OUKA
Osaka University Knowledge Archive

Title	THE 2000 NPT REVIEW CONFERENCE AND NUCLEAR DISARMAMENT
Author(s)	Kurosawa, Mitsuru
Citation	Osaka University Law Review. 2001, 48, p. 1-38
Version Type	VoR
URL	https://hdl.handle.net/11094/7544
rights	
Note	

Osaka University Knowledge Archive : OUKA

https://ir.library.osaka-u.ac.jp/

Osaka University

The 2000 NPT Review Conference and Nuclear Disarmament

*Mitsuru Kurosawa**

The 2000 NPT (Treaty on the Non-Proliferation of Nuclear Weapons) Review Conference was held at the headquarters of the United Nations in New York from April 24 to May 20, and the Conference adopted a final document by consensus. At the Conference, all issues concerning nuclear disarmament and nuclear non-proliferation were discussed. Although we can say that the Conference was *prima facie* successful[1] because it could adopt the final document, the document was a result of many compromises after pierce discussions during four weeks, and we need precise examination to know whether the conference played enough its role to promote nuclear disarmament.

This article will follow the discussions at the Conference focusing on nuclear disarmament, make it clear what measures were agreed, and examine what meanings these agreed measures have. For these purposes, at first I will touch upon the background of the Conference, the circumstances when the Conference started, and the structure and proceedings of the Conference. Then, I will show what kind of arguments key players of the Conference brought forward. Thirdly, I will precisely examine what kind of measures were agreed in the final document in connection with the measures which should be taken in coming five years as well as the review of last five years. I will also take up the issues of negative security

* Professor of International Law and Relations, Osaka School of International Public Policy and Graduate School of Law, Osaka University.

1) Mr. Abdallah Baali, the President of the Conference, explained the reasons for the success of the Conference as follows: 1) the preparation and the resolution of some of the NPT Conference problems before the Conference started, 2) the very strict time management measures taken as well as the respect for the program of work and the various deadlines, 3) the Joint Statement of the 5 NWS which included the issue of NMD-ABM Treaty, 4) the ratification by the Russian Duma of START II and the CTBT, and 5) the pragmatic and realistic attitude adopted by the key players. (Abdallah Baali, "2000 NPT Review Conference: Succeeding against all odds. What is next?" International Symposium and Lectures, Expanding the Nuclear Free Umbrella, August 4, 2000, Hiroshima.) Ambassador Seiichiro Noboru of Japanese delegation analyzed that: "it is recalled that the Conference at last managed to succeed to agree on a final document after many concessions as a compromise because participating states had deep concern over negative influence in the case that the Conference failed." (Seiichiro Noboru, "Reflecting upon the 2000 NPT Review Conference," *Gaiko Forum*, September 2000, p.34. (in Japanese))

assurances and nuclear-weapon-free zones, as well as the issue of strengthening the non-proliferation regime. Finally, based on the outcome of the Conference, I will try to show how the future of nuclear disarmament takes shape.[2)]

I. Background of the NPT Review Conference

The purpose of the review conference is 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 realized, and it has been held every five years. The central purpose of the Treaty is non-proliferation of nuclear weapons, but the Treaty also deals with nuclear disarmament, security assurances, safeguards, nuclear-weapon-free zones, and peaceful uses of nuclear energy. The review of the operation of the Treaty includes all issues mentioned above.

However, as is clear from the negotiation process of the Treaty, the most important aspect is whether the nuclear-weapon states have pursued negotiations in good faith on nuclear disarmament under the Article VI. The Treaty was agreed on the presumption that it was necessary to prevent the further proliferation for future nuclear disarmament, and many non-nuclear-weapon states became parties based on that presumption in spite of the fact that the Treaty is discriminatory in nature.

The discriminatory nature of the Treaty was also reflected conversely in the provision of its duration. Although the draft treaty submitted by the United States and the Soviet Union provided that the duration is unlimited, the final version of the Treaty stipulates that it has 25 years duration provisionally and a conference then will decide how long to extend the duration.[3)] The 1995 NPT Review and Extension Conference decided to extend the duration of the Treaty indefinitely.

