

## NON-PROLIFERATION AND THE NPT

Address by Senator the Hon Gareth Evans QC, Minister for Foreign Affairs of Australia, to the NPT Review and Extension Conference, New York, 18 April 1995

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In a few months time the international community will mark the fiftieth anniversary of the foundation of the United Nations. That momentous event brought with it the promise of a new way of managing relations between states, and of a new order in the place of the failures and cynicism of the 1920s and 1930s which had produced war and destruction on a catastrophic scale. But this year also marks a more distressing anniversary. It is fifty years since the world first learned of the unparalleled destructive power of nuclear weapons, and first realised that our fate was to live under the shadow of nuclear holocaust - the possibility, unknown before in history, that civilisation might one day be brought to an abrupt and terrible end.

The two contradictory themes that these events produced - on the one hand, the promise of a new spirit of cooperation among nations, but on the other the fear of nuclear annihilation - intersected in 1970 with the entry into force of the Nuclear Non-Proliferation Treaty. Ours was a fearful world then, with the Cold War superpowers targeting civilian populations with weapons sufficient to assure their destruction many times over, and with a number of states seeking to acquire those weapons for themselves. The NPT was a bold commitment to constructing a better future, in which states would put their faith in international arrangements and turn their backs on the option of nuclear weaponry. It recognised the grave consequences for international security not only of the spread of nuclear weapons beyond those states which already had them, but also in the continued growth of existing nuclear arsenals. It has played a central role in our security. Its twenty-fifth anniversary this year is no less significant for us, and for the future of our children, than the anniversary of the founding of the UN itself.

All nations, the nuclear weapon states, the non-nuclear weapon states and even states which have not joined the NPT, derive major benefits from it and have major interests at stake in its continued success. That success, in the period of the Treaty's first twenty five years, is unmistakable. It has been embraced by the very

great majority of nations. Its present membership of 178 states makes it by far the most widely adhered-to security and arms control treaty in existence. Its achievement in attracting some 39 additional members over the last five years, including two of the original nuclear weapon states, one state which had formerly operated unsafeguarded nuclear facilities and 14 states which were formerly part of a nuclear weapon state, has advanced it far along the road to the goal of universal membership.

The growth of the Treaty's membership reflects most strikingly its success in preventing the horizontal spread of nuclear weapons. Despite challenges to the international non-proliferation regime, the disturbing predictions current in the 1960s that an additional 20 or 25 states would gain nuclear weapons by the 1980s, have not come to pass. And that has been a direct consequence of the NPT. I might add here that Australia itself was seen as one of those countries with the capability and possible intention to develop nuclear weapons. But we, like so many others, chose not to pursue that option and instead to put our faith in the Treaty, which we signed in 1970 and ratified in 1973.

However welcome these achievements, they should not lead us to assume that the dangers are essentially past. The historic global changes which brought an end to the Cold War and the rivalry between the superpowers have certainly offered new hope for building a less mistrustful and a more secure world. The threat of global nuclear war has clearly receded. But the decline of tension in the central balance has not carried over uniformly to a decline in regional confrontations. Events of the past few years in the Middle East, Africa and Europe provide a sharp reminder of the deep enmities that still persist in many parts of our world, enmities that have spilled over all too often into armed conflict with loss of life, abuses of human rights and destruction on a massive scale. Regional conflicts of the kind we have seen in recent years cannot be entirely insulated, and their effects cannot be confined to their immediate neighbourhood. The risk that they will provoke wider tensions, and that they will engage the interests of states possessing a nuclear weapon capability, cannot be ruled out.

Nor has the end of the Cold War brought any reduction in challenges to the nuclear non-proliferation regime itself. Cases of non-compliance; new concerns about nuclear smuggling; and the presence of sensitive unsafeguarded facilities in India, Pakistan and Israel are issues which must be faced by us all. There can be no grounds for complacency about the non-proliferation regime's ability to continue to provide the level of security of the past twenty five years if these

issues are not recognised and acted on.

It should be the aim of this Conference to make the decisions which will allow the NPT to operate better, so that it can continue to meet its objectives in the face of future challenges. Those objectives must be to establish non-proliferation irrevocably as the future standard for international behaviour, and to allow no other standard to apply; to continue and accelerate the progress which is being made toward eventual nuclear disarmament; to achieve universal membership of the Treaty, so that all the nations are bound to its non-proliferation provisions; and to strengthen cooperation in the peaceful uses of nuclear energy. The decisions which are made here, if they are to meet these objectives, must satisfy the varying interests of different groups of states, including the nuclear weapon states, the non-nuclear weapon states and those in particularly troubled regions.

