

# Nuclear Non-proliferation Treaty Review Conference—

## Prospects for Progress

By Col. Daniel Smith (Ret.) | May 11, 2005

*In our interconnected world ... we all share responsibility for each other's security.*

If it's May in a year divisible by "5," it's Nuclear Non-proliferation Treaty (NPT) Review Conference month.

Just another meeting, with maybe a final communiqué papering over disagreements?

Not this year, the way things are stacking up. The Bush administration appears ready to take both Iran and North Korea to the UN Security Council (UNSC) over nuclear weapons issues. Both Iran and North Korea signed the NPT; both engaged in activities contrary to their treaty status as non-weapon states; both hid their work from the International Atomic Energy Agency (IAEA); and North Korea said in January 2003 that it was withdrawing from the NPT—a declaration rejected by the IAEA because Pyongyang had not followed the procedures spelled out in Article X of the NPT.

On Iran, the United States is challenging directly Iran's claim that its nuclear program is designed solely for peaceful energy production. Peremptorily taking the issue to the UNSC will:

- undercut negotiations (which the United States has only tolerated) between Iran and the European Union Three (Britain, France, and Germany) aimed at curbing Iran's drive to build a full-fledged uranium enrichment capability;
- undermine Moscow's February 2005 agreement with Tehran to supply nuclear fuel to and retrieve spent fuel rods from the Bushehr reactor, thereby preventing Iran from reprocessing the rods for plutonium;
- torpedo the review conference and, possibly, the NPT itself.

UN Secretary-General Kofi Annan, May 2, 2005

For its part, Iran reiterated just before the Review Conference that:

- time was running out on negotiations with the Europeans, who reportedly hoped to stretch talks to late June, when Iran holds national elections that conceivably would produce a more "reasonable" government;
- it would not surrender its right under Article IV of the NPT "to participate in the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy"—i.e., developing its own uranium enrichment facility whose existence was hidden from IAEA inspectors for nearly two decades.

(Nonetheless, Iran did not establish an end date at which point it would cancel the negotiations with the EU Three.)

One-third of the way around the globe, the United States is confronting North Korea, probably a nuclear weapon state already, though with less than a dozen devices. In the last few weeks, North Korea:

- stopped its research reactor, leading to speculation that it might be withdrawing fuel rods for reprocessing to get additional plutonium;
- ended a self-imposed moratorium on missile tests by firing a short-range missile into the Sea of Japan. Although demonstrating no new capability, the launch accented the testimony of Vice Admiral Lowell Jacoby, director of the Defense Intelligence Agency, who told a congressional committee on April 28 that a new intelligence assessment due in May would reflect a consensus that North Korea has the capability to mate a nuclear warhead to missiles. (He carefully avoided,

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at least in open session, the question of whether North Korea actually had a nuclear-tipped missile.)

- reportedly re-affirmed it would not return to the “six party talks” (North and South Korea, China, Japan, Russia, and the United States), prompting Russia to accede to U.S. calls to refer North Korea’s stance to the UN Security Council for possible sanctions action—which could induce Pyongyang to throw over the last restraints and conduct a nuclear test.

One might hope that some new approach to resolving these two standoffs would be forthcoming during the NPT Review Conference. But judging from the president’s April 28 news conference and White House Chief of Staff Andrew Card’s Sunday talk show statements May 1, the administration has nothing new to offer. On the U.S. side, even the rhetoric was repetitive, with President Bush saying the Iranians were not trustworthy and calling Kim Jong Il a “tyrant” and a “dangerous person” while Card offered that Kim was “not a good leader.” (The North Koreans, for their part, labeled Bush a “hoologan.”)

## The Need for a National Debate

Equally disappointing, if former Clinton Deputy Defense Secretary John Hamre is representative, is the lack of new ideas from U.S. Democrats. In a May 2 opinion piece, Hamre described the current U.S. nuclear inventory as outdated and its supporting infrastructure as no longer usable. He called for a new “national debate about the role of nuclear weapons and their contribution to our security,” offering as grist for discussions that:

- the United States must have nuclear weapons to deter others who have or aspire to obtain them;
- weapons on hand are ill-suited for 21st century war;
- low rate production of new weapon designs is required to keep critical teams of scientists together, but new weapons will be fielded only if old ones are retired *in toto*;

- weapons production infrastructure and numbers of weapons must be reduced immediately to lessen the opportunities for terrorists to acquire weapons or nuclear material and related stocks;
- nuclear weapons must be made unattractive to non-weapon states;
- the current U.S. inventory will remain technically potent until it is replaced by new designs.

Hamre is on the mark about the need for a national debate, but he then immediately begs the whole debate process by explicitly stating that the United States must remain (presumably with the other original four nuclear weapon states) nuclear armed to deter others possessing these weapons.

Interestingly, Hamre comes out to be more of a nuclear hawk than Stephen Rademaker, U.S. assistant secretary of state for arms control, who delivered the U.S. position on the first day of the Review Conference. In fact, as outlined in the following table (page 3), UN Secretary-General Kofi Annan, IAEA chief Mohamed El Baradei, and Secretary Rademaker reinforced each other’s messages on nonproliferation.

