

MEMORANDUM FOR:

DCI  
DDCI  
DDI

13 AUG 1985

This is FYI.

Attached is an interesting article on an arms control topic: Nuclear Non-Proliferation. Although OGI is responsible for this topic, I thought you might find it of interest. The key paragraphs are marked with brackets on page 33 and page 39.

I hope this is helpful as background. If I can do more to assist you here, please call.

[Redacted Signature Box]

STAT

C/ACIS  
ACIS-1340-85

Date 22 July 1985

FORM 101 USE PREVIOUS EDITIONS

DCI  
EXEC  
REG

C-10

# A Critical Time for Nuclear Nonproliferation

*This month the parties to the nuclear nonproliferation treaty meet again to debate how well the agreement is working. The continuing arms buildup by the nuclear powers puts the treaty's future in doubt*

by William Epstein

Every five years since the Treaty on the Nonproliferation of Nuclear Weapons came into force in 1970 the parties have convened to discuss how well the agreement is achieving its purpose. This month the signatories will gather in Geneva for the third time, at what will probably prove to be the most crucial meeting in the series. It is already clear that an overwhelming majority of the nonnuclear nations believe the nuclear powers, and in particular the U.S. and the U.S.S.R., have not made serious efforts to achieve arms-control agreements or reduce the size of their strategic forces and have thus failed to hold up their end of the bargain. Indeed, this conference is almost certain to be the first one confronted with a total absence of progress on nuclear arms control since the preceding review. The continued credibility—even the viability—of the treaty is therefore put in question.

The treaty (usually called the NPT) was designed to prevent both the horizontal and the vertical proliferation of nuclear weapons. Horizontal proliferation is the spread of such weapons to nonnuclear states; vertical proliferation is the further development, production and deployment of nuclear weapons by the nuclear powers.

The NPT is the cornerstone of a "nonproliferation regime" that the signatory nations have built up over some 30 years. In addition to the treaty the regime has four other main components: the International Atomic Energy Agency (IAEA), the partial-test-ban

treaty of 1963, the Treaty of Tlatelolco of 1967 (creating a Latin-American zone free of nuclear weapons) and the Nuclear Suppliers Group.

The IAEA was established in 1957 to promote the peaceful use of atomic energy. The nuclear nations agreed to assist nonnuclear nations in the development of the peaceful uses of nuclear energy on the condition that the nuclear material or equipment provided not be used for the manufacture of nuclear weapons. Hence the statute of the agency constituted a sort of nonproliferation bargain between the nuclear and the nonnuclear countries. At the time the U.S., the U.S.S.R. and the U.K. were the only nuclear powers. France set off its first nuclear explosion in 1960, China its first in 1964. In 1974 India exploded a "peaceful nuclear device," which incorporates the same technology as a nuclear bomb. All six countries are members of the IAEA, together with 106 others that have not exploded nuclear devices.

The partial-test-ban treaty prohibits tests of nuclear weapons in the atmosphere, under water and in outer space. It permits underground tests that do not create any radioactive debris outside the boundaries of the testing state. The treaty also declares that the parties seek to end "all test explosions of nuclear weapons for all time" and will continue negotiations to that end. The treaty was concluded by the three original nuclear powers and now has 112 signatories. China and France are not among them.

It is noteworthy that the U.S. and the U.S.S.R. have conducted underground tests at a higher rate since the treaty than they conducted atmospheric tests before it. Consequently the treaty has turned out to be more of an environmental and health measure than a curb on the nuclear arms race. //

The Treaty of Tlatelolco prohibits the signatories from making, testing, deploying or using nuclear weapons in Latin America. Cuba and Guyana are the only countries in the area that have not signed. (The treaty has 23 full parties but is not yet in force for Argentina, Brazil and Chile.) All five of the nuclear powers have signed a protocol wherein they say they will respect the treaty provisions and will not use or threaten to use nuclear weapons against the parties. This is the only treaty on nuclear weapons to which all the nuclear powers are parties, the only one that puts a legal limit on their right to make, test, deploy or use nuclear weapons and the only one forbidding such weapons in an inhabited area.

