Holly Tomasik (Research Associate) of the Center for Nonproliferation Studies (CNS) on the proceedings of the workshop on “The 1995 Review and Extension Conference of the Parties to the Non-Proliferation Treaty: Assessment and Implications for the Future.” This workshop was organized by the International Organizations and Nonproliferation Project of the CNS and held at the Monterey Institute on July 27-29, 1995.

<sup>5</sup> The accession by Chile to the NPT on May 25, 1995, brought the total membership of the Treaty to 179.

<sup>6</sup> Lewis A. Dunn, “High Noon for the NPT,” *Arms Control Today* 25 (July/August 1995), p.3.

<sup>7</sup> For comments by Ambassador Dhanapala, see Interviews by Susan B. Welsh, “Delegate Perspectives on the 1995 NPT Review and Extension Conference” (hereafter, “Welsh”), *The Nonproliferation Review* 2 (Spring-Summer 1995), pp. 1-2; Jayantha Dhanapala, “The Outcome of the 1995 Nuclear Non-Proliferation Treaty (NPT) Review and Extension Conference,” presentation at the U.N. Conference on Disarmament Issues, Nagasaki (Japan), June 12-16, 1995; and Jayantha Dhanapala, “After the NPT Review/Extension Conference, What?” keynote speech at a workshop on “The 1995 NPT Review and Extension Conference of the Parties to the Non-Proliferation Treaty: Assessment and Implications for the Future,” Monterey Institute of International Studies, Monterey, California, July 27-29, 1995.

<sup>8</sup> Algeria, Australia, Canada, China, Colombia, Egypt, France, Germany, Hungary, Indonesia, Iran, Japan, Malaysia, Mexico, Netherlands, Nigeria, Poland, Romania, Russian Federation, South Africa, Sri Lanka, Sweden, the United Kingdom, the United States, and Venezuela.

<sup>9</sup> See comments by Behrouz Moradi (Second secretary, Permanent Mission of Iran to the United Nations, New York) in Welsh, pp. 11-12.

<sup>10</sup> For example, see comments by Fritz W. Schmidt (Austria) in Welsh, pp. 13-15.

<sup>11</sup> Mexico: draft resolution, NPT/CONF.1995/L.1/Rev.1, May 5, 1995.

<sup>12</sup> Extension of the Treaty on Non-Proliferation of Nuclear Weapons, NPT/CONF.1995/L.2, May 5, 1995.

<sup>13</sup> Extension of the Treaty on Non-Proliferation of Nuclear Weapons: Democratic People’s Republic of Korea, Indonesia, Iran, Jordan, Malaysia, Mali, Myanmar, Nigeria, Papua New Guinea, Thailand and Zimbabwe, NPT/CONF.1995/L.3, May 5, 1995.

<sup>14</sup> Extension of the Treaty on the Non-Proliferation of Nuclear Weapons, draft decision proposed by the President, NPT/CONF.1995/L.6, May 9, 1995.

<sup>15</sup> See Dunn, p. 3.

<sup>16</sup> NPT/CONF.1995/L.8, May 10, 1995.

<sup>17</sup> For a detailed account, see Mohamed I. Shaker, “The Outcome of the 1995 NPT Review and Extension Conference,” presentation at the U.N. Conference on Disarmament Issues on “Disarmament in the Past Half Century and its Future Prospects,” held in Nagasaki (Japan), June 12-16, 1995. Dr. Shaker, is Egypt’s ambassador to

the United Kingdom and was a member of the Egyptian delegation to the 1995 NPT Conference.

<sup>18</sup> Lewis, p. 5.

<sup>19</sup> See, for example, the comments by Ambassador Nugroho Wisnumurti (Indonesia), Ambassador Miguel Marín-Bosch (Mexico), and Ambassador Adolfo Taylhardat (Venezuela) in Welsh, pp. 5-9.

<sup>20</sup> Sections II.A, B, C, and V of the Report of Main Committee II, NPT/CONF.1995/MC.II/1, May 5, 1995, published in IAEA INFCIRC/474 of June 12, 1995.

<sup>21</sup> See Dunn, p. 3.

<sup>22</sup> See, for example, comments by Ambassador Christopher Westdal (Canadian Ambassador for Disarmament), Ambassador Nugroho Wisnumurti (Indonesia), and Ambassador Adolfo Taylhardat (Venezuela) in Welsh, pp. 5-6 and 8-9, respectively.

<sup>23</sup> On the so-called “realist” or modern power politics theory, see Hans Morgenthau, *Politics Among Nations*, 3rd ed., (New York: Alfred A. Knopf, Inc, 1960).

<sup>24</sup> Outlined in Adolfo R. Taylhardat, “The 1995 NPT Review and Extension Conference: The Legal and Procedural Issues,” in Tariq Rauf, ed., *Extending the Non-Proliferation Treaty: Perpetuating the Global Norm*, Aurora Papers 27 (Ottawa: Canadian Centre for Global Security, March 1995), pp. 38-42.

<sup>25</sup> See comments by Ambassador Christopher Westdal (Canadian Ambassador for Disarmament) in Welsh, pp. 3-5.

