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# **TOWARD THE 2000 NPT REVIEW CONFERENCE**

*Mitsuru Kurosawa\**

## **Introduction**

The NPT Review Conference which is to be held in April and May 2000 is the first review conference since the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) was extended indefinitely and its review process strengthened. The review conferences have been held every five years since 1975. However, the 1995 NPT Review and Extension Conference was remarkable, because it deliberated both the Treaty's extension and the Treaty's review, and adopted three decisions as a package without vote.

The preparation for the 2000 Review Conference has been made laboriously for last several years. However, the prospect for the conference does not seem bright partly because of the deterioration of international circumstances in general, and of relationship between the U.S. and Russia and between the U.S. and China in particular. The lack of progress in nuclear disarmament is also main reason for pessimistic prospect. The START process has stopped because of the non-ratification of the START II Treaty by Russia, and the entry into force of the Comprehensive Nuclear Test Ban Treaty (CTBT) has been decisively hindered by the rejection of its ratification by the U.S. Senate.

In this paper, first I would like to consider the nature and results of the first four review conferences, and then examine the nature and results of the 1995 NPT Review and Extension Conference rather precisely. Thirdly, I will follow the process of the preparation for the 2000 Review Conference, and finally I will assess the prospect for the Conference.

## **I. Nature and Results of Review Conferences**

Article VIII, paragraph 3 provides for as follows:

Five years after the entry into force of this Treaty, a conference of Parties to

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the Treaty shall be held in Geneva, Switzerland, in order to review the operation of this Treaty with a view to assuring that the purposes of the Preamble and the provisions of the Treaty are being materialized. At intervals of five years thereafter, a majority of the Parties to the Treaty may obtain, by submitting a proposal to this effect to the Depositary Governments, the convening of further conferences with the same objective of reviewing the operation of the Treaty.

The concept of a conference to review the operation of the treaty was originally shown in the first U.S. draft treaty of August 1965. Mr. Foster, the director of ACDA said, "This was included in part because of the wide concern recently expressed by many participants in the discussion here and in the Disarmament Commission that a treaty such as this should be accompanied by progress to halt and reduce rising nuclear stocks."<sup>1)</sup>

The identical but separate U.S.-Soviet draft treaty of August 1967 stipulated as follows:

Five years after the entry of this Treaty, a conference of Parties to the Treaty shall be held in Geneva, Switzerland, in order to review the operation of this Treaty with a view to assuring that the purposes and provisions of the Treaty are being realized.

On this draft treaty, two amendments were proposed and accepted during the negotiation. One is to include the purposes of the Preamble into the sphere of review, and the other is to admit the possibility to hold a conference periodically rather than once five years after its entry into force.

Indeed it is all purposes and provisions of the Treaty including Preamble that should be reviewed at a review conference. But, as Mr. Foster described the reason for including this mechanism, the main purpose for its inclusion is to examine the progress in nuclear disarmament. It comes from the very nature of the Treaty, that is, the obligation of non-proliferation works immediately and the obligation of nuclear disarmament works slowly and progressively. It was thought necessary to have a mechanism to check the progress in nuclear disarmament periodically.

The review conference is the only Treaty mechanism for the Parties to discuss the implementation of the Treaty. The report of the Tokyo Forum published in July

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1) Statement by ACDA Director Foster to the Eighteen Nation Disarmament Committee: Draft Treaty to Prevent the Spread of Nuclear Weapons, August 17, 1965, U.S. Arms Control and Disarmament Agency, *Documents on Disarmament 1965*, p.353.

1999 calls for the creation of a permanent secretariat and consultative commission for the Treaty. This would be a guardianship organization, charged with serving the objectives of all Treaty parties in pursuing non-proliferation and disarmament.<sup>2)</sup>

The first review conference was held in May 1975, and after reviewing the operation of the Treaty with sharp confrontation between nuclear-weapon states and non-nuclear-weapon states, the conference concluded its work by adopting a final declaration by consensus, which was prepared by the president after a drafting committee had failed to produce an acceptable text.<sup>3)</sup>

The second review conference held in September and October 1980 could not adopt any document, mainly because of the difference in the assessment of the implementation of the Article VI. It was held when SALT II Treaty would not be ratified by the U.S., a CTBT negotiation failed, new nuclear weapons had been deployed in Europe, and a relationship between the U.S. and the Soviet Union deteriorated.