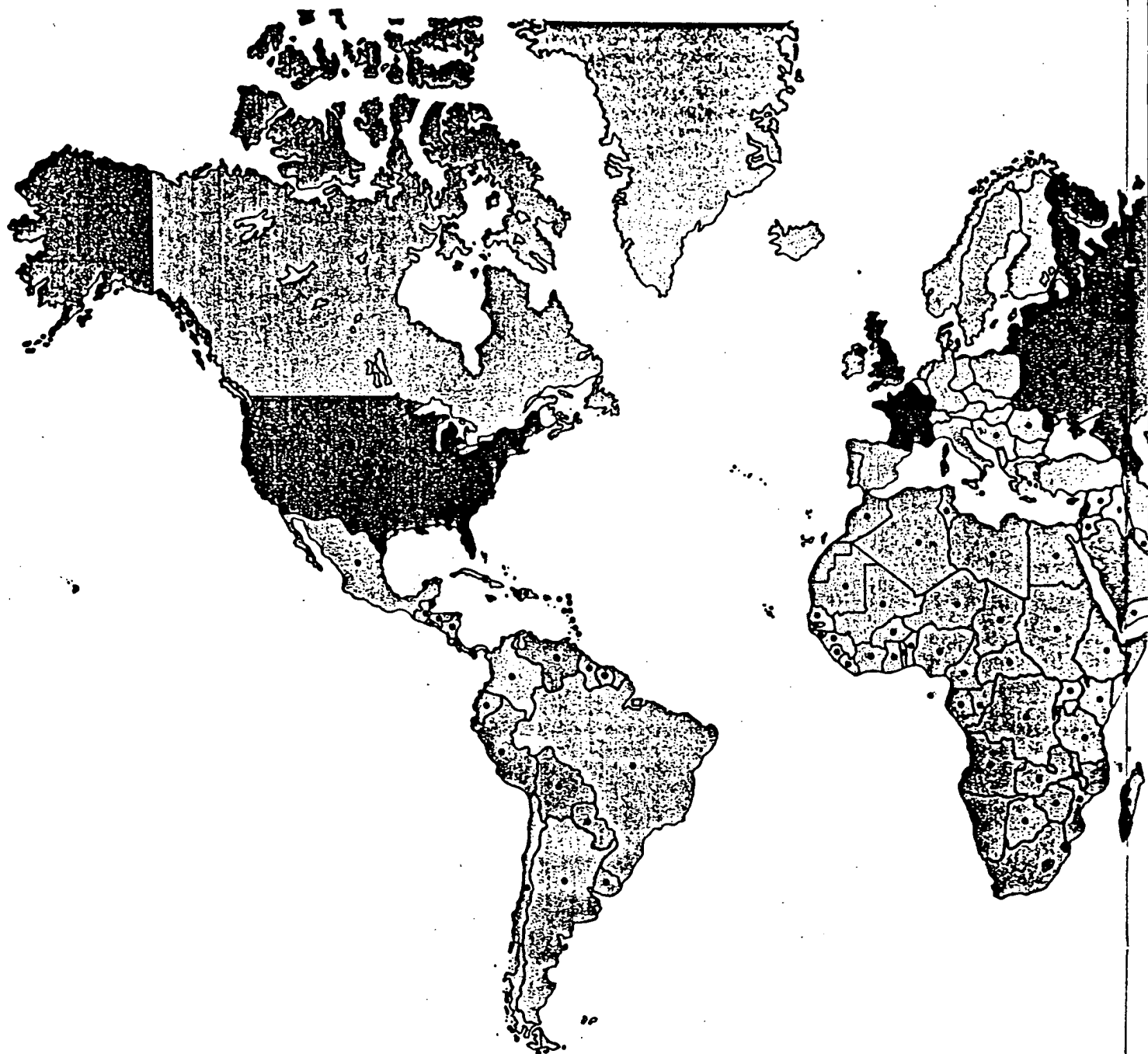
The Nuclear Suppliers Group consists of 15 nations (Western, Eastern and neutral) that seek to prevent the diversion of nuclear materials, equipment and technology to weapons. They set up restrictive export guidelines in 1974 and 1975. In 1977 a group of 66 suppliers and importers, with the assistance of the IAEA, expanded discussion of the arrangements in a meeting called the International Nuclear

Fuel Cycle Evaluation. The aim was to minimize the danger of the proliferation of nuclear weapons without jeopardizing the development of nuclear energy for peaceful purposes. In 1980 the expanded group concluded that no technical measures could by themselves ensure the separation of peaceful and military applications in a way that would prevent the proliferation of nuclear weapons to additional countries. The group did envision some precautionary or ameliorative measures: the adoption of more effective and

credible international safeguards and the establishment of regional organizations that might exert a restraining or deterring effect on nations edging toward nuclear weaponry. It seems clear, however, that such measures would not stop a determined nation from acquiring a capability to make nuclear weapons.

What, then, of the cornerstone of this edifice: the nonproliferation treaty? During the negotiations it was clear that both the nuclear and the

nonnuclear countries wanted to prevent further proliferation. The nonnuclear countries insisted on a straightforward bargain: if they undertook to prevent horizontal proliferation, the nuclear powers must undertake to stop their vertical proliferation. Accordingly the preamble to the treaty recalled the pledge of the three nuclear powers in the test-ban treaty to negotiate an end to all testing, and Article VI obligated them "to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms



STATUS OF NONPROLIFERATION TREATY is shown on this map. The nuclear nations that are parties to the treaty appear in dark color, the nuclear nations not party to the treaty in dark gray.

Nonnuclear nations party to the treaty appear in light color; nonnuclear nations that are not members are shown in light gray. The colored circles identify members of the Group of 77. They can be

race at an early date and to nuclear disarmament."

The treaty came into force in 1970 and now has 128 parties—more than any other arms-control agreement. China and France have not signed the treaty; neither have some 40 other nations, including several that could make nuclear weapons now or will be able to do so soon. They include Argentina, Brazil, India, Israel, Pakistan, South Africa and Spain. Several of them are presumably avoiding the treaty because they have actual or

potential national-security problems; others contend that the NPT is discriminatory, favoring nuclear haves over nuclear have-nots, and that in any case the provisions imposing obligations on the nuclear powers are not being carried out.