The NPT is, with the United Nations Charter, fundamental to the maintenance of international security, part of the very framework of peaceful relations between states. This Conference, at the end of the Treaty's first twenty five years, is facing the central issue of how it is to be extended into the future. Australia's position is one of very strong support for indefinite extension.

Our starting point in addressing this question is, for us, the absolute unthinkability - intellectually and morally - of a world which did not have a treaty regime in place dedicated to the containment of nuclear proliferation and the elimination, however long it takes, of existing nuclear weapons. The NPT is the only treaty of global reach that we have, or ever likely to have, binding its members to these objectives. The idea that this Treaty, with these obligations, could ever come to an end - with nothing as strong or stronger to replace it - is simply not an idea that we could ever comfortably embrace. So we see a decision of indefinite extension as the only possible position of principle to take for those of us resolutely committed to achieving a nuclear weapon free world.

We see indefinite extension, moreover, as the outcome which will be most effective in pressing the existing declared nuclear weapon states to continue the process of nuclear disarmament which has now begun; we see it as the outcome best calculated to contain the nuclear aspirations of the so-called threshold states; and we see it as the outcome which will best meet the interests of all the other parties to the Treaty who want to utilise its provisions encouraging, and enabling, peaceful nuclear cooperation.

## **NWS and nuclear disarmament**

For the nuclear weapon states indefinite extension offers by far the best encouragement to continue the historic process of nuclear arms reduction which has finally begun.

Australia shares the disappointment of many member states that more progress was not possible in reducing nuclear weapon stockpiles during the Cold War. But this Conference is not about the past, and we must not let the past preoccupy us with its regrets about what might or might not have been done. Nor must we see in the Conference an opportunity to single out any one group of member states for blame or for recrimination. To allow the decision on extension to be influenced by a desire to punish one group of states or another for their past performance would be as misguided as it would be dangerous for our wider interests in the Treaty. Our only purpose must be to build for the future, by finding ways in which the goal of non-proliferation and nuclear disarmament can be strengthened.

It is clear that the nuclear arms race has now been reversed, as called for by Article VI, and that nuclear disarmament of historic proportions is now happening. The end of the Cold War has produced an environment in which, for the first time since the beginning of the nuclear age, such progress is possible. The United States and Russia are each destroying about two thousand weapons a year under the provisions of the START I and START II agreements. Under the Lisbon Protocol to START II the process has been extended to the former Soviet states with nuclear weapons and missiles on their territory - Ukraine, Kazakhstan and Belarus. Nuclear weapons have been removed from the surface vessels of the United States and United Kingdom navies. The United States, United Kingdom and Russia have de-targeted their strategic nuclear missiles. Negotiations on the Comprehensive Nuclear Test Ban Treaty are far advanced and are most likely to be concluded this year. All five nuclear weapon states now support the negotiation of a cut off convention to ban the production of fissile material for weapons purposes. They have also agreed on improved positive and negative nuclear security assurances for non-nuclear weapon states.

These are facts, the significance of which cannot be credibly denied without deliberately moving the goal posts of what is being demanded. To say that we

hope and expect that more will be possible is in no way to deny that progress has been achieved of a kind, and on a scale, which would have seemed extremely improbable just a few years ago. In this process, the NPT has played a vital role in creating the conditions of confidence about non-proliferation which have allowed nuclear disarmament to proceed. A qualified decision to extend the Treaty cannot possibly help the disarmament process. Placing limits on the Treaty or creating uncertainty about its future will not produce the results that the nuclear weapon states and the non-nuclear weapon states alike are seeking. As a matter of simple practicality, we must ask ourselves how the nuclear weapon states would ever proceed to further significant arms reductions in a climate of doubt about renewed horizontal proliferation of nuclear weapons. A qualified or temporary renewal of the Treaty is precisely the action which would trigger such doubts. If we are serious in our desire to lock in the progress which has already been made and achieve further nuclear disarmament, indefinite extension of the NPT is the only way to reassure the nuclear weapon states that it can be achieved without unacceptable security risks.

