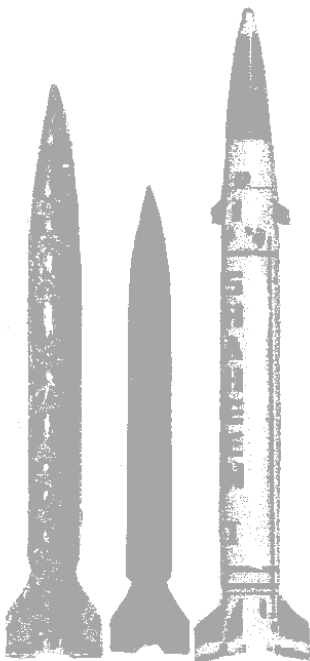




Three countries of 'nuclear proliferation concern' remain outside the Treaty



The Non-Proliferation Treaty Review Conference: Breakthrough or Bust in '05?

A BASIC/ORG project - Briefing 11

Towards a Universal Nuclear Non-Proliferation Regime

Background

The NPT has more States Parties than any other arms control or disarmament treaty. However three countries of 'nuclear proliferation concern' remain outside the Treaty - **India, Pakistan and Israel.**

Since Article IX of the NPT defines Nuclear Weapon States (NWS) as having manufactured and tested a nuclear device prior to 1 January 1967, it is not possible for India, Pakistan or Israel to join the NPT as NWS without an amendment to the Treaty. This would not be palatable to many Non-Nuclear Weapon States (NNWS), which have renounced nuclear weapons on the understanding that there will never be more than five NWS (who are obliged to dismantle them).

At the 1995 NPT Review Conference "universality", and particularly Israel's nuclear weapons programme, was a major area of contention. As part of the package of agreements that enabled the Treaty to be extended indefinitely without a vote, States Parties agreed that future Review Conferences should:

Address specifically what might be done to strengthen the implementation of the Treaty and to achieve its universality. [All countries that had not already done so were urged to] accede to the Treaty at the earliest date.

In addition, a Resolution on the Middle East was agreed, calling for "the early establishment by regional parties of a Middle East zone free of nuclear and all other weapons of mass destruction and their delivery systems".

Between 1995 and 2000, significant progress was made towards universality with Andorra, Angola, Brazil, Chile, Comoros, Djibouti, Oman, the United Arab Emirates and Vanuatu acceding to the Treaty.

The 2000 NPT Review Conference called for "India, Israel and Pakistan to accede to the Treaty as NNWS promptly and without condition". States

Parties also agreed to “make determined efforts” to achieve universality. Since 2000, little effort has been made to encourage India, Pakistan or Israel to accede as NNWS. The United States, in particular, appears to be moving towards greater accommodation of the nuclear weapons’ programmes of these states.

Towards a Nuclear Weapon-Free Middle East?

Israel’s official policy is that it “will not be the first country to introduce nuclear weapons in the Middle East”. It pursues a policy of opacity neither confirming nor denying possession of nuclear weapons. Whilst Israel has not openly defied the non-proliferation regime by conducting a nuclear test or declaring itself to be a nuclear power, it is believed to possess between 75 and 200 nuclear weapons.

US tolerance of Israel's nuclear weapon programme is a significant obstacle to preventing proliferation in the Middle East, as many countries in the region perceive a double standard, contrasting US accommodation of Israel with its stance towards Iran, Iraq and Syria.

Arab states want Israel to give up its nuclear capability as part of comprehensive peace talks. Israel, however, insists that the peace process must be completed before it considers relinquishing its nuclear capability. IAEA Director-General Dr Mohamed ElBaradei suggests that the two should be pursued “together in tandem” and that all parties should pursue:

A dialogue on regional security as part of the peace process.

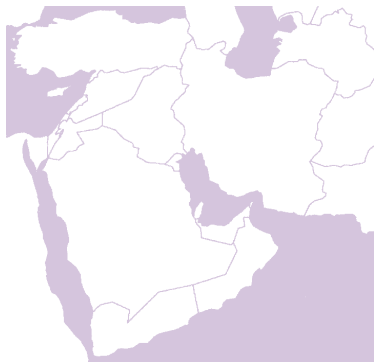
One goal of this dialogue would be to make the Middle East a nuclear-weapons-free zone.

Turning back the clock in South Asia

In 1998, India and Pakistan conducted a series of nuclear tests. UN Security Council Resolution (1172) condemned the tests, and called on India and Pakistan to become parties to the NPT and to the Comprehensive Test Ban Treaty (CTBT) “without delay and without conditions”.