The continued refusal of some 40 countries, several with advanced nuclear programs, to become parties to the NPT tends to diminish the effectiveness of the treaty. Yet even the parties can withdraw on three months' notice. Therefore adherence to the treaty

and acceptance of IAEA safeguards do not provide any absolute guarantee that a country will not at some stage decide to "go nuclear." (Under the terms of the treaty a conference must be held in 1995 to decide on the future of the treaty.)

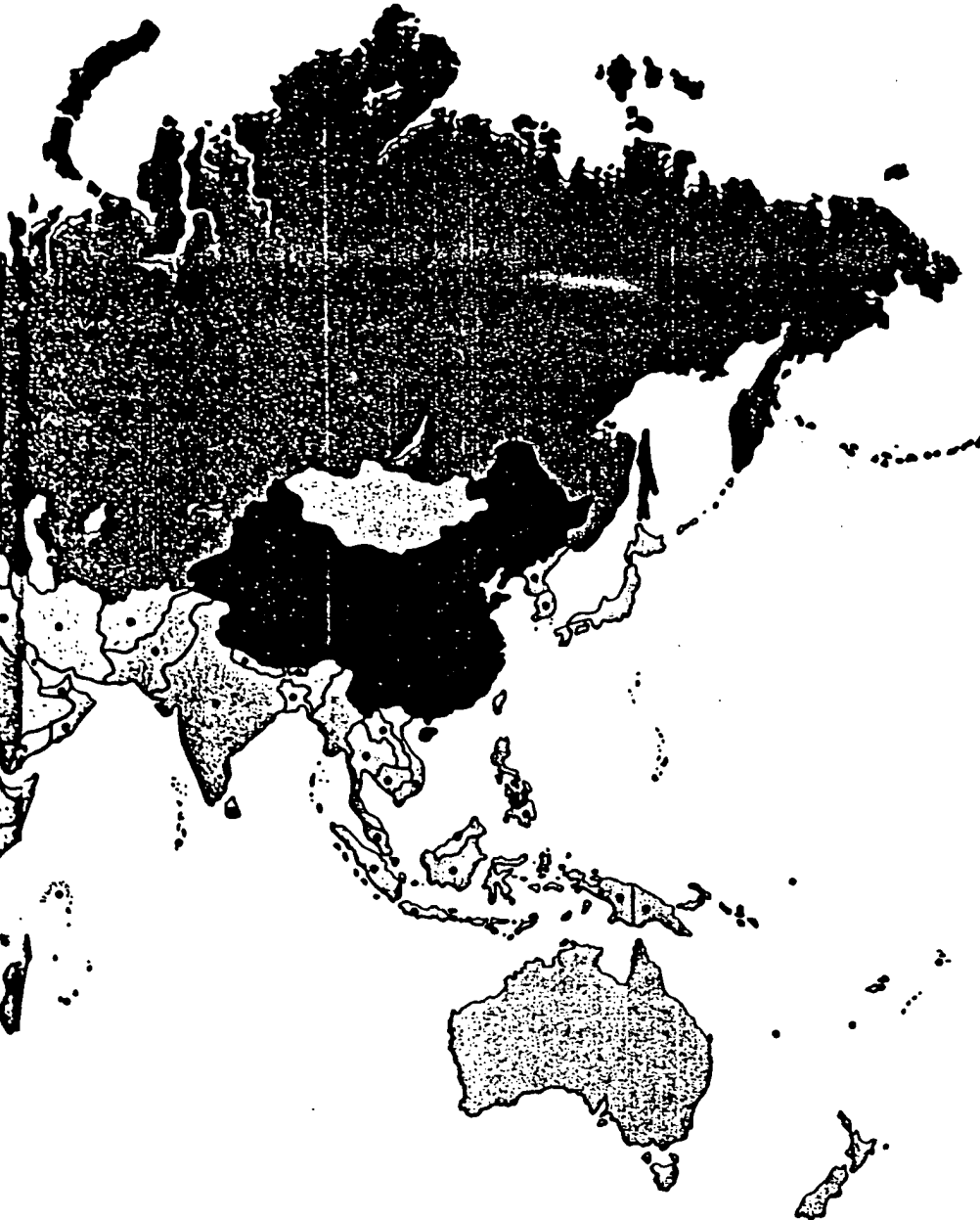
Moreover, the treaty does not prevent nonnuclear countries from developing a capability or option of having nuclear weapons; it merely prohibits them from acquiring or making the actual weapons or explosive devices. The only conclusive proof that a country has done so is a nuclear test. A country could therefore prepare or acquire a small stockpile of plutonium or weapon-grade uranium without testing an explosive device and then begin testing after giving the required notice of withdrawal.

In the light of such possibilities the neutral and nonaligned nonnuclear countries regard a cessation of the nuclear arms race (the first obligation under Article VI of the NPT) as requiring a halt to the production, testing and deployment of nuclear weapons—in effect a freeze on nuclear weapons. Their view is that Article VI gives this objective priority over other measures of nuclear disarmament and that it is logical to stop the development of new nuclear weapons before undertaking to either reduce the number of or eliminate such weapons.

Hence these nations regard a comprehensive test ban not only as the most important first step toward ending the nuclear arms race but also as the most feasible and most easily attainable measure to halt both the horizontal and the vertical proliferation of nuclear weapons. The reasoning is that with testing forbidden the nonnuclear countries would be unlikely to commit the resources required for a weapons program and the nuclear powers would not develop new weapons. Then over a longer term the deterioration of existing weapons would gradually make reliance on them less likely and their use less certain. Finally, the nonnuclear nations regard a willingness to enter into a complete test ban as a definitive test of the intentions of the two superpowers and of their will to live up to their obligations under the NPT.