The third review conference held in September and October 1985 could adopt a final declaration by consensus, contrary to many predictions. There was no nuclear disarmament because of a sharp confrontation between the U.S. and the Soviet Union during 1980-1985. It is believed that rather than stimulate nuclear disarmament, a demonstrated inability of the Review Conference to produce a common document, or recourse to the voting procedure, would have had a disruptive impact on the treaty, to detriment of both nuclear and non-nuclear weapon states.<sup>4)</sup>

The fourth review conference held in August and September 1990 could not adopt a final document, in spite of strenuous efforts and getting a very wide agreement. It was held after the end of the Cold War and the U.S. and the Soviet Union had agreed in principle on the START Treaty which would cut their respective strategic nuclear warhead to 6000. A final declaration was supported by almost all participants, but Mexico insisted a CTBT in confrontation with the U.S.

The first four review conferences from 1975 to 1990 have discussed issues included in the Preamble and provisions of the Treaty. Participants, alone or as a group, submitted working papers or draft resolutions. Main purpose of the conferences was to exchange opinions and try to adopt a final declaration by consensus. Although every article was discussed, Article VI was always the center of the discussion and most controversial. Getting consensus by reviewing the

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2) *Facing Nuclear Danger: An Action Plan for the 21<sup>st</sup> Century*, The Report of Tokyo Forum for Nuclear Non-Proliferation and Disarmament, 1999, p.33.

3) *SIPRI Yearbook 1976*, p.364.

4) *SIPRI Yearbook 1986*, p.470.

operation of the Article VI was much more difficult than other articles.

## **II. 1995 NPT Review and Extension Conference**

### **1. Decisions at the Conference**

The 1995 NPT Review and Extension Conference was different from previous four conferences because it discussed and decided how to extend the duration of the Treaty as well as usual examination of the operation of the Treaty. After it was found out that big majority supported an indefinite extension, the Chairman submitted three decisions as a package. The three decisions including one to extend the duration indefinitely was adopted without vote.

Decision 1 on Strengthening the Review Process for the Treaty established new rules for review conferences and its preparatory committees. A review conference should look forward as well as back, and the preparatory committees should hold a meeting in each of the three years prior to the review conference.

Decision 2 on Principles and Objectives for Nuclear Non-Proliferation and Disarmament enumerated several principles and objectives in accordance with which nuclear non-proliferation, disarmament and international cooperation in the peaceful uses of nuclear energy should be vigorously pursued and progress, achievements and shortcomings evaluated. The following seven categories of principles and objectives are included: universality, non-proliferation, nuclear disarmament, nuclear-weapon-free zones, security assurances, safeguards and peaceful uses of nuclear energy.

Decision 3 on Extension of the Treaty on the Non-Proliferation of Nuclear Weapons decided that, as a majority exists among States party to the Treaty for its indefinite extension, in accordance with article X, paragraph 2, the Treaty shall continue in force indefinitely.

After these three decisions were taken together, the Resolution on the Middle East was adopted, which concerned with the Middle East peace process, a Middle East zone free of nuclear weapons and existence of unsafeguarded nuclear facilities. This resolution was indispensable to extend the Treaty indefinitely.

### **2. Strengthened Review Process**

First, it was decided that Review Conference should continue to be held every five years and the next Review Conference should be held in the year 2000.

Second, it was decided that the present structure of three Main Committees should continue and the question of an overlap should be resolved in the General

Committee.

Third, it was agreed that subsidiary bodies could be established within the respective Main Committees for specific issues.

Fourth, as the most important development, it was agreed that Review Conference should look forward as well as back. They should evaluate the results of the period they are reviewing, and identify the areas in which, and the means through which, further progress should be sought in the future.

On preparatory committee, it was decided that beginning in 1997, the Preparatory Committee should hold, normally for a duration of 10 working days, a meeting in each of the three years prior to the Review Conference. The purpose of the Preparatory Committee meetings would be to consider principles, objectives and ways in order to promote the full implementation of the Treaty, as well as its universality, and to make recommendations thereon to the Review Conference.

Review process of the Treaty was substantially strengthened by giving the Conference wider functions such as looking forward as well as back, and by giving the preparatory committee the function to deal with substantive matters as well as procedural matters in each of three years prior to the Review Conference.<sup>5)</sup>

### III. Preparation for the 2000 Review Conference

In accordance with these decisions of the 1995 Conference, the review process has been eagerly started since then, and three sessions of preparatory committee have been held in 1997, 1998 and 1999.

