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Challenges to the International Nuclear Non-Proliferation Regime

Mitsuru KUROSAWA*

Abstract

For international peace and security, the international nuclear non-proliferation regime has played an extremely important role. However, the recent state of affairs, including Iraqi and North Korean issues, and a new U. S. nuclear policy under the Bush Administration, reveal several challenges to the regime. In this paper, I examine the development of the situation since the 1995 NPT Review and Extension Conference and address eight specific challenges to the regime. This paper argues that in order to strengthen the regime, it will be necessary to maintain and strengthen international consensus and motivation toward the regime because the regime ultimately depends on the commitment of States to the Nuclear Non-Proliferation Treaty.

Keyword : nuclear disarmament, nuclear non-proliferation, nuclear weapons, NPT, safeguards, security assurances, nuclear-weapon-free zones

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Introduction

In order to maintain regional and international security, enhancement of the nuclear non-proliferation regime, among other measures, is a particularly important element. The issue of nuclear non-proliferation is rather international than one among or between states. The non-proliferation norm of behavior that the regime tries to establish and reinforce depends on the commitment of States parties to the Nuclear Non-Proliferation Treaty (NPT) to abide by their obligations under the Treaty. For the nuclear non-proliferation regime to survive, it is necessary to keep and strengthen this international consensus and motivation.

The spirit of the NPT is to achieve the nuclear non-proliferation norm through the universal agreement of States not to proliferate rather than to prevent or contain the acts by a State toward nuclear proliferation, such as U. S. policy of counterproliferation.

Many nuclear development activities are, by nature, dual use, i. e., they can support both peaceful use and military application. This reality has been recognized from the beginning. This recognition is best exemplified by President Eisenhower's "Atoms for Peace" proposal which promised access to nuclear technology in exchange for a commitment not to pursue military applications.

By the early 1960s, Ireland and Sweden that were not military powers submitted a proposal for concluding a treaty to prevent further proliferation of nuclear weapons to the United Nations. The nuclear weapon tests by France and China through the decades of the 1960s provided increased impetus toward the conclusion of a non-proliferation treaty, and the NPT entered into force in 1970. The NPT should be understood as a treaty seeking to establish a nuclear non-proliferation regime based on the political force of a broad international consensus rather than a treaty based on a military balance among the superpowers.

Just before the 1995 NPT Review and Extension Conference, consciousness to respect to and comply with the Treaty was very high. During this time, non-compliance by Iraq and North Korea was recognized by international society, and the IAEA began discussion on how to strengthen its safeguards system. The Conference resulted in a decision, taken without a vote, to extend the treaty indefinitely. This strong endorsement of the continuing importance and relevance of the NPT came in the aftermath of the non-

compliance, in particular to prevent its recurrence.

Many non-nuclear-weapon States, in agreeing to the indefinite extension of the NPT, were afraid that discriminatory nature of the Treaty would be extended indefinitely. However, they recognized that nuclear disarmament could not be accomplished quickly and that maintaining the NPT and the associated nuclear non-proliferation regime was of overriding importance. The Conference, as a result, agreed on a document titled "Principles and Objectives for Nuclear Non-Proliferation and Disarmament" as a way to further enhance the effectiveness of the treaty¹⁾.

Principles and Objectives for Nuclear Non-Proliferation and Disarmament²⁾

(1) Universality

Universal adherence to the Treaty on the Non-Proliferation of Nuclear Weapons is an urgent priority. All States not yet party to the Treaty are called upon to accede to the Treaty at the earliest date, particularly those States that operate unsafeguarded nuclear facilities. Every effort should be made by all States parties to achieve this objective.

(2) Non-Proliferation

The proliferation of nuclear weapons would seriously increase the danger of nuclear war. The Treaty on the Non-Proliferation of Nuclear Weapons plays a vital role in preventing the proliferation of nuclear weapons. Every effort should be made to implement the Treaty in all its aspects to prevent the proliferation of nuclear weapons and other nuclear explosive devices.

(3) Nuclear Disarmament

Nuclear disarmament is facilitated by an easing of international tension and the

1) On the analysis of the 1995 NPT Review and Extension Conference, see Lewis A. Dunn, "High Noon for the NPT," *Arms Control Today*, Vol. 25, No. 6, July/August 1995, pp. 3-9; John Simpson, "The Birth of a New Era? The 1995 NPT Conference and the Politics of Nuclear Disarmament," *Security Dialogue*, Vol. 26, No. 3, September 1995, pp. 247-256; Mitsuru Kurosawa, "Beyond the 1995 NPT Conference: A Japanese Point of View," *Osaka University Law Review*, No. 43, February 1996, pp. 1-12.