From 1977 to 1980 the U.S., the U.S.S.R. and the U.K. did discuss a comprehensive test ban, but after making considerable progress they recessed the talks and have not resumed them. The reason is that the U.S. changed its position after the election of 1980, abandoning its long-time support of a ban and declaring that, although a test ban "remains an element in... [our] arms control objectives, we

expected to oppose the policies of the nuclear powers at this month's conference on the treaty in Geneva. This group argues that the nuclear powers have not met their treaty obligation to make serious efforts to halt the nuclear arms race and to reduce their nuclear forces.



do not believe that, under present circumstances, a comprehensive test ban could help to reduce the threat of nuclear weapons or to maintain the stability of the nuclear balance."

This position did not go over well with the nonnuclear states. Their disappointment and frustration increased when the U.S. decided in 1982 not to resume the trilateral negotiations for a test ban, not only because of doubts about the verifiability of a ban but also because of a perceived need to keep testing new nuclear weapons. As the U.S. Arms Control and Disarmament Agency explained in 1983, "nuclear tests are specifically required for the development, modernization and certification of warheads, the maintenance of stockpile reliability and the evaluation of nuclear weapon effects." The UN secretary general seemed to lend support to the view of the neutral and nonaligned countries when

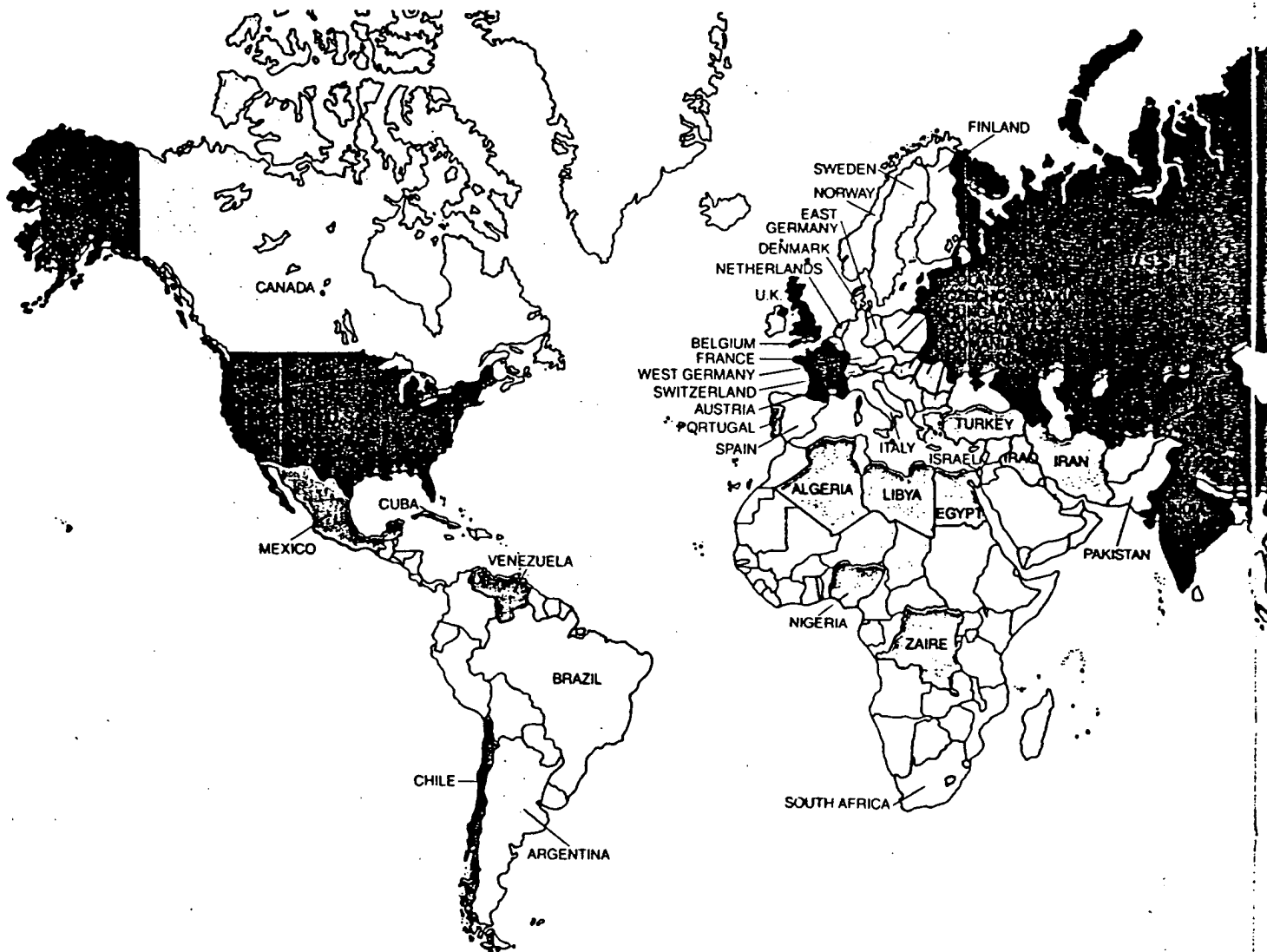
he said earlier this year: "It is of direct importance to the future of humanity to end all nuclear explosions. No other means would be as effective in limiting the further development of nuclear weapons."

