

VIEWPOINT

AN ASSESSMENT OF INTERNATIONAL NUCLEAR NONPROLIFERATION EFFORTS AFTER 60 YEARS

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Discussions among practitioners and pundits are incriminating evidence of the failure to deal with the threats and dangers of proliferation. The Treaty on the Non-Proliferation of Nuclear Weapons (NPT) has made an important contribution in years past, but its success remains limited as it has become an unambitious static regime, solidifying prevailing inequities or a status quo that will not stand. Some states are bound to reassess their commitments or to hesitate in making new commitments in nuclear or other areas without a change of course by the international community and more rigorous efforts. Ultimately, regional and international peace and security will be jeopardized by such inaction. The Middle East region, for example, is a striking example of the failure of global and regional nonproliferation efforts. The continuance of nuclear proliferation concerns in the Middle East with the emergence of a nuclear state will have a fundamental effect on the security paradigm in the region.

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Proliferation, and nuclear proliferation in particular, is not a novel issue. The current discussions among practitioners and pundits are in and of themselves incriminating evidence of the failure to deal with the threats and dangers of proliferation, for they occur 60 years after these issues were first raised by President Harry S. Truman.¹ What makes current discussions particularly alarming is that the issues are revisited so many years later in an environment where nuclear disarmament is dormant, questions exist regarding nuclear-capable states outside the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), NPT states parties are withdrawing from their treaty obligations, and other countries' nuclear programs are being called into question.

When nonproliferation efforts were first embarked upon, the basic objective was to use them as a stepping-stone to nuclear disarmament, eventually leading to general and complete disarmament. In this context, the NPT was envisaged as the cornerstone of an emerging and evolving nuclear nonproliferation regime and an important component of even more comprehensive disarmament efforts.

The NPT, with the momentum it helped generate at its inception, has made an important contribution to nuclear nonproliferation in years past. Its membership has increased. Some states with the economic and scientific capacity to become nuclear

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weapon states (NWS) have voluntarily chosen not to do so. The treaty has highlighted the goal of nonproliferation. It has provided norms and a system for states to gravitate toward if they decide to remain non-nuclear. These norms are considered to be the NPT's greatest achievement, for they helped generate the subsequent nonproliferation measures, namely the Comprehensive Nuclear Test Ban Treaty (CTBT), agreements on nuclear safeguards, and nuclear supplier group controls.

Most of the states parties that joined the NPT did so for political or economic reasons or circumstances, or because they had no real reason to pursue nuclear programs on national security grounds. Some states did join with their long-term national security interests in mind, because they assumed the NPT regime would generate a wider nuclear nonproliferation or disarmament effort, ultimately enhancing their security as well. This is particularly true for states that initially had peaceful nuclear programs or the potential to develop them.

On the more critical side of the analysis, one must recognize that several prominent non-nuclear weapon states (NNWS) remained outside the treaty and that very few NNWS parties actually joined the NPT because it responded to their imminent national security concerns. The greatest testimony to the NPT's limited success was its response to the security threats of NNWS. States like India, Pakistan, and Israel, all non-nuclear in 1968, who felt the security need for a "strategic" security defense, did not find satisfaction in the treaty regime and have since formally gone nuclear or are perceived to have done so. Other countries, like Egypt, which joined the treaty under the assumption that its membership would ensure adherence to the treaty by its neighbors, particularly Israel, remain dissatisfied members. Additionally, of course there are the cases of Iraq under Saddam Hussein and North Korea, countries that chose to not respect or to move away from the treaty.

One of the reasons for these failures is that the international community ignored that forgoing the "strategic weapons option" could only be justified or compensated for if it was reciprocated regionally by reducing the potential capacity for mutual destruction at the very least, if not resolving the root causes of tension and conflict. Another reason for the failure of the treaty has been that parties to the treaty tended to limit their efforts to trying to enhance "non-proliferation through prohibition," which became an end in itself. Consequently, what developed was a more rigorous safeguards system for non-nuclear parties to the treaty, and this was a positive but insufficient development because those members were already respecting their treaty obligations. As the states parties did not sufficiently expand the scope of nonproliferation efforts nor deepen their disarmament endeavors, the ultimate result was neither nuclear disarmament nor effective nonproliferation, but an ad hoc case-by-case focus on violators or potential violators of treaty obligations and more recently, the serious but not fundamental threat of nuclear terrorism.

