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Introduction

The entry into force of the NPT marked a new departure for policies towards nuclear proliferation and non-proliferation: national policies of technology denial were being reinforced by international policies involving co-option of, and collaboration with, potential proliferators. Although national technological denial activities and policies of persuading states not to proliferate through security guarantees and transfers of conventional arms continued, the NPT provided a vehicle through which states could make a binding legal commitment not to acquire nuclear weapons. This created a solid basis for action against them if, having made that commitment, they disregarded it. It also meant that the proliferation of nuclear weapons to an increasing number of states was no longer regarded as inevitable. The Treaty’s effectiveness in both contexts was, however, crucially dependent upon the number of states which became parties.

At first, attempts to persuade states to ratify the Treaty focused upon those allies of the US who had been the focus for its negotiation, in particular the Federal Republic of Germany and Japan. By 1977 both had become parties, along with other states on the proliferation lists of the early 1960s such as Sweden, Switzerland and Australia. Attention then moved to bringing the large numbers of non-aligned states in Latin America, Africa and Southeast Asia into the Treaty. Numbers of parties slowly increased: 97 at the end of 1975; 114 at the end of 1980; 133 at the end of 1985 and 141 at the end of 1990. From 1990 onwards events moved swiftly, with China and France acceding as NNWS in 1992, and two of the six contemporary suspect nuclear-weapon states, South Africa and Argentina, in 1991 and 1995 respectively. Since Brazil had committed itself in 1994 to bring fully into force the regional NWFZ Treaty of Tlatelolco, this meant that it too had made a legal commitment not to acquire nuclear weapons. By 1995, only three states with nuclear capabilities, India, Israel and Pakistan, had made no legally-binding nuclear non-proliferation commitments.

The NPT was a framework treaty, and once it had entered into force efforts commenced to create agreements on the details of its implementation. The resulting collection of norms, rules, behaviours, institutions and arrangements is usually described as the nuclear non-proliferation regime.

NPT Safeguards

The first of the tasks facing the international community once the NPT had been signed was to negotiate and implement its detailed safeguarding or verification system. As the decision had been taken by the drafters of the Treaty that the IAEA should be responsible for verifying that nuclear materials in NPT NNWS were not being used for nuclear explosive purposes, Agency officials had to draft, and seek the agreement of the IAEA’s Board of Governors to, the detailed arrangements for a new safeguarding system applicable to NNWS NPT parties. These arrangements focused upon accounting for the presence and use of all fissile material within the jurisdiction of the NNWS parties to the Treaty, and rested upon them declaring to the Agency their initial inventories of such materials, and subsequently any changes in their location and size due to transfers between and within states, operations of existing plants or the opening of new plants. This system, agreed in April 1971, was often termed INFCIRC/153, after the number of the IAEA information circular containing details of the model agreement between the IAEA
and NPT NNWS. EURATOM states negotiated a collective agreement of this type, enabling the IAEA to safeguard activities within those states independently of EURATOM.

The INFCIRC/153 system was a product of difficult negotiation between those industrial NNWS which desired as little interference in the operation and cost of their nuclear power systems as possible, and those states attempting to create a verification system to give effective early warning of any diversion from a civil fuel cycle. One consequence was that its focus was on the misuse of declared materials and known facilities, rather than searching for undeclared materials and plants. Another was that most of its inspection effort was focused upon Canada, the Federal Republic of Germany and Japan, even though by the 1980s they appeared to be unlikely candidates as prospective nuclear proliferators. A third was that the NWS made voluntary offers’ to place elements of their civil industry under IAEA safeguards in order to engage in an exercise of ‘equality of misery’ with industrial NNWS in shouldering the burden of accepting IAEA safeguards.

One consequence of these initial compromises became apparent in early 1991, when Agency activities mandated by the Security Council in Iraq started to uncover the full extent of that state’s clandestine attempts to manufacture fissile material for nuclear weapons, despite its NPT commitment not to do so. The result was that member states accepted that the Agency had to change some of its existing safeguarding procedures to enable it to handle future NPT renegades. This culminated in a set of proposals by the Agency Secretariat, initially labelled 93+2, for additional measures specifically geared to detecting undeclared activities and materials.