Another component of the background of the NPT review conference is the record of the two earlier conferences (in 1975 and 1980). Both of them featured an unusual alignment. Sharing common interests, the U.S., the U.S.S.R. and the U.K. cooperated in resisting the demands of the nonnuclear countries, particularly the neutral and nonaligned nations (mainly of the Third World) known as the Group of 77. (The group now has more than 100 members, but the original name persists.)

At the first conference in 1975 the participants from the Group of 77 asserted that they had fully lived up

to their commitments under the NPT whereas the nuclear powers had not done so. They emphasized the failure of the nuclear powers to implement the treaty's provisions for stopping the nuclear arms race and cooperating in the peaceful uses of nuclear energy.

The group made several demands, among them an end to underground testing, a substantial reduction in nuclear arsenals, a pledge not to use or threaten to use nuclear weapons against nonnuclear parties to the treaty and substantial aid to the developing countries in the peaceful uses of nuclear energy. Several of the nonnuclear nations allied with the U.S. and the U.S.S.R. were sympathetic to these demands. In the end the 1975 conference achieved a fragile consensus, expressed in a declaration in which the nuclear powers in effect promised to try harder to meet the demands of the nonnuclear countries.



**PRESENT AND POTENTIAL NUCLEAR NATIONS** now number 50. This map groups them according to whether they have already conducted explosions of nuclear weapons or devices (red) or

will be able to acquire the technical capability to explode such a device within a year or two (blue), five or six years (yellow) or by the year 2000 (green). India is classified here as a nuclear power

In 1980, when the second conference was held, the nuclear powers had not met any of the demands. The conference failed to reach agreement on any aspect of stopping the nuclear arms race. The U.S. led the nuclear powers in refusing to make concessions on measures for the control of nuclear arms. As a result, even though the participants had achieved a consensus on plans to advance international cooperation in the peaceful uses of nuclear energy, the conference ended without a final declaration or even any formal reaffirmation of support for the NPT.

The outlook for this year's conference is as bleak or bleaker. The frustration of the neutral and non-aligned countries appears to be turning into resentment and anger because they believe the nuclear powers have misled them. These nations will no doubt renew their long-standing de-

mands for a comprehensive test ban, nuclear disarmament, assurances that nuclear weapons will not be used or held out as threats against nonnuclear countries and greater assistance in the peaceful use of nuclear energy. It seems clear that they will concentrate more than they did in 1980 on pressing their view that the nuclear powers must stop vertical proliferation. Indeed, many members of the Group of 77 believe that an end to vertical proliferation is the only way to stop horizontal proliferation and that both must be halted or neither will be.

In the view of that group the situation has worsened considerably since 1980. The members cite the rapid pace of the nuclear arms race; the abandonment of negotiations for a comprehensive test ban and of talks on intermediate-range nuclear weapons and on the reduction of strategic arms; the spread of the arms race to earth orbit and near space; the unlikely prospect of early progress in the resumed talks between the U.S. and the U.S.S.R. on nuclear and space-based weapons, and the escalation of global military expenditures to some trillion dollars per year. Members of the group also cite the absence of progress over the past five years on any substantive issue of nuclear arms control.

At the same time the fear of a possible "nuclear winter" has helped to create the growing demand for greater efforts to reduce and prevent the risk of nuclear war and to end the nuclear arms race. Many governments, organizations and individuals are calling for a freeze on nuclear weapons, to be followed immediately by substantial reductions in nuclear forces, and for a declaration by each of the nuclear powers that it will not be the first to use nuclear weapons.

The nonaligned countries are therefore considering new approaches to their goals of first halting and then reversing the nuclear arms race. They seem to be searching for ways to awaken the nuclear powers to the seriousness with which they regard the current situation and its impact on the proliferation problem.

One strategy under consideration relates to voting at the conference. The previous conferences operated on the basis of consensus, not purely as a matter of preference but because neither the nuclear powers and their allies nor the Group of 77 could muster the two-thirds vote needed to make a decision. In 1975 only 57 of the 96 countries then party to the treaty attended and in 1980 only 75 of 115. Most of the absentees were small nations belonging to the Group of 77. The group is therefore pressing for a larger turnout this

year in the hope of assembling a two-thirds majority.

If the conference is able to muster a decisive vote, the decisions would not be legally binding on the nuclear powers or other parties to the treaty. Nevertheless, they would carry a good deal of political, moral and psychological weight. Their impact could affect the credibility of the policies of the three nuclear powers and also the viability of the NPT if the three powers failed to bring their policies into line with their treaty obligations. Some members of the Group of 77 believe their views should be put to a vote even if only a simple majority favors them.