The argument that has been put sometimes that indefinite extension will somehow legitimise the status of the nuclear weapon states forever is quite unfounded. The NPT has been the single most important factor in establishing the international norm against nuclear weapons, and it remains the only international nuclear disarmament agreement which has been signed by all five nuclear weapon states. The division in the Treaty between the nuclear and the non-nuclear weapon states is in no sense a permanent one. The former are committed by the Treaty to removing that division. Indefinite extension of the Treaty will not weaken the obligations of the parties under Article VI.

We must press ahead toward the goal of eventual elimination of nuclear weapons. This Conference must provide the environment in which the process of deep reductions agreed between the United States and Russia can be continued and accelerated, including by moving on to a START III agreement. We look to the three smaller nuclear weapon states to join in this process of disarmament at the earliest appropriate opportunity. We wish to see a permanent and truly comprehensive end to the testing of nuclear weapons through the conclusion this year of the CTBT negotiations in Geneva, a Treaty to which it is very much Australia's intention to be an original signatory. And we look to see a start this year on negotiations for a convention banning the production of fissile material for weapons purposes.

## Threshold states

The question of Treaty extension is also of direct significance for achieving universal membership and for the problem of the small handful of threshold or "twilight zone" states which remain outside the Treaty, about which there are strong grounds for suspecting that they possess a nuclear weapons capability. The existence of these states is sometimes used as a criticism of the Treaty. But this is a criticism without any basis in logic. States join the NPT as a sovereign unilateral decision. If threshold states are not prepared to forswear nuclear weapons forever, as some 170 other states have done, it is their decision, for which they alone have responsibility, and it cannot be portrayed as the result of any shortcoming by the Treaty.

Indefinite extension of the Treaty is the only response by this Conference that will make it more, rather than less, likely that threshold states will eventually decide to look for their security in the renunciation of nuclear weapons. Their interest in acquiring nuclear weapons has been driven largely by regional tensions and rivalries, which have at times been expressed in armed conflict and which fuel suspicions that neighbouring states are seeking a nuclear capability. Self-perpetuating systems of nuclear escalation - regional arms races - are the result, and the dangers they pose for international security are disturbing. The NPT was designed to meet just such proliferation pressures, by offering the assurance, through international inspection, that states are adhering to their undertakings not to acquire nuclear weapons. An NPT which is renewed for only a limited period is unlikely to have much impact in these circumstances. It is only an NPT, renewed indefinitely, which can possibly offer threshold states the sort of assurance they will need if they are to break out of the circle of nuclear escalation.

Only with such an NPT will the parties to the Treaty be able to exert increased pressure on the threshold states and demonstrate to them that their nuclear ambitions are unacceptable to the vast majority of the world's nations. Such pressure may well generate the necessary reassessment of their position which could lead them to wind back their nuclear acquisition programs, or at least not to take them forward. To renew the Treaty with less than an indefinite extension would be to send quite the wrong signals to these states, telling them that the world is not irrevocably committed to non-proliferation, and thereby encouraging

them to persevere in their ways.

Those who reject the likelihood of threshold states ever abandoning their nuclear capabilities should bear in mind the case of South Africa's decision to join the NPT four years ago, a decision which preceded the democratic reforms which brought about majority rule. That decision was influenced by the attraction of enhanced security and by the international pressures against possession of nuclear weapons, which a strong NPT was able to bring to bear. These are the factors which have encouraged so many new states to join the Treaty since the last Review Conference five years ago. If we are to have the best chance of achieving the goal of universal membership by bringing into the Treaty's fold the 10 or so remaining non members, it will be vital to extend it indefinitely.

### **Peaceful Nuclear Cooperation**

From the point of view of those who want to utilise, either as suppliers or recipients, the provisions of the NPT relating to peaceful nuclear cooperation, indefinite extension is also vital: those provisions depend heavily for their effectiveness on the existence of a climate of certainty about non-proliferation.

Article IV is one of the major strands of the interconnected obligations and benefits which comprise the NPT. The record of Article IV implementation has been a good one, characterised by large-scale and effective assistance to member states through the IAEA's Technical Cooperation Fund as well as its Regional Cooperative Agreements. It has long been recognised that peaceful nuclear trade and cooperation requires an assured environment of security and stability over the long term. Providers, buyers and recipients benefit from such an environment and it is often the case that states find themselves in more than one category. Australia is, for example, a major supplier of uranium but has been a buyer of the technology required for the construction and operation of its research reactor. The significance of long-term non-proliferation assurances is magnified by the fact that the planning, construction and operation of nuclear plants over their planned life spans, together with their final decommissioning, typically covers a period of the order of fifty years and involves major investments of financial and other resources.