One key point in the process of strengthening the implementation of safeguards after 1991 was the recognition that although some desirable changes could be made to the existing system of ‘comprehensive safeguards’ to move its focus from the ‘correctness’ of a state’s declaration to its ‘completeness’, others would require the negotiation of a protocol to the existing safeguards agreement to create the necessary legal authority for this. The changes that did not require further authority included voluntary reporting on all nuclear activities within a state; analysis of open source and other information concerning a state’s nuclear activities; and the use of environmental sampling and remote monitoring equipment at sites declared to hold nuclear material. Changes that did require legal authority were the subject of extended negotiations, and it was not until May 1997, that the ‘Model Additional Protocol’ incorporating them was approved by the IAEA Board of Governors.

The basic concept behind the 93+2 activities was that the Agency should provide indirect, as well as direct, assurances that a state’s material declarations were complete by auditing all activities within a state that could indicate the presence of undeclared materials. The Additional Protocol (known as INFCIRC/540) provided the authority for these indirect activities, which included information about mining and waste activities; comprehensive state declarations concerning all their nuclear activities; analysis of and comparisons between these state declarations and other sources of information available to the Agency, including open sources such as commercially acquired satellite images; environmental sampling covering the whole of a state’s territory; and the right of access to other locations to confirm the status of decommissioned facilities and to resolve inconsistencies between a state’s declarations and other information available to the Agency. States which had this in force would in future be known as being under integrated safeguards’. These would centre upon frequent reviews of individual country profiles to provide assurances that no evidence existed that a state was
diverting declared nuclear materials or was in possession of undeclared nuclear material or engaged in undeclared activities. The stated aim of this new safeguards system was to offer the optimum combination of all safeguards measures and to achieve maximum effectiveness and efficiency within the available resources.

Export Controls

Although national export controls were not specifically mentioned in the text of the NPT, India’s 'peaceful nuclear explosion' of 1974 stimulated supplier states into action on this matter. As the materials for the explosive device had been manufactured in a Canadian-supplied research reactor, attention became focused on two distinct issues: the conditions surrounding the export of nuclear materials and equipment to states that were not parties to the NPT; and whether technology holders should withhold all exports of nuclear equipment which might assist in the production of nuclear weapons if a state decided to proliferate.

The oil crisis of 1973, and the entry of France and the Federal Republic of Germany into the market for the export of nuclear technology, created a context of acute competition in an expanding and apparently lucrative market. This raised fears that fuel reprocessing and uranium enrichment plants, termed ‘sensitive technologies’ in this context, would be provided to NNWS customers to make offers of a vendor’s technology more attractive. Moreover, some interpretations of the text of the NPT suggested that it did not prohibit exports of ‘sensitive technologies’ from NPT parties to either other NNWS parties to the Treaty or to non-parties. One consequence was that, within the US in particular, alarm started to be voiced that the normative and legal constraints contained in the Treaty would be inadequate to deal with the opportunities for proliferation presented by an expanding global nuclear industry, particularly as at that point relatively few of the states of contemporary non-proliferation concern had signed and ratified the NPT.

The consequences of this evolving situation were found in international efforts to co-ordinate export policies; attempts to agree on common guidelines for triggering IAEA safeguards on exports from NPT states; and US domestic legislation. In all cases, however, the main disagreements over these policies were between the US and its industrialised allies.

The attempt to co-ordinate export policy, and in particular agree a common policy with France and the Federal Republic of Germany to prevent transfers of ‘sensitive technologies’, started with an East–West meeting of major technology suppliers in London in 1974. At French insistence, this and other initial meetings of this ‘London Suppliers Club’, later renamed the Nuclear Suppliers Group (NSG), were conducted without publicity, resulting in suspicions in some quarters, particularly among the non-aligned states who were not represented on the group, that this was a conspiracy to deny them the ‘inalienable right’ of access to all nuclear technology contained in the NPT text. After months of discussion, agreement was reached among participating states on a set of guidelines for nuclear transfers ‘to any non-nuclear-weapon state for peaceful purposes’. They did this by defining an export trigger list and ...common criteria for technology transfers’. These guidelines were made public in February 1978 in the form of an IAEA information circular, INFCIRC/254.