Three points from the table require some additional comment. (I forego discussion of the wisdom of building new nuclear facilities generating additional nuclear waste, even for peaceful purposes, because the NPT process itself assumes that nuclear energy is indispensable to development.)

Probably the most critical issue is the Article IV “loophole” whereby states are promised access to all technology relevant to peaceful uses of nuclear materials—even dual use items such as centrifuge cascades for uranium enrichment. All three speakers at the Review Conference’s opening day called for states that do not possess enrichment or plutonium reprocessing capability to voluntarily forego that capability immediately. In return, states wishing to pursue peaceful uses of nuclear energy would be guaranteed access to either enriched uranium or reprocessed plutonium fuel from those countries in the 44-member Nuclear Suppliers Group able to perform those services. El Baradei went further by reiterating his 2003 call for the IAEA to be designated the fissile material “guarantor” for reactor fuel and for removal of spent

Issue	Annan	El Baradei	Rademaker
Reduce proliferation threat by securing sensitive materials	X	X	X
Reduce proliferation threat by controlling sensitive exports	X	X	X
Recognize the interrelationship of disarmament, nonproliferation, and right to peaceful use	X	X	
Need to strengthen confidence in integrity of treaty	X		
Universal acceptance of NPT Model Protocol	X	X	X
Need incentives for non-weapon states to forego enrichment or reprocessing facilities	X	X	
Early agreement on fissile material cut-off treaty	X		X
Continue testing moratorium and complete ratification of Comprehensive Test Ban Treaty	X		
Nuclear weapon states de-alert weapons, provide "negative" security assurances	X		
All eight weapon states forego relying on nuclear deterrence, reduce arsenals further	X	X	X*
Increase transparency of peaceful programs and weapons programs	X		X*
Create more nuclear weapons-free zones	X	X	
Strengthen IAEA verification authority		X	
Develop effective means to address non-compliance even if countries formally withdraw from the treaty		X	X
Need moratorium on new fuel cycle facilities pending negotiations on IAEA serving as guarantor of fuel		X	X

\*The U.S. representative did not refer to further cuts in nuclear arsenals beyond the limits in the Moscow Treaty or to transparency in weapons programs.

fuel. (The idea of multinational control of fissile materials actually goes back to a 1946 U.S. proposal by U.S. diplomat Bernard Baruch.)

Associated with El Baradei's call for international control of fissile materials is ending the production of highly-enriched uranium (HEU) for peaceful applications. But any accord on this latter point will require completing the conversion of all 105 nuclear power or research reactors that now require HEU to run on low-enriched uranium; only about one-third have

been converted to date. (Britain, France, Russia, and the United States have stopped HEU production for weapons, while China is believed to have stopped. Israel's status on production for weapons is unknown, while India and Pakistan are assumed to still be producing.)

In June 2002, the Group of Eight (G8) initiated the "Global Partnership Against the Spread of Weapons and Materials of Mass Destruction." The eight countries pledged to raise \$20 billion over ten

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years to reduce the risk that terror organizations or “others” might acquire weapons of mass destruction. Since 2002, thirteen other countries have signed on to the Global Partnership. But while working to reduce risk that materials or weapons might fall into the “wrong” hands, the United States undercut negotiations at last year’s Conference on Disarmament aimed at developing verification protocols for a Fissile Material Cut-Off Treaty.

Regrettably, Rademaker’s speech was as noticeable for what was not mentioned as for what he said. While silence on the Comprehensive Nuclear Test Ban Treaty could be expected, the U.S. delegate never tied disarmament by the nuclear weapons states and the obligation of nonproliferation to the right of non-weapon states to peaceful use of nuclear energy. (He was forthright on preventive programs such as the Global Partnership and the Proliferation Security Initiative.) Similarly, he made no reference to the expanding web of nuclear weapons free zones (NWFZ) which, with transparency and IAEA safeguards, fosters security. In addition to the four existing NWFZs (Latin America and the Caribbean, South Pacific Region, South East Asian Region, and Africa), discussions are underway for a Central Asian NWFZ. Moreover, Mongolia recently included in its constitution a declaration that it is a Nuclear Weapon Free State—a status recognized by the UN General Assembly.

Lastly, Rademaker failed to offer incentives to non-weapon states in exchange for their agreement to the U.S. demand to restrict the spread of fuel cycle technology. Yet the trade-off is clearly hinted within his speech when he asserts that restrictions on fuel cycle capability are not incompatible with the opportunity to “acquire nuclear fuel at a reasonable price.” Since the ostensible reason for using nuclear energy is sustainable development, fuel supplying nations could sell fuel “at a reasonable price” and then give to the fuel-buyer the “reasonable price” as human development aid. In itself, this would do more to eliminate the root causes contributing to terrorist activities than all the punitive measures in place or proposed.

And making progress here would clearly reflect Kofi Annan’s assertion that “we all share responsibility for each other’s security.”

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**p. 4**