The first session of the Preparatory Committee was held in New York from 7 to 18 April 1997, attended by 149 states parties. Under the chairmanship of Mr. Pasi Patokallio (Finland), the Committee conducted general debates and substantial discussion for preparatory work for the review.<sup>6)</sup> As a chairman's statement, the Committee recommended that time should be allocated at the second session for the discussion on security assurances, the Middle East and the fissile material cut-off treaty.<sup>7)</sup>

In connection to a draft of recommendations to the Review Conference, the working paper submitted by the chairman was annexed to the Report, which contained some points of general agreements and a long list of specific proposals

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5) On the precise analysis of the strengthened review process, see Ben Sanders and George Bunn, *A New View of Review*, PPNN Issue Review No.6, September 1996.

6) NPT/CONF.2000/PC.I/32, 18 April 1997.

7) NPT/CONF.2000/PC.I/31, 18 April 1997.

by delegations which are without commitment by the Preparatory Committee. This paper, originally called Chairman's Paper and intended to be included in the Report, was down-graded to Chairman's Working Paper in annex II, because at the last day Mexico raised a series of objections mainly to emphasize nuclear disarmament.<sup>8)</sup>

Rebecca Johnson said, "While early reactions to the PrepCom among diplomats and officials were mixed, the general verdict seems to be cautiously positive. Many shared the Chair's view that the PrepCom has laid some good foundations on which to build in the future."<sup>9)</sup> John Simpson and Emily Bailey assessed the session by saying, "the 1997 PrepCom session was relatively non-confrontational, and did take steps to implement a qualitatively different review process focused upon substance. The majority of states parties, however, found themselves in uncharted territory, and took a rather cautious and tentative approach to the session."<sup>10)</sup>

The second session of the Preparatory Committee was held from 27 April to 8 May 1998 in Geneva, attended by 97 states parties. Chaired by Mr. Eugeniusz Wyzner (Poland), the Committee held 16 meetings and conducted the general exchanges of views, but the report of the second session contained procedural issues only.<sup>11)</sup> The chairman's working paper, which was submitted separately from the report of the session, contained some points of agreement and a long list of the specific proposals put forward by delegations.<sup>12)</sup>

The reason of the failure to adopt a final report is described by Tariq Lauf and John Simpson as follows: "The rejection of the compromise text on the Middle East resolution triggered the collapse of negotiations on the Report from the PrepCom session, following a blunt statement by the Chairman-designate of the 1999 PrepCom, speaking on behalf of the NAM, that his group would not agree to any part of the Chairman's Working Paper unless it contained this compromise Middle East language."<sup>13)</sup>

Rebecca Johnson said, "The main sticking point was the request by fourteen Arab States for background documentation dealing with the Resolution on the

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8) NPT/CONF.2000/PC.II/32, Annex II, 18 April 1997.

9) Rebecca Johnson, "Reviewing the NPT: The 1997 PrepCom," *Disarmament Diplomacy*, No.14, April 1997. <http://www.acronym.org.uk/14prep.htm>

10) John Simpson and Emily Bailey, *The 1998 PrepCom for the 2000 NPT Review Conference: Issues and Options*, PPNN Issue Review No.14, April 1998.

11) NPT/CONF.2000/PC.II/36, 9 June 1998.

12) NPT/CONF.2000/PC.II/35, 9 June 1998.

13) Tariq Lauf and John Simpson, "The 1999 NPT PREPCOM," *The Nonproliferation Review*, Vol.6, No.2, Winter 1999, p.123.

Middle East. The U.S. refused, holding that background documentation should be limited to addressing the Treaty article only.... A further important factor in the failure was the opposition by the major NWSs to the recommendations proposed by Canada concerning reporting on the special sessions and raising current issues, and from South Africa and Egypt for allocation of time in 1999 for priority discussion of nuclear disarmament and the Middle East resolution.”<sup>14)</sup>

The third session of the Preparatory Committee was held from 10 to 21 May 1999 in New York. Delegation of 156 states parties participated in one or more sessions of the Preparatory Committee. Under the Chairman, Mr. Camilo Reyes Rodriguez, the third session continued the general exchanges of views and in particular discussed expected products of the 2000 Review Conference.<sup>15)</sup> As a basis of recommendation to the Review Conference, the Chairman submitted a Chairman’s Working Paper on 14 May including 31 paragraphs, which, on 20 May, was revised to extend to include 61 paragraphs. Both the Chair’s papers were annexed to the Committee report, together with the written proposals made by delegations.<sup>16)</sup>