The NSG guidelines listed those plants and their components which the adherents agreed should in future require a licence before a state would permit their export. Adherents were also expected to ensure that their export control legislation conformed to the guidelines. They also
stated that suppliers "should exercise restraint in the transfer of sensitive facilities, technology and weapons usable materials". The effect of the first was to make all nuclear transfers positive acts of state policy, thus highlighting the right of any state to refuse to sanction them if it believed they might be used to assist in nuclear proliferation. This, the suppliers argued, implemented their commitments under the NPT not to assist any state to proliferate. The effect of the second was to create a tacit understanding among all those in the NSG that in future they would refrain from exporting any reprocessing or enrichment technology. As a result, France halted its assistance in the construction of reprocessing plants to both Pakistan and South Korea, and the Federal Republic of Germany constrained its efforts to transfer enrichment and reprocessing technology to Brazil.

The NSG guidelines of 1978 represented the extent of consensus in the later 1970s among the technology supplying states. What they could not agree on was how to interpret Article III.2 of the Treaty text which stated that exports by NPT parties to non-parties were only to take place if "subject to the safeguards required by this Article". Canada and the US argued that in this context "safeguards" meant INFCIRC/153 safeguards (i.e. safeguards on all nuclear materials within the recipient state). Others argued that it meant INFCIRC/66 safeguards on exported items alone.

Little further movement took place to revise or strengthen the NSG guidelines until 1991, among other reasons because of sensitivity to claims by non-aligned states that this was a discriminatory activity which breached the peaceful uses Article of the NPT. In February of that year, revelations concerning the activities of Iraq led the Netherlands to organise a meeting of adherents to the NSG guidelines to consider their revision. This resulted in the creation of several working groups to consider specific weaknesses and limitations illuminated by the activities of Iraq, especially its use of engineering firms in the Federal Republic of Germany and elsewhere with no previous connections with the nuclear industry to manufacture materials or components for use in their clandestine plants. In April 1992 agreement was reached amongst these adherents on significant amendments to the guidelines at a further meeting in Warsaw. These were published by the IAEA in July 1992 as INFCIRC/254/Rev.1/Pts.1 and 2.

The main consequences of this agreement were that guidelines were issued covering exports of items of technology having both nuclear and non-nuclear uses (dual-use items); NSG members agreed to consult with a central information point, provided by the Japanese mission to the IAEA in Vienna, before making such exports and to automatically reject export requests if another NSG state had recently done so; and all members agreed to make comprehensive IAEA safeguards a condition for supply to non-NPT parties [they already were in respect of NPT parties]. In addition, it was agreed that the NSG would meet annually in future, and make positive attempts to expand its membership.

The NSG's activities were conducted independently of the IAEA, but Article III of the NPT did give the Agency a specific task to perform in connection with national exports: determining which items and materials supplied to non-NPT parties should be subject to IAEA safeguards. The first version of this 'trigger list' of items, known as the Zangger List, was published in September 1974, and updates were subsequently made on a regular basis.

These updates were consolidated into an amended document, INFCIRC/209/Rev.1 of November 1990, the content of which was very similar to the list of NSG guidelines items. However, in theory the two lists remained independent of each other, as they performed different
functions.

The major area of contention between the Western allies in the later 1970s, however, was generated by an increased US desire for more positive policies to limit the nuclear proliferation dangers arising from the anticipated global expansion of nuclear power plants and their associated reprocessing and enrichment facilities. While the NSG guidelines went some way to meeting this need, US legislators believed that more action was needed. They introduced domestic legislation which both banned the reprocessing of nuclear fuel for civil purposes within the US and halted the national fast-breeder reactor (FBR) development programme which provided a justification for such activities. Their Nuclear Non-Proliferation Act of 1978 also mandated the administration to renegotiate the existing bi-lateral agreements for co-operation between the US and other states, and with EURATOM, to bring them into line with US policy. The consequence of these actions and of the election of President Carter in 1976, who had made taking new initiatives over nuclear non-proliferation a major campaign goal, was acute friction among the leading Western industrialised states over their nuclear energy and industrial policies.