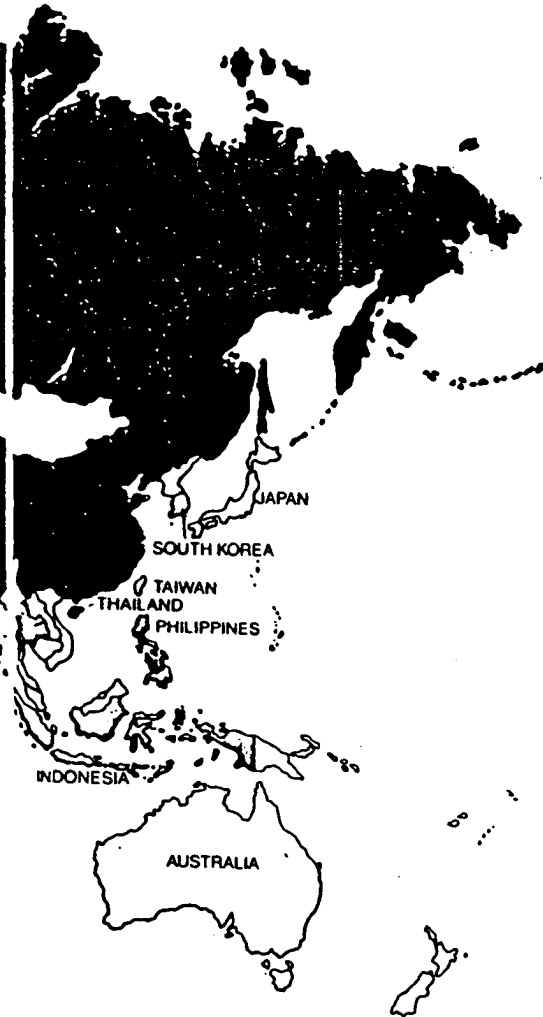
Another scenario is envisioned by some members of the Group of 77. They would concentrate their efforts at the conference on ending the nuclear arms race and controlling nuclear arms. Discussion of such other issues as peaceful uses and international safeguards on nuclear programs and facilities and on traffic in nuclear materials and technology would be deferred or downgraded.

In a third scenario some members of the Group of 77 would consider walking out of the conference if it becomes clear that the nuclear powers are not ready to proceed with speed and diligence toward fashioning a comprehensive test ban and halting the nuclear arms race. A related idea is for some parties to threaten to give notice of withdrawal from the treaty unless the nuclear powers move promptly to implement their treaty obligations.

Also under consideration is the notion of not ending the conference if the discussions are fruitless. Instead the Group of 77 would call for a recess of a year or so as a means of exerting pressure on the nuclear powers to come up with positive proposals.

Going further, some members of the group talk of taking matters into their own hands by calling a conference to amend the test-ban treaty of 1963 in order to prevent all nuclear tests. It would only be necessary to delete the provisions that permit underground tests. The treaty stipulates that the depository governments (the U.S., the U.K. and the U.S.S.R.) "shall convene" such a conference if one-third (38 or more) of the 112 parties call for it. An amendment would have to gain the approval of a majority (57) of all the parties, including the depository governments.

One cannot suppose the nuclear powers, particularly the U.S. and the U.K., would approve an amendment prohibiting underground tests. Hence the amending conference would not create new legal obligations for the sig-



because in 1974 it exploded a "peaceful nuclear device," which in fact incorporates the same basic technology as a nuclear bomb.

nations. Nevertheless, majority approval of such an amendment would put considerable pressure on the three nuclear parties. A failure on their part to respond could have profound political repercussions.