On procedural matters, the Preparatory Committee finished its preparation for the 2000 Review Conference almost completely. Matters such as dates and venue, draft rules of procedure, election of the president and other officers, appointment of the secretary-general, provisional agenda, financing and background documentation were all agreed. The question of which background documentation should be provided for the 2000 Conference had got stuck in 1998 on Egyptian insistence on documentation relating to the 1995 resolution on the Middle East, which the U.S. refused. It was finally agreed that the documentation on the Middle East resolution should be included at the third session.

On the expected outcome of the 2000 Review Conference, the Preparatory Committee recalled that the Conference should evaluate the results of the period which the 2000 Review Conference is reviewing, including the implementation of the undertakings of the States parties under the Treaty, and identify the areas in which and the means through which further progress should be sought in the future. The 2000 Review Conference should also address specifically what might be done

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14) Rebecca Johnson, “The 1998 PrepCom: Summary and Snapshots,” *Disarmament Diplomacy*, No.25, April 1998. <http://www.acronym.org.uk/25npt.htm>

15) NPT/CONF.2000/1, 21 May 1999.

16) Chairman’s Working Paper of 14 May 1999 (NPT/CONF.2000/PC.III/29) is included in Annex II, and Chairman’s Revised Working Paper of 20 May 1999 (NPT/CONF.2000/PC.III/58) is included in Annex IV of the Final Report.



to strengthen the implementation of the Treaty and to achieve its universality.

On the substantive matters, however, consideration and discussion during the three sessions did not produce any agreed recommendation to the Conference. The purpose of the Preparatory Committee to make recommendations on principles, objectives and ways in order to promote the full implementation of the Treaty, as stipulated in the Decision 1 of 1995, has not been accomplished.

Rebecca Johnson assessed the Preparatory Committee by saying, "The third PrepCom was a limited success in that it finalized the main arrangements for the 2000 Review Conference without necessitating a further meeting, as was threatened at on stage. But together with the previous PrepComs, it has clearly failed to address substance in the meaningful ways intended by the majority of those who crafted and agreed the decisions on strengthening the review process."<sup>17)</sup>

#### IV. The 2000 Review Conference

The 2000 Review Conference will be differ from the previous review conferences mainly because under the Decision 1 of 1995, parties agreed that review conferences should look forward as well as back. The last five review conferences tried to adopt a final declaration that mainly focused on activities during the previous five years. The first and third review conferences succeeded in adopting a final declaration, but others failed to adopt it.

At the 1995 conference, parties gave up trying to adopt a declaration reviewing the operation of the Treaty, which was backward-looking, because of the sharp confrontation on the evaluation of the progress in nuclear disarmament. Main Committees II and III had agreed the texts for a draft final declaration, but Main Committee I on nuclear disarmament and nuclear non-proliferation could not elaborate an agreed text for a final declaration.

Instead, they adopted the three decisions as a package. Decision 2 on Principles and Objectives for Nuclear Non-Proliferation and Disarmament is forward-looking, because in accordance with these principles and objectives, nuclear non-proliferation, nuclear disarmament and international cooperation in the peaceful uses of nuclear energy should be pursued and their progress, achievements and shortcomings should be evaluated.

It is strongly recommended that the outcome of the 2000 Conference be at least

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17) Rebecca Johnson, "NPT Report," *Disarmament Diplomacy*, No.37, May 1999. <http://www.acronym.org.uk/37npt.htm>

two documents, one for backward-looking and the other for forward-looking. The first is a declaration which reviews the implementation of the Treaty *per se* as well as of the decisions and resolution adopted at the 1995 Conference. The second is a new principles and objectives document which makes specific recommendations on strengthening the implementation of the Treaty.

The recommendation of the Preparatory Committee on the expected outcome of the 2000 Review Conference suggests mainly two documents, though its expression is not clear enough. Some states argued for one document looking forward as well as back, however, a two-documents system is better in order to avoid a sharp confrontation on one point from destroying all other agreements.

