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## **Universality and Disarmament**

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When most people think about universality, they think about the four countries that are not yet members of the NPT. But there are other aspects to universality besides the inclusion of countries that are not party to the NPT. There is, for instance, the question of equality of states within the NPT. Officially, there are two categories of states within the NPT - nuclear weapons states, of which there are five (U.S., Russia, Britain, France, and China) and the rest, which have the status of non-nuclear weapons states. But in reality, there are *three* categories of states within the NPT: nuclear weapons states, states that have recourse to the utility of nuclear weapons or perceived utility of nuclear weapons without actually possessing them, and the rest. There is also the question of equality in terms of enforcement of the NPT. How do we decide when parties to the NPT have violated it, and how are sanctions decided and applied in case of violations?

All these issues need to be resolved if we are going to think about universality.

### **Non-parties to the NPT**

There are four countries not party to the NPT: Cuba, India, Israel and Pakistan. The question of Cuba is clearly separate because it is not a nuclear-weapons state and not alleged to have nuclear weapons aspirations. I can only speculate why Cuba is not a party to the NPT; it may have something to do with U.S. sanctions. Cuba is a signatory of the Treaty of Tlateloco, which is the Latin American nuclear-free zone treaty. Cuba has not ratified this treaty. So Cuba has indicated that it is willing to become a non-nuclear party to the world of non-proliferation, but has not firmed up this commitment. It appears therefore that the bilateral issue with the U.S. of the embargo needs to be resolved before

Cuba will become a party to the NPT.

The other three countries - India, Israel, and Pakistan - that are not party to the NPT are nuclear weapons states in the sense that they possess nuclear weapons. Yet they cannot become party to the NPT as nuclear weapons states because NPT States Parties will never agree to let them join as nuclear weapons states. But these three countries will not agree to join as non-nuclear weapons states. So the NPT as it stands now cannot become a universal treaty. However, this does not mean that the disarmament *goals* of the NPT expressed in Article VI cannot be universalized. I believe that the goal of the NPT in terms of Article VI can be universalized. While Israel has not expressed an opinion, Pakistan has said that, if India goes down some NPT route, it will follow. So presumably if India disarms then Pakistan will disarm, although there is now the complicating question of Kashmir, which is part of the Indian-Pakistani nuclear equation.

I believe that de-alerting of all nuclear weapons by the five nuclear weapons states parties to the NPT, as well as by the other three de facto nuclear weapons states, in terms of non-deployment, withdrawal of deployed nuclear weapons, and separation of warheads from delivery vehicles in some verified multilateral way, is the way to make the spirit of the NPT universal. This will make the World Court interpretation of Article VI universal. (The World Court's advisory opinion on Article VI of the NPT requires the nuclear weapons states to actually achieve nuclear disarmament, not just talk about it.) At the stage where it becomes clear that there is a disarmament process, I think it is possible that the NPT could become a universal treaty because India, Israel, and Pakistan may join the NPT with a status similar in disarmament terms to the current nuclear weapons states. But that is a speculation on my part, both legally and technically.

### **Nuclear weapons states parties to the NPT**

So far as the nuclear weapons states are concerned, there is not much to be said. They need to create a direction of disarmament; only China has agreed to the authority of the World Court advisory opinion. Many proposals have been put forward as to how these countries can be in compliance with Article VI. Clearly, they need to comply with Article VI and arrive at process of complete nuclear disarmament before there can be universality.

### **Non-nuclear states linked to nuclear weapons**

You have heard quite a lot about NATO allies and Japan and so I will not say more about that. A few years ago in Geneva, Oliver Meier, when

he was working with BITS [the Berlin Information Center for Transatlantic security], Masa [Takubo], and I along with a number other non-governmental organizations presented an NGO document to the NPT Preparatory Committee conference. In this document, we asked all countries, but especially NATO allies, and most especially Germany and Japan as the largest non-nuclear allies of the United States, tell the United States that they never wanted nuclear weapons used first on their behalf. To date, we have failed to get a commitment out of the governments of Japan and Germany. Someone said we should write [the German Green Party member and Foreign Minister] Joschka Fischer about this. Perhaps we can take an initiative here to send a letter to Mr. Fischer, asking him to renounce first-use of nuclear weapons on behalf of Germany and to tell that to the United States. We should also reinstate this issue with respect to the Japanese government.

### **NPT Enforcement**

The last issue is perhaps most difficult. There is no real enforcement mechanism for the nuclear weapons states in terms of verification and there is no equality before the law in terms of punishment. The IAEA serves as the verification mechanism for non-nuclear weapons states, but there are no mechanisms for verification within the NPT of nuclear weapons states and there are no enforcement mechanisms within the NPT. I will give you some examples about verification, but enforcement was discussed in our session yesterday, so I will not go into that again.

I want to give you some examples of current outstanding problems. It has been mentioned in the official conference that the Democratic Republic of Korea (DPRK) is out of compliance with the NPT because it is not allowing full IAEA inspections and it may have had a nuclear weapons program, and so on. The U.S. is engaged in bilateral negotiations with North Korea and has arrived at a bilateral agreement. North Korea is to get 50,000 tons of fuel oil, two nuclear reactors, and so on. One does not know the utility of these nuclear reactors if they actually ever get built, but nonetheless the path of resolution of this noncompliance has been to negotiate with North Korea and give North Korea good things so that it will behave itself. This is a kind of giving carrots approach to compliance in this specific case.

In the case of Iraq, it is also out of compliance with IAEA inspections. It is being punished with extreme sanctions. We all know that the real main effect of these sanctions is on the people, especially the children and older people in Iraq. Iran, by contrast, is in compliance with IAEA safeguards. That is, it has been certified by IAEA as not having a weapons program that IAEA can detect. IAEA inspections are not perfect. Indeed, everybody agrees there is no such thing as perfect

verification. To insist on perfect verification means you do not want verification.

I think each one of these universality issues presents its own challenges. The NGO community should come up with some coherent positions that would make us the champions of universality of the NPT, not by insisting on signatures to the NPT by non-parties, because clearly it is not going to happen that way, but in relation to universality of the purpose of the NPT, which is to achieve a world free of nuclear weapons and nuclear weapons threats for all states. That is the only way in which all countries, all governments, can become actual and effective participants in an equal way. That also seems to me to be the only way to achieve universality.

Thank you.