The core disagreement was whether the types of civil nuclear power programmes being pursued by the allies of the US and the technologies involved, sometimes termed the ‘plutonium economy’, constituted too great a proliferation risk to be acceptable. No agreement could be reached on this divisive issue, and in October 1977 the International Fuel Cycle Evaluation (INFCE) was initiated. This was a technical and analytical study, based in Vienna, of the risks involved in the expanded nuclear power programmes. The hope was that this should arrive at some conclusive recommendations on the optimum fuel cycle when viewed from a non-proliferation perspective. By the time it reported in February 1980, however, the issue had become less pressing as the spate of new orders for nuclear power plants which had followed the 1973 oil crisis had peaked, and other issues were claiming the attention of the US government. However, the argument that all states should follow the lead the US had given in its domestic nuclear policies was to persist as an intermittent, if usually latent, source of disharmony with several of its major allies, such as Belgium, France, Japan and the UK, which had made significant investments in nuclear fuel cycles involving fuel reprocessing and plutonium recycling.

Disarmament

When the NPT was signed in 1968, multilateral negotiations to cap the nuclear arms race and reduce nuclear weapon inventories had lost most of the momentum they possessed in the late 1950s. However, a new route to these goals was starting to emerge: direct bilateral negotiations between the US and USSR. These led to the SALT I Treaty of 1972, limiting certain types of strategic armaments; a treaty to limit ballistic missile defences (the ABM Treaty of 1972); agreements to limit the yield of nuclear weapon test explosions (the Threshold Test-Ban Treaty of 1974) and underground nuclear explosions for peaceful purposes (the Peaceful Nuclear Explosions Treaty of 1976); a further treaty limiting strategic offensive arms (the SALT II Treaty of 1979); a treaty banning short- and intermediate-range nuclear missiles (the INF Treaty of 1987); and two treaties to reduce the numbers of strategic nuclear warheads and launchers deployed by the US and USSR (later the Russian Federation) (START I of 1991 and START II of 1993). In addition, from 1978 to 1980 there was a trilateral attempt by the United Kingdom, US and USSR to negotiate a CTBT, without any positive result.
One consequence of this activity was that while there was a continuing, if at times haltering, effort from 1968 onwards to negotiate nuclear disarmament agreements between the two superpowers, with a focus on reducing numbers of delivery systems, two other trends could be discerned. One was that in the absence of limits on the numbers of nuclear warheads to be carried on individual delivery systems, the numbers of strategic warheads in the US and USSR arsenals increased from the date of signature of the NPT through to the early 1990s. The second was that all attempts to make progress in multilateral nuclear disarmament negotiations during this period were blocked, with no attempts to negotiate a FMCT and negotiations on a CTBT taking place for only a limited period of time.

With the end of the US–USSR ideological confrontation and the disintegration of the USSR in December 1991, the nuclear arms race between the US and USSR ceased to exist. One of the direct effects of these momentous changes was to stimulate both the US and first the USSR, and then the Russian Federation, to retire and then dismantle large elements of their nuclear arsenals through a series of unilateral decisions. Two other NWS, France and the UK, also moved in a similar direction.

Another effect was to generate a new proliferation challenge as, although all its tactical nuclear weapons had been moved to the Russian Federation before the collapse of the USSR, strategic missiles and bombers, together with their nuclear warheads and bombs, remained operational in Belarus, Kazakhstan and the Ukraine. However, the arrangements in existence between the US and its allies when the NPT was signed provided a precedent for one state’s nuclear weapons being stationed on another’s territory. By 1994 arrangements had been made to move all these warheads to the Russian Federation, and for all the constituent elements of the USSR, other than the Russian Federation, to accede to the NPT as additional NNWS parties.

The end of the East-West ideological confrontation also had several other important effects. One was to assist in making possible a change in regime in South Africa. This in turn enabled it to dismantle its clandestine programme for the production of nuclear devices, join the NPT as a NNWS and then in 1993 reveal details of its former weapon programme. Another may have been to cause the regime in the Democratic Peoples’ Republic of Korea (DPRK) to push ahead with the separation of weapon-useable plutonium from indigenously produced reactor fuel, leading to a long confrontation from 1992 onwards between it, the IAEA and the US during which the DPRK gave notice of its intention to withdraw from the NPT, and then ‘suspended’ that decision. The confrontation was eventually resolved through a framework agreement negotiated between the US and the DPRK in October 1994 under which two large power reactors were to be supplied to the DPRK. In return, the DPRK agreed to freeze all activities involving its indigenously constructed nuclear facilities, and eventually dismantle them.