2) NPT/CONF. 1995/32 (Part I), 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document Part I, New York, 1995.

strengthening of trust between States. The undertakings with regard to nuclear disarmament as set out in the Treaty on the Non-Proliferation of Nuclear Weapons should thus be fulfilled with determination. In this regard, the nuclear-weapon States reaffirm their commitment, as stated in article VI, to pursue in good faith negotiations on effective measures relating to nuclear disarmament. The achievement of the following measures is important in the full realization and effective implementation of Article VI.

- (a) The completion by the Conference on Disarmament of the negotiations on a universal and internationally and effectively verifiable Comprehensive Nuclear-Test-Ban Treaty no later than 1996. Pending the entry into force of a Comprehensive Nuclear-Test-Ban Treaty, the nuclear-weapon States should exercise utmost restraint.
- (b) The immediate commencement and early conclusion of negotiations on a non-discriminatory and universally applicable convention banning the production of fissile material for nuclear weapons or other nuclear explosive devices.
- (c) The determined pursuit by the nuclear-weapon States of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goals of eliminating those weapons.

(4) Nuclear-Weapon-Free Zones

The conviction that the establishment of internationally recognized nuclear-weapon-free zones enhances global and regional peace and security is reaffirmed. The development of nuclear-weapon-free zones, especially in regions of tension, such as in the Middle East should be encouraged. The establishment of additional nuclear-weapon-free zones by the time of the Review Conference in the year 2000 would be welcome. The cooperation of all the nuclear-weapon States and their respect and support for the relevant protocols is necessary for the maximum effectiveness of such nuclear-weapon-free zones.

(5) Security Assurances

Noting United Nations Security Council resolution 984 (1995), as well as the declarations of the nuclear-weapon States concerning both negative and positive security assurances, further steps should be considered to assure non-nuclear-weapon States party to the Treaty against the use or threat of use of nuclear weapons. These steps could take the form of an internationally legally binding instrument.

(6) Safeguards

The International Atomic Energy Agency is the competent authority responsible to verify and assure compliance to prevent diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. All States parties are required by Article III of the Treaty to sign and bring into force comprehensive safeguards agreements and those which have not yet done so should do so without delay.

Decisions adopted by its Board of Governors aimed at further strengthening the effectiveness of Agency safeguards should be implemented and the Agency's capability to detect undeclared nuclear activities should be increased. New supply arrangements for the transfer of source or special fissionable material or equipment or material especially designed or prepared for the processing, use or production of special fissionable material to non-nuclear-weapon States should require acceptance of the Agency's full-scope safeguards.

Nuclear fissile material transferred from military use to peaceful nuclear activities should, as soon as practicable, be placed under Agency safeguards in the framework of the voluntary safeguards agreements in place with the nuclear-weapon States.

(7) Peaceful Uses of Nuclear Energy

Particular importance should be attached to ensuring the exercise of the inalienable right of all the parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes. Undertakings to facilitate participation in the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy should be fully implemented. In all activities designed to promote the peaceful uses of nuclear energy, preferential treatment should be given to the non-nuclear-weapon States party to the Treaty.

Transparency in nuclear-related export controls should be promoted within the framework of dialogue and cooperation among all interested States party to the Treaty. All States should maintain the highest practicable levels of nuclear safety, including waste management, and observe standards and guidelines in nuclear materials accounting, physical protection and transport of nuclear materials. Every effort should be made to ensure that the International Atomic Energy Agency has the financial and human resources necessary to meet effectively its responsibilities in the areas of technical

cooperation, safeguards and nuclear safety.

Implementation and development of the Principles and Objectives is indispensable to maintain and strengthen the consensus for continuing enhancement of the NPT regime. States participating in the 1995 NPT Review Conference expressed their respect for the Treaty and their desire to maintain the effectiveness of the nuclear non-proliferation regime.