It was agreed at the Preparatory Committee to allocate the Treaty articles and preambular paragraphs to the three main committees, but without prejudice to proposals to change the structure. The system of three main committees seems to be unbalanced, overburdening the first committee on nuclear non-proliferation and nuclear disarmament. It might be more reasonable to review the operation of the Treaty article by article or based on the seven clusters which the 1995 Principles and Objectives used.

### 1. Universality

The number of the parties to the Treaty has increased to 187 by adding nine states since 1995, and as a result, only Cuba, India, Israel and Pakistan remain outside the Treaty. Efforts to attain universality should be urged. The issue of the Middle East will be one of the hottest issues in this area, because it was one of the most controversial issues at three sessions of the Preparatory Committee, which was based on a confrontation between Arab States headed by Egypt and the U.S.

Nuclear tests conducted by India and Pakistan in May 1998 were a serious challenge to the nuclear non-proliferation regime, though they did not violate any rule of international law. They were condemned by the UN Security Council Resolution 1172 and other statements. The Review Conference should ask India and Pakistan for their full implementation of the resolution which was adopted unanimously in June 1998, and make it clear that the demonstration of nuclear weapon capability will not bring even a hint of a reward or imply status as a nuclear-weapon state.

### 2. Non-Proliferation

A few states including Iraq and North Korea will be criticized for their non-compliance. After the U.S. and U.K. bombing of Iraq, the UNSCOM has not been

operating, and nuclear situation in North Korea is not clear enough. Non-aligned states expressed concern in nuclear sharing among NATO non-nuclear-weapon states. This concern was included Chairman's Working Paper of 14 May but was deleted in its revised version of 20 May.

### 3. Nuclear Disarmament

At previous review conferences, the issue whether nuclear-weapon states had fulfilled their obligation on nuclear disarmament was the most controversial, preventing an adoption of a final declaration. This will also be true at the 2000 Conference. At the Preparatory Committee, the states under the New Agenda Coalition expressed that the balance sheet in meeting the nuclear disarmament objectives in 1995 was not satisfactory and the pace of efforts to implement all obligations of the NPT was faltering. The Non-Aligned Countries also expressed that the provisions of Article VI and the ninth to twelfth preambular paragraphs of the Treaty have not been fulfilled.

The 1995 Principles and Objectives document listed three measures for implementation of the Article VI, that is, (a) a CTBT, (b) a fissile material cut-off treaty, and (c) nuclear reduction. A CTBT was adopted, but there has been no negotiation on a fissile material cut-off treaty and no agreement was produced on nuclear reduction since 1995. As a result, we can say that the progress in nuclear disarmament has not been good enough to state that the obligation was fulfilled.

In this context, it is worthwhile to take note of the advisory opinion of the International Court of Justice in July 1996 that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control. It is an authoritative interpretation by the Court though it is not legally binding.

One more sign of progress is the emergence of the New Agenda Coalition in June 1998, originally consisting of Brazil, Egypt, Ireland, Mexico, New Zealand, Slovenia, South Africa and Sweden. They submitted the joint declaration titled "Toward a Nuclear-Weapon Free World: the Need for a New Agenda", which was later adopted as the UN General Assembly resolution 55/77Y.

The non-aligned states have argued for commencement of negotiations on a phased program for the total elimination of nuclear weapons with a specified framework of time. On the other hand, nuclear-weapon states would never agree to a nuclear weapon convention with a time framework, although they agree to the ultimate goal of eliminating nuclear weapons.

In these circumstances, it is reasonable for the Review Conference to list such

disarmament measures as explained below which should be taken immediately or completed within next five years, that is, before a 2005 review conference.

(1) The Comprehensive Nuclear Test Ban Treaty was adopted in September 1996 and signed by more than 150 states, but the condition for entering into force has not been fulfilled. Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty held in Vienna on October 6 to 8, 1999 adopted a final declaration which called upon those states that have not yet signed or ratified to sign or ratify it.

India, Pakistan and North Korea have not even signed it. The U.S., Russia and China have signed but not ratified. On October 13, 1999, the U.S. Senate refused to give approval for its ratification, although the Administration wanted it to be ratified and declared it would abide by the Treaty. Israel has signed the Treaty, but is not ready for ratification. India and Pakistan once suggested their signature and ratification, but recently they do not seem to be ready for it. It should be called upon at the least to keep its moratorium, and to make efforts for its entry into force.