<sup>26</sup> An informal grouping of 39 countries: Canada, United States, United Kingdom, France, Germany, Italy, Spain, Portugal, Greece, Turkey, Belgium, Luxembourg, The Netherlands, Denmark, Norway, Iceland, Australia, New Zealand, Japan, Ireland, Austria, Finland, Sweden, Argentina, Bulgaria, Czech Republic, Estonia, Hungary, Republic of Korea, Latvia, Lithuania, Poland, Romania, Russia, Slovakia, Slovenia, Belarus, Moldova, and Switzerland. The group is named after former Canadian Ambassador for Disarmament Peggy Mason.

<sup>27</sup> Canada, Argentina, Australia, Bahamas, Cameroon, Ethiopia, Germany, Honduras, Hungary, Japan, Fiji, New Zealand, Senegal, Singapore, South Africa, and South Korea. Also see comments by Ambassador Christopher Westdal (Canadian Ambassador for Disarmament) in Welsh, p. 4.

<sup>28</sup> Ambassador Kamal Kharrazi, closing statement at the final plenary session of the 1995 NPT Conference, May 12, 1995.

<sup>29</sup> Paragraph 4, Strengthening the Review Process for the Treaty, NPT/CONF.1995/32/DEC.1, May 11, 1995.

<sup>30</sup> *Ibid.*, paragraph 6.

<sup>31</sup> See reprinted text of the NPT in Gary T. Gardner, *Nuclear Nonproliferation: A Primer* (Boulder, Colo.: Lynne Rienner Publishers, 1994), p. 125.

<sup>32</sup> For example, the Final Declaration of the 1985 NPT Review Conference noted in its review of NPT Article VIII: “The States Party to the Treaty participating in this Conference propose to the

<sup>1</sup> All but three of the then-178 states parties attended the 1995 NPT Conference; the Democratic People’s Republic of Korea (DPRK) withdrew from the proceedings of the Conference after the first week following its Memorandum to the Conference Secretariat on May 9, citing what it perceived as biases in the Conference against the DPRK.

<sup>2</sup> Extension of the Treaty on the Non-Proliferation of Nuclear Weapons, NPT/CONF.1995/L.6, May 9, 1995; Principles and Objectives for Nuclear Non-Proliferation and Disarmament, NPT/CONF.1995/L.5, May 9, 1995; and Strengthening the Review Process for the Treaty, NPT/CONF.1995/L.4, May 10, 1995.

<sup>3</sup> Russian Federation, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution, NPT/CONF.1995/L.8, May 10, 1995.

<sup>4</sup> The authors wish to acknowledge with gratitude the excellent and detailed “Rapporteur’s Summary of Key Points,” prepared by Susan

Depository Governments that a fourth Conference to review the operation of the Treaty be convened in 1990.”

<sup>33</sup> 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, “Final Document: Part I-Organization and Work of the Conference,” United Nations, New York, June 1995, Paragraph 1, p. 1.

<sup>34</sup> Paragraph 3, Strengthening the Review Process for the Treaty, NPT/CONF.1995/32/DEC.1, May 11, 1995.

<sup>35</sup> Strengthening the Review Process for the Treaty, NPT/CONF.1995/L.4, May 10, 1995

<sup>36</sup> See, for example, comments by Ambassador Miguel Marín-Bosch (Mexico) in Welsh, pp. 7-8.

<sup>37</sup> While the mandate establishing an Ad Hoc Committee on a multilateral treaty banning the production of fissionable material for weapons was agreed to in March 1995, the Committee has never convened—having fallen victim to internecine arguments linking agenda items on security assurances, transparency, and an arms race in outer space.

<sup>38</sup> At the end of the second session of the Conference on Disarmament, no further progress had been achieved, other than agreement on a negotiating mandate; divisions over the expansion of CD membership were continuing to hold up substantive progress.

<sup>39</sup> See Mark H. Killinger, “Improving IAEA Safeguards Through Enhanced Information Analysis,” also appearing in this issue of *The Nonproliferation Review*; Lawrence Scheinman, “Strengthened Safeguards and Special Inspections,” in Tariq Rauf, ed., *Extending the Non-Proliferation Treaty: Perpetuating the Global Norm*, Aurora Papers 27 (Ottawa: Canadian Centre for Global Security, March 1995); and Paul Ek, “SAGSI Approaches to Strengthened IAEA Safeguards,” in Tariq Rauf, ed., *Preparing for the 1995 Non-Proliferation Treaty Extension Conference: Proceedings of International Workshops on Treaty Extension, Strengthened Safeguards, and Regional Non-Proliferation Strategies*, Issue Brief 15 (Ottawa: Canadian Centre for Global Security, January 1994), pp. 65-90.

<sup>40</sup> Statement by Heads of State and Government, S/23500, U.N. Security Council, January 31, 1992, noted that proliferation of weapons of mass destruction posed a threat to international security and that the Security Council was empowered to take action in this regard.

<sup>41</sup> As noted earlier, 175 states parties were present at the opening of the 1995 NPT Conference, but the DPRK withdrew from the Conference on May 9.

<sup>42</sup> On August 11, President Clinton announced that the United States was prepared to forego very low-yield hydronuclear experiments within a CTBT and would support a “true zero yield” CTBT. “Test and shout,” *The Economist*, September 9, 1995, p. 50.

<sup>43</sup> See comments by Ambassador Sha Zukang, in Welsh, p. 19.

<sup>44</sup> Comments of Ambassador Christopher Westdal

in Welsh, p. 5.

<sup>45</sup> Dhanapala (Monterey Institute), p. 5.

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## Appendix