At the 2000 NPT Review Conference³⁾, the participants adopted a Final Document⁴⁾ which included practical steps for the systematic and progressive efforts to implement Article VI of the NPT, paragraphs 3 and 4 (c) of the 1995 decision on the Principles and Objectives, the provision of negative security assurances, the establishment of nuclear-weapon-free zones and the strengthening of the nuclear non-proliferation regime. The document reflected the opinions of States party to the Treaty regarding the progress toward achievement of the Principles and Objectives during 5 years after the decision to indefinitely extend the NPT.

Measures included in the Principles and Objectives of 1995 and the Final Document of the 2000 NPT Review Conference provide suggestions regarding a “yard stick” to evaluate progress toward achievement of nuclear non-proliferation and nuclear disarmament, and identify future activities to be taken to enhance the NPT regime. The following provides an analysis of the challenges to the nuclear non-proliferation regime with reference to the “yard stick”.

Challenges to the Nuclear Non-Proliferation Regime

(1) Universality of the NPT

During 5 years between the 1995 and the 2000 NPT Review Conferences, 9 States, including Brazil, the United Arab Emirates and Oman, joined the NPT. The Final Docu-

3) On the analysis of the 2000 NPT Review Conference, see Tariq Rauf, “An Unequivocal Success? Implications of the NPT Review Conference,” *Arms Control Today*, Vol. 30, No. 6, July/August 2000, pp. 9-16; Rebecca Johnson, “The 2000 NPT Review Conference: A Delicate, Hard-Won Compromise,” *Disarmament Diplomacy*, No. 46, May 2000, pp. 2-21; Thomas Graham, Jr., “Surviving the Storm: the NPT after the 2000 Review Conference,” *Disarmament Diplomacy*, No. 46, May 2000, pp. 22-25; Jayantha Dhanapala, “Eliminating Nuclear Arsenals: The NPT Pledge and What It Means,” *Disarmament Diplomacy*, No. 47, July 2000, pp. 3-6.

4) NPT/CONF.2000/28 (Parts I and II), 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document, Volume I, New York, 2000.

ment of the 2000 Conference encouraged States outside of the NPT to accede to the Treaty. Cuba stated their intention to join the Treaty at the General Assembly of the United Nation in September 2002, and joined the Treaty. It is welcomed that nuclear non-proliferation regime is completely established in Central America. Only Israel, India and Pakistan stay outside the Treaty.

India and Pakistan conducted nuclear explosions in May 1998. Although the Final Document of the 2000 Conference encouraged both States to refrain from the development of nuclear weapons and to join the NPT, neither State has indicated their intentions to do so. Both States consider that nuclear proliferation is not a problem of international relations but a domestic or regional issue regarding the balance of power between the States. A decision by either State to join the NPT seems unlikely in the near future.

As for Israel, all Arab States in the Meddle East have become party to the NPT after the 1995 Review Conference. In the Final Document, the Conference reaffirms the importance of Israel's accession to the NPT and placement of all its nuclear facilities under the comprehensive IAEA safeguards. However, given the current situation in the Middle East, it will be difficult to achieve this goal of the Final Document. Additionally, no practical progress toward the establishment of a nuclear-weapon-free zone in the Middle East has been seen, although the UN General Assembly has unanimously adopted resolutions encouraging its establishment.

Unfortunately, further progress toward universality seems unlikely for the foreseeable future. The main issue remained now is how to deal with these hold-outs.

(2) Nuclear Non-proliferation

Since 1995, nuclear-weapon States have clearly proliferated further. India, which conducted peaceful nuclear explosion in May 1974, carried out nuclear weapon explosion tests in May 1998, and Pakistan followed suit. They became *de facto* nuclear-weapon States although it is unlikely that the international community would ever agree that they should formally be designated as such.

Our apprehension is that India and Pakistan would keep their uncooperative attitude toward the international nuclear non-proliferation regime and the States party to the NPT would lose interest in resolving this problem, by taking a position that the situation is a particular problem between the two States and neighbors. Both States express

their intentions to continue their development and deployment of nuclear weapons. The situation exacerbates concerns regarding further proliferation by other States or non-State actors with the assistance of either India or Pakistan.

After more than ten years, the disarmament and safeguards implementation issues in Iraq have not been resolved. Recently, inspections by the IAEA and UNMOVIC in Iraq were aggressively implemented under the UN Security Council resolution 1441 adopted on November 9, 2002. While the IAEA and the UN continued the inspections for a while, the U. S. with the U. K. started the use of force to disarm Iraq without clear authorization from the Security Council. This policy of counterproliferation should be examined cautiously whether it is permitted under the current rules of international law.