(2) Last summer, an *ad hoc* committee for negotiating a fissile material cut-off treaty was established, but it has not been reestablished this year. It is urged that an *ad hoc* committee be established as soon as possible. Pending the conclusion of a treaty, each state concerned should proclaim a moratorium on production of fissile material, or they should jointly adopt a moratorium.

The main point of negotiations is whether a treaty should include a ban on future production only or regulation on existing stockpiles as well. A treaty banning future production only would be useful for it would make current *de facto* non-production legally binding. However, it will not be accepted by many non-nuclear-weapon states. It will be necessary to include some measures on stockpiles in a treaty, or to take a parallel measure on stockpiles. In the U.S., some of the nuclear material from dismantled nuclear weapons is put under the IAEA safeguards, and Russia is supposed to do the same. It will be possible to include in a treaty the regulation of stockpiles that are outside of military use or which is converted to peaceful uses.

(3) On the START process, there has been no progress since 1995, because the START II Treaty has not been ratified by Russia and negotiation on the START III has not begun. In the last several months, the air-bombing of Iraq by the U.S. and the U.K., NATO's air attacks on Yugoslavia and the U.S. decision on national missile defense (NMD) have caused the delay of its ratification by the Russian Duma.

Under the Joint Statement by Presidents Clinton and Yeltsin on June 20, 1999 in

Cologne, they agreed that they would do everything in their power to facilitate the successful completion of the START II ratification processes in both countries, and that discussions on START III and the ABM Treaty would begin later this summer. It is expected that the START II Treaty will be ratified and the negotiation on START III will begin in accordance with the agreement of the March 1997 Helsinki summit.

During the period between 2000 and 2005, START IV negotiation should be started either between the U.S. and Russia or among the five nuclear-weapon states.

(4) Tactical nuclear weapons will be one of the focuses of discussion at the Conference. In the Joint Statement of March 1997, the U.S. and Russia agreed that in the context of START III negotiations their experts explore possible measures relating to nuclear long-range sea-launched cruise missiles (SLCM) and tactical nuclear systems. Currently no nuclear SLCMs are deployed, although the U.S. has a capacity to redeploy anytime. In accordance with unilateral but parallel actions taken by both states, many tactical nuclear weapons were withdrawn from operational forces in 1991 and 1992. The first thing that should be done is to transform these unilateral actions into legally binding undertakings so that they can not reverse their actions.

Now, the U.S. has fewer than 180 nuclear warheads deployed in Europe, and Russia is believed to deploy about 4,500 nuclear warheads. As Russia had lost superiority in conventional weapons against NATO, it has shifted its policy to depend more on nuclear weapons, abandoning its no-first-use policy in 1993. In addition, recent NATO expansion eastward has encouraged Russia to reemphasize the role of tactical nuclear weapons. It is necessary to regulate tactical nuclear weapons, in order to prevent an arms race and maintain their safety and security, including withdrawing tactical nuclear weapons now deployed in NATO's non-nuclear-weapon states and elimination of all tactical nuclear weapons.

(5) As interim measures, positive steps such as de-targeting, de-alerting, de-activation, de-mating, or removing of nuclear warheads from delivery vehicles should be discussed and agreed upon. These measures are already partially taken individually or bilaterally. They will help build confidence and prevent nuclear weapons from being launched by accident or without authority.

#### 4. Nuclear-Weapon-Free Zones

Since the 1995 Conference, nuclear-weapon-free zones were established in Southeast Asia and Africa through the Bangkok Treaty of 1995 and the Pelindaba Treaty of 1996. Five nations in Central Asia have also agreed to establish a

nuclear-weapon-free zone in 1997, and they are in the process of concluding a treaty. In 1998, Mongolia's declaration of its nuclear-weapon-free status was welcomed by the UN General Assembly and cooperation by the nuclear-weapon states was invited. This progress in this field should be praised.

The Protocol to the Bangkok Treaty has not been signed by any nuclear-weapon state, because its zone includes not only territories of the states but also their respective continental shelves and exclusive economic zones, and it prohibits the use of nuclear weapons in the zone. Negotiations between states parties and nuclear-weapon states should find a resolution as soon as possible. African states that have not done so should ratify the Treaty so that the Treaty may come into force soon.