A further effect was to open up the possibility of progress towards the disarmament objectives the non-aligned states had been seeking to achieve through the NPT. In January 1994 negotiations started in the Conference on Disarmament (CD) in Geneva on a CTBT, while a mandate was also agreed by the UN General Assembly for the negotiation of an FMCT. CTBT negotiations were completed in September 1996 with the signature of a Treaty. However, although the verification organisation associated with the Treaty, the CTBTO, had been brought into being in Vienna by 2000, the refusal of the US Senate to ratify the CTBT, along with several other states whose signature and ratification was necessary before it could come into force, meant that the existing informal moratorium on tests could not be given legal backing. Moreover, completion of negotiations on a CTBT did not lead to negotiations on an FMCT as had been
planned, and since 1996 disagreement has persisted within the CD on the mandate and priority to be assigned to this measure, as against at least two other activities.

**Security Assurances and NWFZ**

In 1968 an attempt had been made by the three NPT depositary states, through Security Council resolution 255, to meet the demands of non-aligned states, particularly Egypt, for positive security assurances. However, the form in which they were offered (three national statements and a resolution which referred to them) was regarded by some states as no more than a restatement of commitments that already existed in the UN charter. Moreover, no attempt had been made at that point to provide NPT NNWS with collective negative security assurances. However, pressure for the provision of negative assurances continued and in 1978 they were provided, though in a form that was again regarded by states of the non-aligned movement as inadequate. In that year the first United Nations General Assembly Special Session on Disarmament (UNSSOD) was held, and in that context all five NWS made unilateral statements on negative security assurances. China’s statement was an unconditional one; the French one was limited to states in NWFZ’s; that of the USSR covered all states that renounced the production and acquisition of nuclear weapons and did not have them on their territories; while for the UK and the US, NNWS allied with a nuclear-weapon state were excluded from their commitment not to attack or threaten to attack a NNWS with nuclear weapons. At the next UNSSOD, in 1982, France provided NNWS with a broadly similar commitment to the UK and US.

As the numbers of non-aligned NNWS party to the NPT increased, so too did their pressure on the NWS to offer enhanced security assurances. Two states took the lead on this issue: Egypt on positive assurances and Nigeria on negative ones. Four types of enhancement were being sought: a common assurance given collectively by all the NWS, rather than a collection of differing unilateral statements; one that was in a legally binding form, rather than just a statement of intent (this implied either an independent agreement or treaty, or a protocol attached to the NPT); one applying to all states, but if this was not forthcoming to all NPT NNWS parties; and one that contained no reservations. However, despite this issue being on the agenda of the CD and being discussed actively at NPT review conferences, where both Egypt and Nigeria made positive proposals for such enhancements, it was not until 1995 that further changes were made to the existing multilateral security assurances.

The first change was that a new Security Council resolution, 984, was passed on 11 April 1995. This was similar to the 1968 one, in that it based itself on a series of national statements made in letters to the Secretary General on 5-6 April 1995, but it differed in encompassing both negative and positive assurances. Like previous assurances, they were not in treaty form, though some state representatives argued that Security Council Resolutions were legally binding. The second change was that although China maintained the unconditional form of its security assurance, the other four NWS modified their conditional assurances to bring them broadly into line with each other. Several obstacles were still perceived by the western NWS to stand in the way of an unconditional assurance. One was a reluctance to give up the element of deterrence through uncertainty inherent in conditional negative security assurances. A second was a concern that such a commitment would unnecessarily inhibit a NWS faced with a threat of use of chemical or biological weapons from a NNWS, and indeed might encourage such a threat.
The NWS had also been engaged in providing security assurances in two other contexts during this period. The first was that as part of the process of transferring to the Russian Federation the strategic nuclear weapons manufactured by the former USSR and still deployed in Belarus, Kazakhstan and the Ukraine. Nuclear security assurances were provided to all of them on 5 December 1994 by the Russian Federation, the UK and the US; on the same day by France to the Ukraine; and in February 1995 by China to Kazakhstan. These commitments were in line with those later contained in Security Council Resolution 984.