In October 2002, the DPRK has made known its plans to implement uranium enrichment technology, presumably imported from Pakistan. This is contrary to the spirit of the NPT and the Agreed Framework. The DPRK sent a statement on the withdrawal from the NPT on January 10, 2003, and it took effect on April 10. Presently, the U. S., the ROK, Japan, China and Russia are looking for political solutions to the situation. Due to the brinkmanship practiced by the DPRK, the policies of the intervening States are not clear.

(3) Nuclear Disarmament⁵⁾

Although the NPT has, in essence, a nature of discrimination between the nuclear-weapon States and non-nuclear-weapon States, many non-nuclear-weapon States agreed on the indefinite extension, because they expected that the NPT would be a suitable way to prevent deterioration of the non-proliferation regime and that the nuclear-weapon States would take actions toward nuclear disarmament. In the Principles and Objectives of the 1995 Conference, they agreed the ultimate goal of eliminating nuclear weapons. In the Final Document of the 2000 NPT Review Conference, an unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament was agreed.

However, while there has been some movement toward reducing the size of nuclear arsenals, there has been little progress on nuclear disarmament. The Comprehensive

5) On the analysis of nuclear disarmament in the 2000 Final Document, see Mitsuru Kurosawa, "The NPT 2000 Review Conference and Nuclear Disarmament," *Osaka University Law Review*, No. 48, February 2001, pp. 1-38; Tariq Rauf, *Towards NPT 2005: An Action Plan for the "13-Steps" towards Nuclear Disarmament agreed at NPT 2000*, Center for Nonproliferation Studies, Monterey Institute of International Affairs, 2000.

Test Ban Treaty (CTBT) was opened for signature in September 1996, that was the timing established by the 1995 Conference. The treaty has not yet entered into force, primarily because the condition for the entry into force is very hard and the US has failed to ratify. There is little hope for change in the near term.

Still the nuclear-weapon States are maintaining their moratorium on nuclear testing. This moratorium provides a kind of political pressure against a State with the intention to develop nuclear weapons. Explosive tests without nuclear fission or sub-critical tests are carried out by the nuclear-weapon States. Advanced development by the nuclear-weapon States to improve and assure the safety and reliability of nuclear weapons is continuing.

As for the negotiation of a Fissile Material Cut-Off Treaty (FMCT), the Final Document of the 2000 NPT Review Conference urged that the Conference on Disarmament (CD) to agree on a programme of work for the immediate commencement of negotiations with a view to their conclusion within 5 years. Several problems of an institutional and procedural nature have delayed a decision by the CD to proceed, but it may be that a more important obstacle to discussion in the CD is the hidden agenda of States that have no interest in the cut-off of the production of fissile material for weapons. China argues for the linkage between the FMCT and PAROS (prevention of arms race in outer space).

The FMCT is a treaty mainly to prevent the vertical proliferation of nuclear weapons. It is generally noticed that the urgency attached to the discussion may be diluted because the concern on the risk of horizontal proliferation is much stronger. However, the commitment by the nuclear-weapon States to maintain their own non-proliferation posture needs to be reinforced by the actions of the nuclear-weapon States, Israel, India and Pakistan to take this step toward nuclear disarmament.

In May 2002, the U. S. and Russia signed the Strategic Offensive Reductions Treaty (Moscow Treaty). The Treaty requires both states to reduce by two thirds of their deployed nuclear warheads within 10 years. Several problems, such as both States having the freedom to select the structure of their nuclear force and the Treaty does not include "the principle of irreversibility", can be identified.

It is recognized that the content of the Moscow Treaty is almost the same as what the U. S. insisted to eliminate nuclear warheads unilaterally. From the viewpoint of the elimination of nuclear weapons by a legally binding document, it can be appreciated.

However, the Bush Administration has abandoned the START process, and START II Treaty will not be implemented. The ABM Treaty lapsed in June 2002 by way of the U. S. notification to withdraw from the Treaty in December 2001.

The Final Document of the 2000 Conference urges the early entry into force and full implementation of START II and the conclusion of START III as soon as possible while preserving and strengthening the ABM Treaty as a cornerstone of strategic stability and as a basis for further reductions in strategic offensive weapons. Compared with previous treaties that provide a framework for nuclear arms control and disarmament between the U. S. and Russia, the Moscow Treaty does not contain an elimination schedule and does not obligate the parties to accept suitable verifications. Additionally, both States can easily withdraw from the Treaty. Principle of flexibility, which the U. S. emphasized, may be in the background of the Treaty, and it can be ranked in the context of U. S. policy based on unilateralism.