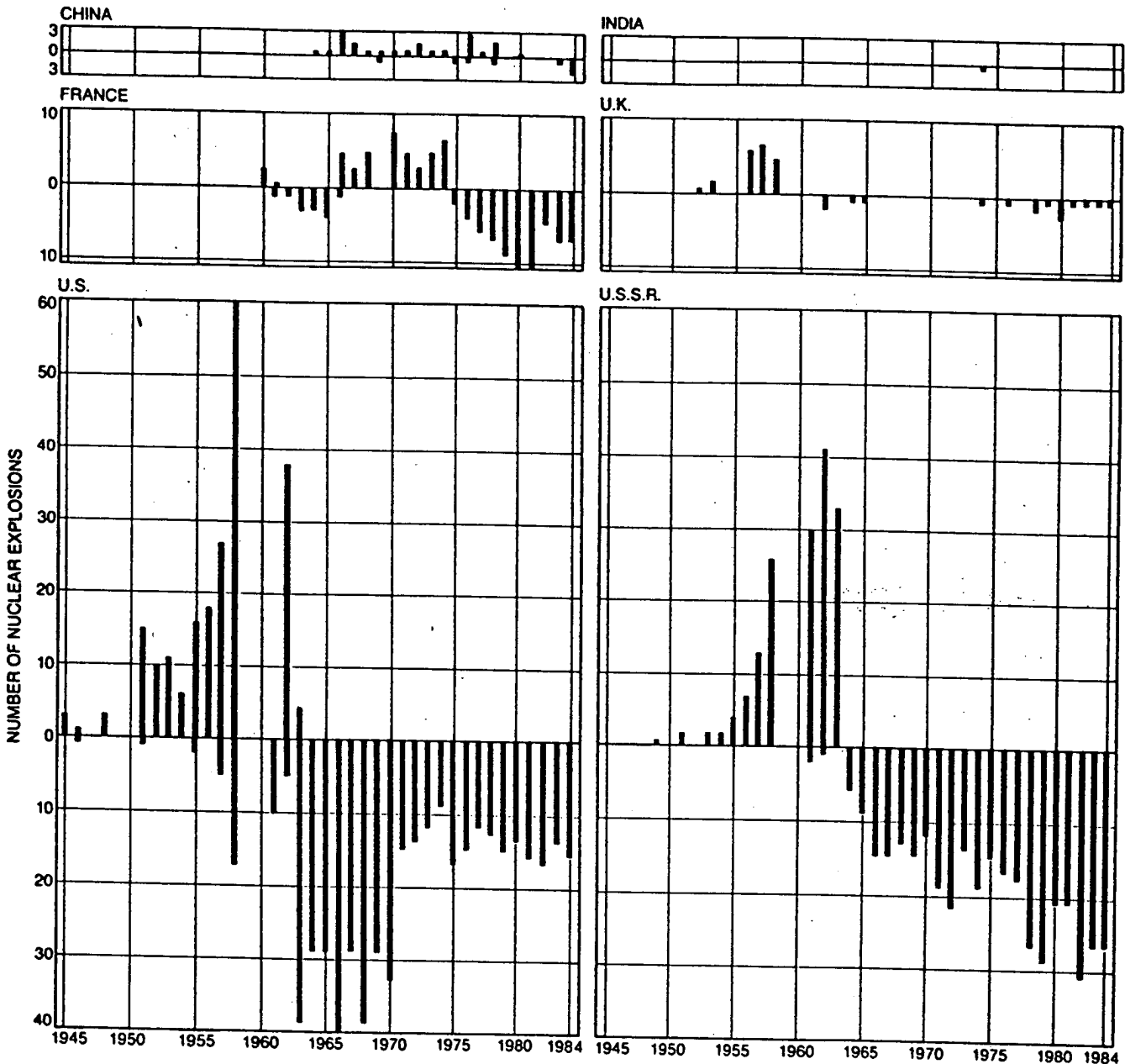
How might the nuclear powers deal with the demands they will encounter at the conference? The U.S. and its allies (the Western group) appear to have no new strategies. They will probably content themselves with the policies they pursued at the previous review conferences. Doubtless they will again emphasize the importance of the treaty and stress the fact

that it is in the interest of all states—nuclear and nonnuclear, large and small—to strengthen the treaty and enlarge the membership.

In addition they will probably emphasize again their willingness to expand their cooperation in the peaceful uses of nuclear energy and to provide assurances of supply to nonnuclear parties to the NPT. They will also again propose various plans for international arrangements to manage the nuclear fuel cycle better, to strengthen and improve the IAEA's system of safeguards and to make the entire nonproliferation regime more effective.

Doubtless too the U.S. and its allies

will try to put a good face on the lack of progress toward halting the nuclear arms race or negotiating a comprehensive test ban. At the previous conferences they could claim some degree of movement in those directions. They cannot do so this time, but they can point to the recent resumption in Geneva of arms negotiations between the U.S. and the U.S.S.R. and to their stated desire for drastic reductions in the size of the nuclear arsenals. They may also maintain that President Reagan's strategic-defense initiative (the "Star Wars" program) points the way to the elimination of nuclear weapons by rendering them obsolete.



NUCLEAR-EXPLOSIVE TESTS by the six nuclear powers are charted from 1945, when the U.S. exploded the first fission bombs, through 1984. The colored bars represent tests aboveground; the gray bars represent underground tests. The partial-test-ban treaty

of 1963 prohibits tests of nuclear weapons in the atmosphere, under water and in outer space, but it allows underground tests. The 33 aboveground tests attributed to the U.S.S.R. in that year were actually carried out before the signing of the treaty in 1963.

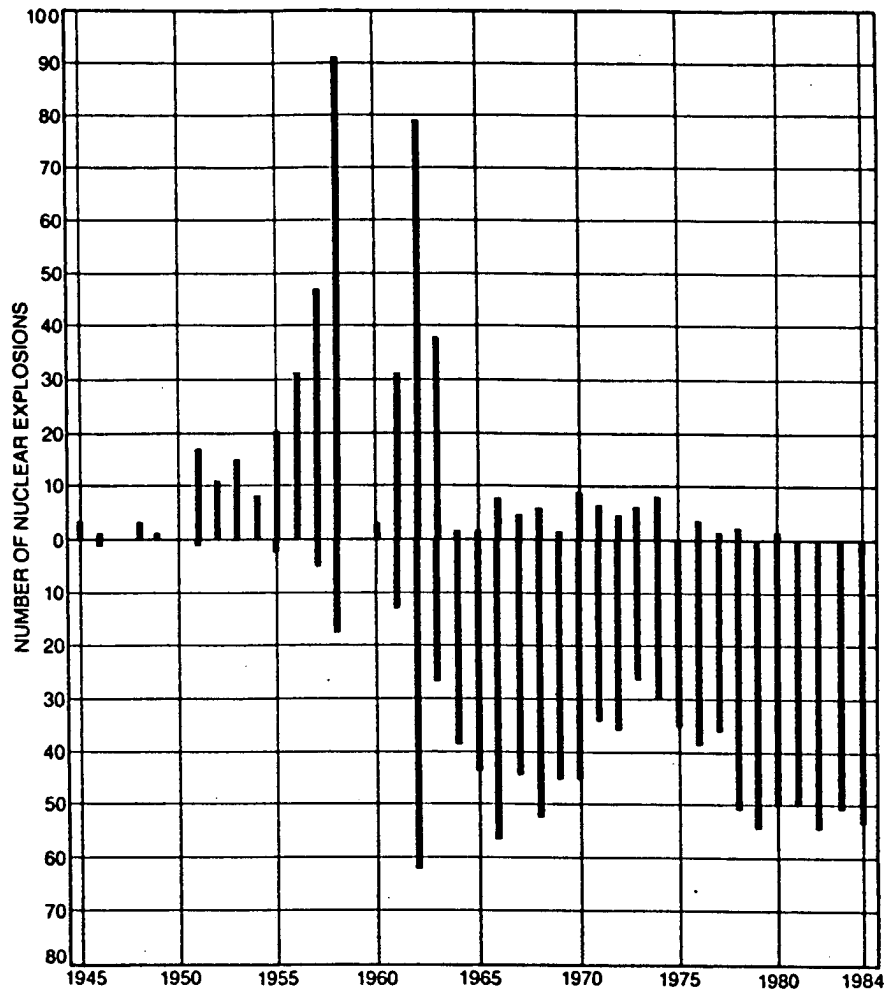
The Western nuclear powers are also hoping to achieve a consensus on a short and simple final declaration that would reaffirm the importance of the NPT in enhancing the security of all nations. The declaration would also reaffirm support for the treaty as well as the need to strengthen it with strict adherence to its obligations and goals by moving seriously toward nuclear disarmament and by providing greater assistance in the peaceful uses of nuclear energy.