The second context was that of NWFZs. The first of the NWFZ treaties covering inhabited areas, the 1967 Treaty of Tlatelolco, contained two additional protocols that were open to signature by states outside the region. The first was for states with dependent territories within the zone: the second was for signature by the NWS. Signature of the first effectively prevented any stationing of nuclear weapons within the zone, while the second provided the states within the zone with unconditional security assurances. As all the NWS had signed this protocol by the end of 1979, one consequence was that the parties were given unconditional negative security assurances in binding legal form through this route. However, until the 1990s US policy was negative towards the creation of further NWFZs as, among other things, it regarded them as threatening limitations on its freedom to deploy nuclear weapons on a global basis. By 1993 the only additional group of states that had negotiated a similar zone were those in the South Pacific through their Treaty of Rarotonga of 1985. In this case, however, part of the motivation for negotiating the NWFZ was French nuclear testing in the area, and as a consequence France, the UK and the US refused to sign any of the three protocols to the Treaty, one of which provided the zonal states with unconditional negative security assurances.

With the end of the global East-West confrontation, the US started to take a more positive view of NWFZs, and as a consequence of this, and more importantly the change of regime in South Africa, rapid progress was made from 1993 onwards on the drafting of an African NWFZ treaty which would also offer unconditional negative security assurances to all those zonal states which chose to become parties to it. This work was completed in the summer of 1995, with the official signing ceremony for the document itself, known as the Treaty of Pelindaba, taking place in April 1996 in Cairo. By then a further NWFZ treaty, the Treaty of Bangkok, had been drafted and signed covering Southeast Asia, which also incorporated a protocol containing unconditional negative security assurances from the NWS. However, this protocol has yet to be signed by the NWS, for reasons connected with some of the wording in the Treaty and its protocols.

NPT Review Conferences

Article VIII.3 of the NPT mandated that Five years after the entry into force of this Treaty, a conference of Parties to the Treaty shall be held ....in order to review the operation of this Treaty...'. As a consequence, the first of these review conferences took place in Geneva in 1975. The precedents created by this conference were the basis for the procedural framework of future events of this type. Although it was a conference of the parties to the Treaty, not a UN one, it hired UN facilities and secretariat personnel for its meetings, as well as adopting rules of procedure based upon those of the UN. It set itself the task of reviewing the implementation of the NPT over the previous five years, rather than the text of the Treaty itself or the global nuclear proliferation and non-proliferation situation per se. It created a standard format for future conferences of starting 1-2 years before the event with several short sessions of a Preparatory Committee (PrepCom) tasked with identifying conference officers and agreeing the agenda and other procedural and administrative arrangements, and then moving on to the main meeting of
four weeks duration.

The standard format used for the Review Conferences involved three phases of work by delegations. The first phase involved heads of delegation of participating state parties making plenary speeches, often drafted in capitals, outlining their initial positions on the issues they felt should be addressed by the Conference. In the second phase, the NPT text was divided between two (later three) Main Committees for detailed consideration of its implementation, and for the negotiation and drafting of a text reporting on the scope of a Committee’s deliberations and its conclusions. The final phase involved attempts to integrate these Committee texts into a Final Declaration of the Conference with the aim of having it agreed by consensus. Formally, this task was assigned to the Drafting Committee, though it also involved other, more ad-hoc, groupings and meetings of representatives of groups of interested parties convened by the President of the Conference. Finally, a central structural element of the 1975 conference and its successors was the existence of three Cold War caucus groupings, similar to those found within the UN structure: the Western European and Others Group (WEOG); the Eastern Group; and a Neutral and Non-Aligned Movement (NAM) one.

In the years through to 1995, it became accepted as standard practice that review conferences would be held every five years, although the Treaty text specified that this was optional. The two main Committees were increased to three at the 1980 conference, inter alia to allow a representative of each of the caucus groups to chair a Main Committee. Also, it became the accepted practice to have the President nominated by the NAM. At later conferences, a new informal grouping based in Vienna started to emerge, sometimes called the ‘white-angels’, which consisted of smaller western states who wished to take a more active part in the proceedings than the caucus system allowed, and who performed a limited mediating role between those groups. However, despite the existence of the ‘white angels’, the main issues tended to be addressed on an inter-group basis. Finally, Presidents of specific Review Conferences tended to take a differing view of their role, ranging from a non-interventionist and neutral perspective at one end of the spectrum, to drafting the Final Declaration and attempting to impose it on the conference at the other. In addition, they made differential use of informal consultative groupings centred upon themselves, in one case making extensive use of the ‘Friends of the President’ and in another no discernable attempt to create and use such a group at all.