Nuclear weapons material, declared to be excess to the national security requirements of the U. S. and Russia, is coming under an IAEA verification regime in accordance with the Trilateral Initiative. Large quantities of such material in the U. S. have been under IAEA safeguards for several years. This development is welcomed as the agreement includes "the principle of irreversibility" to establish confidence that the nuclear materials do not return to a military purpose.

(4) Nuclear-Weapon-Free Zones

The Final Document of the 2000 NPT Review Conference welcomed the progress toward establishment of nuclear-weapon-free zones following the 1995 Conference. However, despite the 2000 Conference's recognition of the important role which the establishment of new nuclear-weapon-free zones and the signature to the protocols of new and previously existing zones by nuclear-weapon States has played in extending negative security assurances, further progress on nuclear-weapon-free zones has not been made.

The African Nuclear-Weapon-Free Zone Treaty (Pelindaba Treaty) was concluded in June 1995, but has not entered into force. Entry into force requires the ratification of the Treaty by 28 of the 54 African States. Currently only 16 States have ratified. Three of the nuclear-weapon States—China, France and the U. K.—ratified the protocol to the Treaty, but Russia and the U. S. have signed but not ratified it.

In March 1997, Southeast Asia Nuclear-Weapon-Free Zone Treaty (Treaty of Bangkok) entered into force. All the States in the ASEAN have ratified the Treaty. However, no nuclear-weapon State has signed the protocol to the Treaty due to disagreements over the definition of the zone which includes continental shelves and exclusive economic zones.

A proposal for a nuclear-weapon-free zone in Central Asia was contained in "the Almaty statement" of February 1997. By September 2002, the five States constituting the zone, i. e., Kazakhstan, Kyrgyz, Tajikistan, Turkmenistan and Uzbekistan came to an agreement. Early signatures and ratifications by the states are required.

The 1995 NPT Review and Extension Conference adopted the resolution on the Middle East that, inter alia, encouraged the establishment of a nuclear-weapon-free zone. The 2000 Conference recognizes the importance of Middle East zone free of nuclear weapons as well as other weapons of mass destruction and urges them to seriously work toward that end. The problems of Iraq and the Middle East in general have made it almost impossible to achieve progress.

A nuclear-weapon-free zone in South Asia seems to be a long way off.

(5) Security Assurances

The Principles and Objectives of the 1995 Conference strongly encouraged the nuclear-weapon States to take further steps regarding negative and positive security assurances to the non-nuclear-weapon States. Additionally, the 2000 Conference agreed that legally binding security assurances would strengthen the nuclear non-proliferation regime. The U. S. used conventional weapons to hunt down the Taliban and al-Qaida in Afghanistan and to bomb Iraq to disarm weapons of mass destruction and overthrow the Hussein Regime. So far, the U. S. has never explicitly expressed the possibility that nuclear weapons would be used against non-nuclear-weapon states.

In "the National Security Strategy of the United States of America" issued in September 2002 by the White House, President George W. Bush stated that the U. S. had long maintained the option of preemptive actions to counter a sufficient threat to their national security. With regard to President Bush's statement, it should be noted that the U. S. may take a preemptive action even if uncertainty remains as to the time and place of the enemy's attack. That would mean there might be a possibility for use of a small nuclear weapon for preemptive actions to a potential threat.

The explosive yield of some nuclear weapons has been reduced such that the difference between large conventional weapons and small tactical nuclear weapons is not great. It may jeopardize the significance of nuclear non-proliferation. It should be confirmed that the subject of the nuclear disarmament include all nuclear weapons, not only strategic nuclear weapons but also all tactical nuclear weapons without regard to physical size or performance.

Although the States party to the NPT agreed that legally binding security assurances strengthen the nuclear non-proliferation regime, the U. S. policy contained in "National Security Strategy" is clearly a retreat from the requirements in the Principles and Objectives of the 1995 Conference and the Final Document of the 2000 Conference.