It is clear that any uncertainty which may arise about possible proliferation is inimical to nuclear cooperation. A suggestion that the non-proliferation regime may be weakened in future, with the consequences that might have for the

subsequent attitudes of either supplier or recipient states to acquiring nuclear weapons, would have grave consequences for decisions on cooperation. It would also provide additional ammunition for those opposed to the peaceful uses of nuclear energy, who are already skeptical about the NPT's ability to meet its non-proliferation objectives.

In all these circumstances, indefinite extension will provide the most stable environment for peaceful nuclear cooperation. It will provide a basis for the long-term assurance that is essential, both for suppliers and recipients, that their nuclear cooperation is for exclusively peaceful purposes and does not risk proliferation. As a matter of prudent national policy, recipients need the assurances of long-term cooperation when embarking on costly, long-term projects. For their part, suppliers naturally require assurances that their nuclear exports will not contribute to proliferation.

In pursuing nuclear cooperation objectives it is common for states to give effect to their Treaty obligations under Articles I, II and III by applying export licensing arrangements or other types of export controls. Recent examples of non-compliance show just how important it is that export licensing arrangements be made fully effective. By ensuring that nuclear material, equipment and technology is provided to non-nuclear weapon states only where it is subject to fullscope IAEA safeguards, these controls underpin and reinforce the Treaty's essential non-proliferation objective. They play a legitimate complementary role in establishing an environment of long-term assurance and stability which is necessary for effective cooperation.

A few states have sought to portray export controls as a North/South issue, as involving a cartel or as a conspiracy which goes beyond the legitimate terms of the NPT. This is not so. Export licensing arrangements do not impede legitimate nuclear trade and cooperation. Rather, they are an important part of the environment of long term assurance and stability that underpins nuclear cooperation. For NPT parties abiding by their Treaty obligations - and that is clearly the vast majority of countries - such controls do not constitute any sort of impediment. Nor do informal arrangements such as the Nuclear Suppliers Group operate as any sort of cartel.

An aspect of these controls which is of particular interest to Australia is the centrality of fullscope IAEA safeguards as a condition of nuclear supply to non-nuclear weapon states. Australia and a group of other states pursued this initiative



with considerable success at the Fourth Review Conference in 1990, attracting wide cosponsorship and support. As a result of that success, and because of a concern to tighten supply arrangements in the wake of the Gulf War, the fullscope safeguards supply principle - that nuclear supply to non-nuclear weapon states should only be on the basis of their having accepted comprehensive IAEA safeguards - has now become the accepted international standard for nuclear supply to non-nuclear weapon states. The principle has, in response to debate at the 1990 Conference, been adopted by the Nuclear Suppliers Group and is now formally incorporated into its supply guidelines. The principle is a most important one which has made a significant contribution to strengthening the non-proliferation regime. I commend it wholeheartedly to the Conference and I hope that members will endorse it by consensus in reviewing the operations of the Treaty.

With this Conference we have reached a crucial point in our joint efforts to build a world free of the threat of nuclear destruction. The proliferation dangers which led to the Treaty's creation 25 years ago have been held in check. But we cannot un-invent nuclear weapons, however much we might like to do so, and we must not imagine that their power over us has been broken forever. On the contrary, such challenges as advances in science and technology, the dissemination of powerful computers and new threats arising from illicit transfers of nuclear material make our world more potentially vulnerable to nuclear proliferation than it has ever been. In the face of these new challenges the importance of the NPT, and the importance of the norm of behaviour which it entails, is correspondingly higher than ever before.

In an age of complex international agreements - START I, for example, is some 280 pages long - the NPT is a refreshing model of brevity and clarity, a simple treaty couched in direct language. Much of its strength lies in that simplicity and in the clear balance it strikes between the interests of different categories of states as they existed in the 1960s, a balance which is just as relevant and workable today.

The argument about the NPT's renewal is just as simple, and it can be summarised in a few words. There is no way in which a decision to place

qualifications or limitations on renewal can do anything but weaken the Treaty. We cannot and should not pretend otherwise, and an outcome that damages the Treaty is something that we must not risk. Only a Treaty strengthened and supported by its members with a decision to extend it indefinitely can guarantee that its objectives will be met and that the interests of all its members will be protected.

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