The outcomes of the conferences also differed significantly, though the content displayed great consistency despite the gradual increase of the parties attending. At the first conference in 1975 a short Final Declaration was agreed by consensus, partly as a consequence of the strong leadership displayed by the Swedish President. In 1980, under Iraqi presidency, no such document could be agreed. In 1985, with an Egyptian president operating an effective informal consultative system, a final declaration was agreed by consensus, even though differences of view on key issues were apparent within in. In 1990, under a Peruvian president, irreconcilable differences emerged that a last minute attempt at Presidential leadership could not overcome.

The content of the conference remained relatively static from 1975 through 1990, in part because of the structure of the Treaty itself and the differing perceptions that existed of its main objectives and significance. This was the only Treaty in which the NWS had made a legal commitment to negotiate on nuclear disarmament. The NAM states regarded the NPT review conferences as major forums within which the NWS could be pressurised into moving forward on the disarmament agenda first articulated in the 1950s. As a consequence, action to negotiate a CTBT became the litmus test for them in evaluating compliance with the NPT by the NWS. It
was also the most controversial issue under discussion and the one around which consensus was most likely to break down.

Other issues which had been prominent in the negotiation of the Treaty continued to have a significant role in the review conferences. Enhanced Security Assurances were demanded from the NWS, with little visible effect before 1995. Export Controls proved controversial, especially in 1980 when differences within the WEOG, and between members of it and the Eastern group on the one hand and members of the NAM group on the other, combined to make this a difficult issue to handle. IAEA safeguards also provided a fertile ground for limited disagreements, especially over whether INFCIRC/153 type arrangements should be a condition of supply to non-NPT parties. NWFZ and peaceful nuclear explosives, however, generated less friction, with the latter increasingly been seen as an obsolete element of the Treaty which was best ignored.

Insofar as accusations of non-compliance with, and non-implementation of, the non-proliferation articles of the Treaty were concerned, debates on these matters focused on what were euphemistically described as ‘regional issues’. These were triggered by the concerns Arab states had over Israel’s nuclear capabilities, and African states over those of South Africa. Both regional groups viewed NPT conferences as relevant forums to highlight and debate these issues, and ventilate accusations that the Western NWS were aiding Israel and South Africa’s alleged military nuclear programmes. The existence of these two regional nuclear proliferation concerns also served to bind the NAM group of states together, as each regional group had a mutual interest in providing the other with support. However, due to the political make-up of the NAM group, these parties had little incentive to raise the issue of other potential proliferators, such as Argentina, Brazil, India and Pakistan, in NPT forums, despite attempts by certain WEOG states to widen these regional discussions on ‘suspect states’ to a global level. Finally, acute conflicts between Middle Eastern states also generated complications for the negotiation of a Final Declaration on at least two occasions. In 1985 Iran accused Iraq of attacks on its nuclear facilities, while in 1990 Iraq’s attack on Kuwait generated significant complications, although the conference took place before the UN became aware of Iraq’s clandestine nuclear weapon programme. Disagreements over the credentials of delegations also played a persistent, if minor, role in such conferences, in particular whether the Palestine Liberation Organisation (PLO) should be granted observer status.

By 1995 NPT review conferences were thus operating within a well-established procedural and substantive pattern, based largely on East-West structures and concerns. Yet the international security and political environment had changed significantly. The 1995 Review and Extension Conference therefore not only had to deal with the issue of the further duration of the Treaty created by the existence of Article X.2; it also had to operate in a substantive context where the proliferation problems were changing. As a consequence, some states wished to use the conference to confront those changes and challenges in a more effective manner than had been possible in the past, while others had a narrower and more regional agenda.

The 1995 NPT Review and Extension Conference (NPTREC)

The NPTREC was preceded by the normal series of PrepCom meetings, though in this case the final one did include some discussion of substantive issues. The objective of achieving agreement on an indefinite duration for the Treaty was the subject of intensive and systematic lobbying by the US, the EU states and other members of the Western Group and their associates. By contrast, members of the NAM were being urged to adopt a more limited
duration, in the belief that this would generate periodic opportunities to force the NWS into political concessions over disarmament in exchange for further extensions of the Treaty. At the same time, South Africa had been developing ideas on how to move debates over disarmament away from political rhetoric and towards gaining commitment from the NWS to an incremental process of nuclear disarmament, while Canada had been working on plans for making all the parties more accountable for their actions.