As such, the NPT regime became an unambitious static regime, solidifying prevailing inequities and the discriminatory status quo. Consequently, over the years, the treaty's credibility became increasingly eroded, and its usefulness became progressively diminished in light of changing international security paradigms and the global expansion of the

scientific and technological knowledge required for the development of a nuclear weapons program, if not weaponization.

In recent years, questions have been raised regarding whether *the* basic trade-off of the NPT—"a commitment not to acquire nuclear weapons in return for access to peaceful uses of nuclear technology"—remains credible as a nonproliferation measure. This question in itself reflects one of the mistakes that has been made by all, mistakes for which the international community seems now to want to hold the NPT regime itself responsible. As such, both NWS and NNWS are myopic underachievers. Although the above-mentioned trade-off is basic to the NPT, it was not the only one. An equally, if not more, important one is the commitment by NWS and NNWS alike in Article VI to "pursue negotiations in good faith on a treaty on general and complete disarmament under strict and effective international control," in exchange for codifying the *de facto* status of the NWS as the treaty pursued its objectives.²

Furthermore, no single trade-off can stand alone as a nonproliferation measure. Disarmament will never occur if states parties do not make a commitment to cap the number of NWS and eventually reduce their number. Nonproliferation cannot ultimately be sustained without successful progressive disarmament. Proliferation, even if misguided, is most often driven by perceived security concerns. The NPT was not meant to be an end in itself.

Needless to say, the track record of these two basic trade-offs is not by any standards Olympian. On the one hand, there is little evidence for states with the capacity to pursue nuclear programs that joining the NPT has provided them better access to peaceful nuclear technology than they would have had if they had pursued their own indigenous programs as non-parties to the treaty. On the other hand, with respect to the second trade-off, it would take a monumental and blind leap of faith to argue, as we close in on the NPT's 40th anniversary that "negotiations are being pursued in good faith towards general and complete disarmament."

The nonproliferation and nuclear disarmament record is crystal clear. The international community has failed to deal with these issues in a manner commensurate with their importance, or the dangerous ramifications of failures in these realms. It is not coincidental that there is a general negative assessment of the NPT, particularly in problem areas such as South Asia, the Korean Peninsula, and the Middle East. One can attribute the reasons for the negative assessment or for the meager achievements of the international community in this regard to some particular historical events. However, I believe that the most important reasons for our failures are more generic, including:

- Nuclear disarmament efforts have essentially come to a halt, and thus international interest in both nonproliferation and nuclear disarmament has diminished. Global nonproliferation efforts are not expected to gain traction and international support, if at the same time nuclear disarmament is not actively pursued.
- More and more frequent are attempts to completely de-link disarmament and nonproliferation efforts, a mistake that can only hurt on both counts. This trend actually may encourage states to go nuclear.

- Nuclear nonproliferation concerns are dealt with only when they become mature, and consequently with a sense of urgency leading to “problem management” rather than “problem-solving” approaches.
- Nuclear nonproliferation concerns and efforts have been governed by shifting standards and driven by political and occasional parochial domestic considerations, when in the past the only criteria was “no more nuclear weapon states and the nuclear ones should disarm.”

All of these reasons have provided potential proliferators a fertile environment to pursue their objectives.

This is not to suggest that we should bring the temple down to build a new one. That is too risky and unnecessary. However, for the NPT regime and other international nuclear nonproliferation efforts to continue to be relevant, adherence to these regimes must create and generate an auspicious international environment. In other words, NPT states parties must be an energetic force behind nuclear disarmament, not just containment. In addition, these regimes must provide security and development dividends for their state parties that are more beneficial than staying outside or withdrawing from the regimes. NPT members must be assured of more precise and effective responses to their security concerns than those afforded to non-NPT members. They must also be provided easier access to nuclear technology, irrespective of whether or not the non-party has indigenous capabilities.

The NPT has fallen short on all these counts. In fact, there are concerns that states outside the treaty are actually being granted preferential treatment on nuclear and weapons of mass destruction (WMD) proliferation issues, as a result of different trade-offs that do not have nonproliferation as their main concern.

Sanctioning non-state parties is not the answer, but rather, establishing real reasons for them to be responsive by recreating an invigorated international disarmament effort and by providing dividends, be they security assurances or peaceful technology, to parties who join international regimes. Equally important, of course, is dealing comprehensively with security concerns of states parties and non-parties alike.