India and Pakistan argue that their nuclear capabilities are essential for regional security and “strategic stability”. However, in summer 2002, the two countries came close to nuclear war as tensions escalated over Kashmir. Although they pulled back from the brink, far from enhancing security, the presence of nuclear weapons exacerbated this crisis.

India's stated position is that it supports “global and complete nuclear disarmament, within a timebound framework” as proposed by Prime Minister Rajiv Gandhi in 1998. Although India has a no-first-use policy, it



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has adopted a nuclear doctrine similar to NATO's strategy of "minimum deterrence", including a triad of nuclear forces.

Pakistan advocates measures of "restraint" such as de-alerting and non-deployment of nuclear-armed ballistic missiles and anti-ballistic missile systems. In 2004, Pakistan scientist A.Q. Khan was found to be at the centre of a proliferation network, supplying Libya, Iran, and North Korea.

Universality and Compliance

India and Pakistan reject calls to join the NPT as NNWS, criticising the NPT as a "discriminatory" regime, imposing different obligations on NNWS and NWS. They also point to the failure of the NWS to fulfil their side of the NPT bargain by implementing disarmament commitments under Article VI.

Israel also highlights compliance. In the Knesset's first debate on nuclear weapons on 2 February 2000, Minister Chaim Ramon said that the NPT "does not provide a fitting solution for our region as proved in the case of Iran and proved in the case of Iraq".

The goal of the NPT is the elimination of nuclear weapons. Dr ElBaradei argues that ultimately, as with international norms against slavery or genocide the renunciation of nuclear weapons should be "universal and permanent".

Prospects for Progress

There are three main proposals for breaking the impasse:

1. *Recognise India, Pakistan and Israel as NWS?*

They could be treated 'as if' they were NWS and allowed some form of recognition in return for taking on similar nonproliferation and disarmament obligations to the NWS. An additional protocol to the NPT obliging India, Pakistan and Israel to behave 'as if' they were NWS might enable progress to be made on reducing the risks of horizontal proliferation and nuclear weapon use and improving safety, security, and command and control. However, given the disarmament record of the NWS, placing them on the same footing may make little difference, and is likely to be resisted by the majority of NNWS.

<http://www.wmdcommission.org/files/No7-Lodgaard%20Final.pdf>

2. *Constrain further development of India, Pakistan and Israel's nuclear weapons programmes?*

Achieving entry into force of the CTBT and a verifiable FMCT would help to constrain further development of their nuclear weapons programmes. Neither India nor Pakistan has signed the CTBT. Israel has signed, but not ratified.



3. Include India, Pakistan and Israel in parallel high-level consultations?

In 1999, Malaysia proposed regular high-level consultation meetings with the remaining hold-outs, to be convened by the chair of the respective NPT Preparatory Committee or Review Conference.

Dr ElBaradei has also suggested that India, Pakistan, Israel and North Korea should be:

Encouraged to contribute their insights and concerns [to the coming Review Conference. He proposes that the Conference starts the process of agreeing] benchmarks for non-proliferation and disarmament, [including] a concrete roadmap for verified, irreversible nuclear disarmament, complete with a timetable, [involving not only the NWS] but also India, Pakistan and Israel.

Recommendations

We urge that:

1. The establishment of a Middle East Nuclear Weapon Free Zone is considered as part of the Middle East peace process and is supported at the NPT Review Conference.

2. The United States offer Israel a credible security guarantee in exchange for a Middle East NWFZ.

3. India and Pakistan:

- freeze their nuclear weapons programmes at current levels;
- build confidence and enhance security with each other and with China with the aim of reducing and eliminating their nuclear capabilities; and
- publicly and unequivocally uphold all of the non-proliferation provisions of the NPT.

4. NPT States Parties agree a mechanism for regular consulting and constructively engaging with the three remaining non-members of the NPT as *de facto* NWS. However, *de jure* recognition of India, Israel and Pakistan as NWS would damage, perhaps fatally, the NPT and must continue to be resisted.

5. The NWS make greater efforts to implement their Article VI disarmament obligations and, by example, encourage India, Pakistan and Israel to eliminate their nuclear weapons.

A mechanism
for regular
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British American Security Information Council (BASIC)

The Grayston Centre, 28 Charles Square, London N1 6HT
tel: +44 (0)20 7324 4680
110 Maryland Ave., N.E., Suite 205, Washington DC 20002
tel: +1 202 546 8055
web: www.basicint.org

Oxford Research Group (ORG)

51 Plantation Road, Oxford, OX2 6JE, UK
tel: +44 (0)1865 242819
web: www.oxfordresearchgroup.org.uk