Establishment of nuclear-weapon-free zones in the Middle East and South Asia, where potential or *de facto* nuclear-weapon states exist, is very difficult, though it is desirable. Positive development of security environment in these areas is a precondition for establishing zones, but participation of those states in the CTBT and a fissile material cut-off treaty once it is concluded, will be an immediate and short-term measures followed by future nuclear-weapon-free zones.

The Joint Declaration on Denuclearization of Korean Peninsula, which was agreed in 1992, should be fully implemented.

## 5. Security Assurances

Just before the 1995 Conference, the UN Security Council adopted a resolution 984(1995) which took note of the declaration of the five nuclear-weapon states on negative security assurances, and provided for positive security assurances to victimized states. Positive security assurances through the UN Security Council have an inherent limitation in that they would not apply in the case of a nuclear attack by one of the five permanent members of the Security Council because they have the right of veto.

Negative security assurances given by the five states are conditional except China's, and all are political undertakings with no legally binding force. Many non-nuclear-weapon states have argued for the form of an internationally legally binding instrument. There has been no progress in this field. Contrarily, recent U.S. statements suggest the use of nuclear weapons against a non-nuclear-weapon state under the circumstances which are covered by its declaration on negative security assurances, that is, when a non-nuclear-weapon state attacks with chemical or biological weapons without any help from a nuclear-weapon state.

Negative security assurances are a bargain in the NPT which should be given

because non-nuclear-weapon states parties to the Treaty undertake not to produce or acquire nuclear weapons in legally binding form and accept the IAEA full-scope safeguards.

According to the new Strategic Concept of NATO Alliance adopted on April 24, 1999, "the circumstances in which any use of nuclear weapons might have to be contemplated by them are therefore extremely remote," but "NATO will maintain, at the minimum level, adequate sub-strategic forces based in Europe." However, some NATO members, including Germany and Canada, have strongly argued for the adoption of the policy of no-first use of nuclear weapons.

In order to reduce the political value of possessing nuclear weapons, which is extremely important for reducing the motivation of potential proliferators, measures should be taken to review nuclear policies of nuclear-weapon states.

#### 6. Safeguards

The IAEA launched its program 93+2 to strengthen the effectiveness and improve efficiency of its safeguards after the revelation of Iraqi clandestine nuclear weapons development, and adopted a Model Protocol additional to the safeguards agreement in May 1997. Under the new system, the IAEA has access to wider information and to wider sites in order to find out clandestine nuclear material and facilities. This progress to an integrated safeguards system should be praised as a new innovation of the international verification system. It is highly recommended that all parties to the NPT should conclude an additional protocol as soon as possible.

In order to keep a balance of obligations, the nuclear-weapon-states should conclude an additional protocol and submit as much information as possible and put their nuclear material, especially material withdrawn from dismantled nuclear weapons, under the IAEA safeguards in order to secure irreversibility and transparency of disarmament process.

#### 7. Peaceful Uses of Nuclear Energy

Transparency in nuclear related export control should be promoted. All states should maintain the highest practicable level of nuclear safety, and observe standards and guidelines in nuclear material accounting, physical protection and the transport of nuclear materials. Attacks on nuclear facilities should be legally prohibited.

## **Conclusion**

The prospect of the 2000 Review Conference is not so bright. There is a possibility that the Conference will fail to adopt any document because the Conference will meet with the intransigence of some states. In order for the Conference to succeed, cooperation by all states is indispensable.

The most controversial issue will be about nuclear disarmament, as it has been at the previous five review conferences since 1975. In comparison with the last review conference of 1995, when a review conference and an extension conference were held together, the situation is worse in 2000 for those who would like to see much progress in nuclear disarmament. At the last conference, the non-nuclear-weapon states had a leverage because the decision of extension was to be taken by a simple majority. Three decisions consisting of the Strengthening the Review Process for the Treaty, the Principles and Objectives for Nuclear Non-Proliferation and Disarmament and the decision of indefinite extension were taken as a package.

In 2000, the non-nuclear-weapon states have no comparable leverage to draw compromises from the nuclear-weapon states. Cooperation of the nuclear-weapon states, in particular, the United States, is indispensable for the Conference to succeed. On the other hand, besides non-aligned states which are serious in nuclear disarmament but sometimes confrontational with the nuclear-weapon states, members of the New Agenda Coalition, and those allied with the U.S. including Canada, Australia, Germany and Japan are very eager for nuclear disarmament. These middle powers are expected to be new and strong promoters of nuclear disarmament.