Today, we are truly at a crossroad, for the status quo will not stand. Some states are bound to reassess their commitments, or hesitate in making new commitments in nuclear or other areas without a change of course and more rigorous efforts by the international community. Ultimately, regional and international peace and security will be jeopardized by such inaction. Thus, when dealing with significant and substantial threats, whether real or perceived, the response by NNWS will most probably be one of the following five options:

1. To pursue actively regional nuclear weapon-free-zone agreements or reciprocal bilateral nonproliferation arrangements. This development would be welcome but short-lived if it is not coupled with the resolution of security concerns.
2. To refrain from engaging in any further multilateral or regional arms control or security arrangements—this is already occurring in several regions.
3. To withdraw from or freeze present multilateral commitments on nuclear non-proliferation.

4. To raise the capacity level of other WMD, as well as of conventional weapons, given that when determining a deterrence value, both destructive capacity and the potential use of such weapons on the battlefield must be considered.
5. To pursue nuclear weapons.

The number of international proliferation outbreaks over the last decade is an alarming testimony to the realization of one or more of these eventualities. The Middle East region, for example, is a poster child for the failure of global and regional nonproliferation efforts. Like most regions, the majority of its states are card-carrying and committed members of the salient international nonproliferation regimes and regulations. In fact, every single Arab country joined the NPT as an NNWS, and every one of them with a significant or potentially significant nuclear program has a full-scope safeguard agreement in place with the International Atomic Energy Agency (IAEA). Yet very significant questions remain regarding the present state of play of nuclear proliferation in the region.

More than a decade ago, Iraq was caught violating its safeguard and NPT obligations. While the IAEA subsequently verified that these violations had for all practical purposes ceased, the issue continued to be put in question, fueling volatility and tension in the region. Today, its neighbor, Iran, also an NPT member, is being questioned about its nuclear program and the degree of its respect for its safeguard obligations. Iran argues that it operates fully within the parameters of its NPT rights and obligations and that its objective is to simply address its peaceful energy needs. Others doubt Iran's intentions and insist on curtailing its indigenous nuclear capability.

Let there be no misunderstanding. As with any other state in the region, the acquisition of nuclear weapons by Iran would be a highly egregious act. Questions regarding its nuclear capabilities remaining unanswered and unresolved with IAEA inspectors can only fuel further suspicion and concern. Therefore, concluding agreements between the international community and Iran to address uncertainties regarding its nuclear program would be conducive to a better nonproliferation environment in the Middle East. Hopefully, the tripartite European diplomatic efforts and those of the IAEA will come to fruition. The question that has to be addressed, however, is not whether Iran has the right to pursue further its nuclear capability within the NPT—as it does—but rather how to ensure full respect for treaty obligations and how to address Iran's needs so that it decides not to pursue questionable nuclear activities, even if it has the legal right to do so.

That being said, even if an agreement with Iran is reached, it will not prevent Middle East regional problems or proliferation concerns from being raised by one side or the other in the future, especially if the root cause of proliferation in the region is not dealt with very soon. The Iranian case is being handled today in a "problem management" rather than "problem solving" mode. The urgency of the issue may have determined this course of action. However, this problem management needs to be supplemented by a more comprehensive regional approach, or we will only face a larger nuclear proliferation problem in the region later.

The third case study for Middle East proliferation is that of Israel, the only state in the region that refuses to join the NPT or apply full-scope safeguards to its nuclear facilities. It insists on continuing a policy of nuclear weapons ambiguity, even though the Egyptian–

Israeli peace agreement over a quarter of a century ago essentially put to rest the alleged possibility of a serious existential Arab threat, and the developments in Iraq over the last decade further diminished any such threats from the region. Some will point to the recent statements by Iran's President Ahmadinejad to argue that the existential threat continues. My response is it is better to be part of the solution than part of the problem.

Had Israel seriously supported Egypt's proposal in 1974 (with Iran) to establish a Middle East Nuclear-Weapon-Free Zone (MENWFZ), or Egypt's proposal in 1990 to establish the Zone Free of all Weapons of Mass Destruction (WMDFZ) in the Middle East with the requisite additional international and regional safeguard and inspection measures, the potential threat from any country, including Iran, would have been greatly diminished and proliferation would have become more difficult and costly. Israel's unsafeguarded nuclear facilities will continue to be a source of serious concern in the Middle East. Its program must be included as the region deals with its proliferation concerns. There cannot be any exceptions or double standards. Postponing Middle Eastern talks on such zones will only lead to greater proliferation problems in the future.