The consequence of these activities, and of perceptions that ultimately it was the NNWS that had more to gain from the NPT in security terms than the NWS, was a lengthy process of negotiations at the Conference on outcomes that would offer gains to most parties. These involved recognising that the majority of the parties favoured the Treaty having an indefinite duration; that a set of agreed Principles and Objectives for Nuclear Non-Proliferation and Disarmament should be accepted and implemented; and that Strengthening of the Review Process for the Treaty should be achieved through changes in the workings of the existing review process to provide for regular and more effective monitoring of the implementation of the Principles.

The overall objective of this unspoken bargain was seen by the NNWS involved in the negotiations as the achievement of permanence with accountability. At a late stage in the negotiations, however, the Arab group of states indicated that they were dissatisfied with the outcome, which appeared to have deprived them of the option of threatening to terminate the Treaty if states parties failed to take collective action against Israel’s alleged nuclear capabilities. This issue was eventually resolved by the three depositary states (the Russian Federation, the UK and the US) agreeing to sponsor a Resolution on the Middle East advocating inter alia that it be converted into a zone free of all weapons of mass destruction, and that all states in the region should be NPT parties and accept full-scope IAEA safeguards. Implicitly, the three depositaries could be argued to have committed themselves to implement this resolution. Thus the indefinite duration of the Treaty was paralleled by all states making commitments to specific substantive actions and to a strengthened review process covering their implementation.

In parallel with the negotiations on the duration of the Treaty, the normal review proceedings had also been taking place, though the main focus for the heads of delegation until the final two days was the duration decision. However, no Final Declaration was forthcoming from the Conference, despite the DPRK and Iraq being in non-compliance with their safeguards agreements with the IAEA during the review period.


One effect of the decisions in 1995 was to create a set of expectations concerning the future implementation of the NPT regime. It also offered a set of general guidelines for the strengthened review process, though its detailed modalities remained to be addressed. One key change was that sessions of the PrepCom for a Review Conference were to be held in each of the three years preceding it, rather than immediately prior to it. Each session was instructed to consider principles, objectives, and ways to promote the full implementation of the Treaty, as well as its universality. In order to do this, it was to consider specific matters of substance, with particular reference to the Principles and Objectives decision document, including the determined pursuit by the nuclear weapon States of systematic and progressive efforts to reduce nuclear weapons globally. The PrepCom was also instructed to take into account the Resolution on the Middle East.
The Chairman of the 1997 PrepCom session modelled its structure on that of the Review Conferences, with a Plenary and then three ‘cluster’ discussions, whose focus closely resembled that of their three Main Committees. An attempt was made at this first meeting to develop two documents: a consensus ‘rolling text’, which some believed was intended to form the basis for recommendations to the Review Conference, and a compendium of proposals made by states parties during the session. In addition, a recommendation was proposed that ‘special time’ should be allocated to three specific topics at the 1998 PrepCom session. Ultimately, a report was agreed on all these issues for transmission to the next session.

The 1998 PrepCom session implemented the proposal for ‘special time’, though this was allocated within the clusters rather than separate from them as some states were concerned, inter alia, that this would set a precedent for the creation at the Review Conference of the ‘subsidiary bodies’ which had been mentioned in the 1995 document. However, the session itself was beset by conflicts over the implementation of the Resolution on the Middle East and the powers of the PrepCom sessions, in particular whether their discussions and recommendations had to be directly relevant to the activities of the Review Conference or could also address current events. One consequence was that although very limited progress was made on updating the compendium of proposals and developing the ‘rolling text’, the parties were unable to agree on a consensus report to the next session.

Consequently, the Chairman of the 1999 session was confronted with no formal guidelines from the previous sessions on how to generate recommendations to the Review Conference, or how to structure the meeting. However, the parties rapidly agreed to an agenda and structure for the meeting, and also to the discussions on recommendations being based upon an amended version of the 1997/8 rolling text. Negotiations on the wording of the recommendations to the Review Conference all took place in plenary. No recommendations could be agreed either on substantive issues or the establishment of subsidiary bodies at the Review Conference, as had been mandated by the 1995 document. One result was that the PrepCom did not comment on the nuclear tests of India and Pakistan that had taken place immediately following the 1998 PrepCom, or their self-declared nuclear status. Thus, although the sessions facilitated regular monitoring of the regime, they failed to achieve many of the objectives set for them in the 1995 documents, or produce consensus recommendations on urgent non-proliferation issues.