The Western nations are fully aware of the demands of the Group of 77. They recognize also that the non-aligned nations are most unlikely to be satisfied with Western positions and proposals. Accordingly it seems likely that the Western nations will continue their previous reliance on a "damage limitation" strategy, wherein they will try to prevent defections from the NPT. Perhaps the best they can hope for is that the debates of the conference will proceed without undue animosity and confrontation and that the conference will end, as in 1980, without adopting any final declaration.

In aid of this strategy the U.S. initiated talks with the U.S.S.R. last November to coordinate nonproliferation efforts. The two nations have agreed to hold such talks every six months. The U.S. also arranged to meet with 12 other members of the Nuclear Suppliers Group to reaffirm their policies on nonproliferation and their restrictions on the export of nuclear material, equipment and technology.

The U.S.S.R. and its allies (the Eastern group) will have an easier time at the review conference. They support a comprehensive test ban, a freeze on nuclear weapons, no first use of nuclear weapons (which is tantamount to no use against nonnuclear states) and the prevention of an arms race in outer space. In addition the U.S.S.R. will no doubt emphasize its recent agreement with the IAEA to accept safeguards over certain peaceful nuclear reactors in the U.S.S.R. (The U.S. and the U.K. had already made such an agreement.)

Some members of the Group of 77 have expressed the hope that the Eastern group might even decide to side with them, thereby ensuring a two-thirds vote for a final declaration supporting their common positions. A declaration with that level of support would give greater legitimacy to the positions and put heavier pressure on the Western group. Such an alliance seems unlikely, however, because the U.S.S.R. believes in maintaining solidarity with the U.S. on policies toward nuclear nonproliferation and strengthening the nonproliferation regime.



TOTAL NUMBER OF NUCLEAR TESTS through 1984 was 1,522, of which 461 were aboveground (color) and 1,061 underground (gray). The data were assembled by the Swedish Defense Research Institute and published by the Conference on Disarmament. Tests by the nuclear powers are China 29, France 127, India 1, U.K. 37, U.S. 772, U.S.S.R. 556.

It is noteworthy that notwithstanding the disagreements between the U.S. and the U.S.S.R. on other aspects of the arms race and arms control, both countries want to prevent the spread of nuclear weapons to more nations. Nonproliferation is the only area where the two countries have maintained a common front, whatever the current tensions between them or the current state of their relations in other fields. Still, the U.S.S.R. has the option of joining forces with the nonaligned states at the review conference in order to increase the pressure on the U.S. and the Western powers. The U.S.S.R. also has the option of abstaining on any vote, ensuring that the proposal would be adopted but would not have the formal support of the U.S.S.R.

It may also come about that the Group of 77 will round up enough supporters (without the backing of the Eastern group) to muster a two-thirds vote for a final declaration supporting the Group of 77 position. In that case the Western group would find itself in an uncomfortable and embarrassing

position. Even if no declaration can be formulated and the conference ends, as it did in 1980, without a consensus, such a second failure would have a negative effect on the future of the NPT. Hence there may be considerable support for a move to recess.

Given the present position of the parties it is difficult to see how the conference can avoid a confrontation between the Group of 77 and the nuclear powers, mainly the U.S. That situation would serve not to strengthen the NPT but to weaken it, creating doubt and fear for its future effectiveness. As long as the treaty retains good credibility it exercises a restraining influence even on nonsigners who may contemplate acquiring or making nuclear weapons. Erosion of the treaty's credibility would make it easier for such countries to go nuclear. Since the treaty is the main bulwark against the further proliferation of nuclear weapons, the explosion of a nuclear device by even one or two more countries would put the entire nonproliferation regime in jeopardy.