Hyperbole aside, the emergence of a nuclear state in the Middle East will have a fundamental effect on the security paradigm in the region. In the absence of a NWFZ in the Middle East, it becomes not a matter of if but when one of the eventualities mentioned previously will occur, and some have already started. When the NPT entered into force in 1970, the nuclear nonproliferation concerns in the Middle East were a fraction of what we are facing now. Today the question focuses on how many nuclear weapons-capable states are in the region and how many more there will be in the future.

The only rational approach to dealing with nonproliferation concerns in the Middle East is to seize the window of opportunity that exists today with the decrease of the threat perceptions vis-à-vis Israel and the change in perception that faces Iran and embark on steps to initiate negotiations on establishing a NWFZ/WMDFZ in the Middle East, as proposed by Egypt in 1974 and again in 1990. It is noteworthy that a NWFZ remains the only nonproliferation proposal accepted by the whole region, and the proposal on establishing a WMDFZ in the Middle East was engrained in the wider context of a zone free of WMD in Security Council Resolution 687 on Iraq.

It has been argued that it is not logical to expect that either of these zones can be established before Arab–Israeli peace is created. The full-fledged realization of these proposals may require that prerequisite, but their conception does not need to wait until then. Frankly, there is no evidence that peace and security in the region have helped nonproliferation in the region. In fact, the development of nuclear programs in the Middle East has been inversely proportional to peace in the region. Furthermore, Iranian nuclear programs and the debate around them do not relate to the Middle East peace process and are fueled by completely different anxieties or opportunities. All of the proliferation concerns over the last few decades, be they nuclear, WMD, or even conventional weapons, have been driven by regional or sub-regional arms races that can only be exacerbated by any state in the region remaining outside the NPT regime, or by a party to the treaty acting in a questionable fashion.

The security concerns of the Arab countries, of Israel, and of Iran have to be addressed if further nuclear weapons proliferation in the Middle East is to be preempted.

This entails a commitment to dealing with security with a universal standard and as an indivisible whole when addressing the states' regional threat perceptions. Therefore, several suggestions could be useful if appropriately timed:

- A two-year moratorium by Iran on the further development of its domestic nuclear fuel cycle in exchange for international assurances of nuclear fuel supply.
- The convening of a regional security conference, including international members, to discuss and deal with security concerns in the Middle East, establishing one track for WMD proliferation and another for other security concerns.
- A freeze by Israel on the production of nuclear-grade fissionable material.
- Meetings held by the Security Council on how to take measures to fulfill Article 14 of Resolution 687 in order to give the proper political support for the establishment of a zone free of WMD in the Middle East drawing on:
 - The United Nations' expert study on "effective and verifiable measures which would facilitate the establishment of a NWFZ in the Middle East," adopted by the General Assembly in 1990, pursuant to its resolution 43/65 of December 7, 1988, in order to determine what steps can be taken by regional states as a precursor to negotiations.³
 - IAEA expertise and study of the experiences of establishing NWFZs in different parts of the world and the lessons that could be drawn, with a view to using them in the Middle East.
 - A review of the South African denuclearization experience and the measures required for previously unsafeguarded nuclear material to become credibly non-nuclear, as well as what regional measures will be required to assure both credible verification given the level of distrust and preservation of the right to peaceful uses of nuclear energy without creating a potential threat.

Many of the conclusions drawn from the Middle East region apply to other regions as well. Many also apply globally. It is time that the international community realizes that selective or limited solutions to global or regional proliferation concerns will not meet with success.

A failure of the multilateral nonproliferation regime to pursue nuclear disarmament and nonproliferation in good faith, comprehensively, and with a universal set of standards for all will bring into question whatever remains of the regime's credibility. If the quest for nuclear disarmament and global nonproliferation is not rekindled, 20 years from now, even today's partial successes may not exist.

NOTES

1. President Harry S. Truman's Message to Congress on the Atomic Bomb, Oct. 3, 1945, <www.trumanlibrary.org>.
2. Treaty on the Non-Proliferation of Nuclear Article VI
3. "Study on effective and verifiable measures which would facilitate the establishment of a nuclear-weapon-free zone in the Middle East," Report of the Secretary-General, A/45/435, October 10, 1990.