(6) Safeguards

By the early 1990s, weakness in the IAEA safeguards system that had failed to detect violations of the comprehensive safeguards agreement based on the NPT and the NPT itself by Iraq, was readily apparent. The IAEA obtained additional legal authority i. e., the additional protocol to safeguards agreement, in order to strengthen the detection capability against diversions of declared nuclear materials as well as undeclared activities and nuclear material that might be used for the clandestine development of nuclear weapons.

The Final Document of the 2000 Conference stressed that comprehensive safeguards agreement and its additional protocol should be universally applied. The Conference also noted the high priority that the IAEA attaches to the integration of traditional verification activities with the new strengthening measures based on the additional protocol.

Under the strengthened safeguards activities based on traditional material accountancy safeguards and activities under the additional protocol, the IAEA obtained international endorsement that the objective of safeguards is to assure the correctness and completeness of State's declarations to deter and detect efforts to develop nuclear weapons through facilities comprising the State's nuclear fuel cycle or any other clandestine facilities. The IAEA has worked aggressively toward the establishment of the new integrated safeguards system.

However, the problems connected to Iraq and the DPRK have not been resolved through the strengthened safeguards systems. The universal application of the additional protocol is also delayed. Even though the IAEA finalizes the technical development of

the strengthened safeguards system, if the Member States do not ratify the additional protocol, the strengthened safeguards system cannot be implemented effectively. It should be noted that the universal application of the additional protocol is an essential condition to enhance safeguards as well as the nuclear non-proliferation regime.

(7) Peaceful Uses of Nuclear Energy

Technical Cooperation (TC) Programme of the IAEA is progressing. Technical Cooperation increasingly provides a tangible socio-economic impact by contributing directly, in a cost-effective manner, to the achievement of sustainable development priorities of each country.

The regime of export control of nuclear material and specified equipment for nuclear use has been enhanced by the addition of equipment relevant to plants for the conversion of plutonium to the Trigger Lists. Further, the list of export controlled dual use equipment was reviewed and amended through the London Guidelines in March 2000.

The IAEA's contributions to the operation of nuclear power reactors are also progressing through the conclusion of the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, and the Convention on Nuclear Safety. The Convention on Physical Protection of Nuclear Material is now being reviewed with intent to expand coverage.

(8) Newly Emerging Threats

It is recognized that terrorism toward the nuclear industry by non-State actors with enough resources has become a new threat for the nuclear non-proliferation regime. At previous stages, the proliferation concerns were directed toward nation States, and the problems relevant to the non-proliferation were discussed in international political fora. Toward non-State actors, it is impossible to use political pressure based on an international consensus. The international community including the nuclear industry must develop and implement new strategies.

The threats are assumed as follows:

- a . acquisition of nuclear weapons by non-State actors;
- b . acquisition of nuclear materials by non-State actors;
- c . acquisition of high-level radioactive material by non-State actors, including

radio isotopes, and the manufacture of “dirty bombs”; and
d . sabotage of nuclear facilities by non-State actors.

Preventing the acquisition of nuclear weapons by non-State actors is an obligation contained in Article I of the NPT. However, it is possible to assume that a State that has already obtained the technology to develop nuclear weapons may provide such information to non-State actors or that a state that has obtained undeclared weapon usable nuclear materials could provide such materials to terrorist groups. Additionally, there is the worry that the actors could steal nuclear material or high-level radioactive materials. Possibilities of an attack by non-State actors against nuclear facilities seem real after the events of September 11, 2001.

Conclusion

An evaluation of the achievements of the Principles and Objectives resulting from the 1995 Review and Extension Conference and of the practical steps for nuclear disarmament contained in the final document of the 2000 Review Conference leads to a pessimistic view on the efforts to maintain and enhance the international consensus supporting the nuclear non-proliferation regime.

Some progress can be found in strengthened safeguards and the technical cooperation by the IAEA, but progress elsewhere that needs international cooperation is either negative or non-existent. Around 1995, many countries including the U. S. worked very hard to maintain the nuclear non-proliferation regime. However, after the decision was taken to extend the Treaty indefinitely, many states seem to lose their enthusiasm to support the regime.

The individual and practical activities are necessary to maintain the nuclear non-proliferation regime. However, it must be achieved through the intentions of States party to the Treaty that value the objectives and benefits of the Treaty in order to maintain and enhance the international consensus and motivation to comply with the obligations of the NPT. New threat posed by non-State actors can only effectively be dealt with through a renewed and universal commitment to the ideals and principles embodied in the nuclear non-proliferation regime.