The 2000 Review Conference was thought to be important, because it is the first since the Treaty was extended indefinitely. As the Treaty was extended indefinitely, the non-nuclear-weapon states found themselves loosing their bargaining chips, and they were afraid that the progress in nuclear disarmament would not be expected without the constructive cooperation from the nuclear-weapon states.

---

2) This paper does not necessarily deal with all issues discussed at the Conference. The issues such as safeguards, export control, peaceful uses of nuclear energy, technical assistance, regional issues and strengthening the review process of the Treaty are not examined in this paper.

3) On the negotiation process of the Treaty, see Mitsuru Kurosawa, *International Disarmament Law: A New Framework: A Study of the Regime for Non-Proliferation of Nuclear Weapons*, Yushindo, Tokyo, 1986. (in Japanese)

The 1995 NPT Review and Extension Conference adopted two documents as a package with its extension decision. One is the decision on "Strengthening the Review Process for the Treaty" and the other is "Principles and Objectives for Nuclear Non-Proliferation and Disarmament". These two documents were adopted to establish a mechanism to evaluate continuously and concretely the progress in nuclear disarmament even after the Treaty was extended indefinitely. Under the former, a review conference should be held every five years, its preparatory committee should be held for ten days every year in the three years before the conference, the preparatory committee can recommend not only on procedural matters but also on substantive matters, and preparatory committee can establish subsidiary bodies to focus on specific issues. The latter lists the concrete nuclear disarmament measures that should be taken in coming five years, shows the direction that we should go, and provides the benchmark through which the progress should be measured.[4)]

The preparatory committees of the 2000 Review Conference were held for ten days each in 1997, 1998 and 1999. They discussed substantive matters as well as procedural matters, but they could not agree on the recommendation on substantive matters to the Review Conference. Because of this failure, there existed general feeling of disappointment with the new system and pessimistic prospect for the 2000 NPT Review Conference.

This general negative feeling was a reflection of international atmosphere during last five years, when there was strong head wind blowing against nuclear disarmament. Among the measures provided for in the Principles and Objectives, the CTBT (Comprehensive Nuclear-Test-Ban Treaty) was adopted in September 1996, no negotiations on a FMCT (fissile material cut-off treaty) has begun, and no progress in nuclear disarmament has been seen. The START process stalled and the U.S. Senate rejected the ratification of the CTBT. In May 1998, India and Pakistan conducted underground nuclear tests, challenging the international nuclear non-proliferation regime. These tests do not violate any legal obligations, because they are not parties to the NPT. Although their tests do not directly violate any treaty provisions, they impair the international nuclear non-proliferation regime that is supported by overwhelming members of international society, ant challenge the

4) On the 1995 NPT Review and Extension Conference, see Mitsuru Kurosawa, "New Development of Nuclear Non-Proliferation Regime: Extension of the NPT and Future Prospect," *Human Rights and Humanity in International Law: A New Horizon*, Toshindo, Tokyo, forthcoming, (in Japanese) and Mitsuru Kurosawa, "On the Indefinite Extension of the NPT," *Energy Review*, September 1995, pp.40-42. (in Japanese)

legitimacy of the NPT.

The pessimistic prospect of the Conference, in a wider sense, depended on the general deterioration of international security environment. The relation between the U.S. and Russia became much worse, because of NATO's expansion eastward and NATO's air bombings of Kosovo, and also the development by the U.S. of TMD (Theater Missile Defense) and NMD (National Missile Defense). The relation between the U.S. and China has been deteriorating too.[5)]

II. Proceedings and Characteristics of the Conference

1. Beginning of the Conference

The Conference, which was held under the pessimistic atmosphere mentioned above, made a good start. One of the reasons is that Russian Duma, that had been refusing the ratification of the START II Treaty for a long time, approved the ratification just ten days before the first day of the Conference, and Duma also approved the ratification of the CTBT three days before that day. These events, representing Russia's peace offensive, radically changed the international atmosphere surrounding the Conference, and played an extremely important role as the departing point for successful Conference.

The other reason is that the Conference managed to decide the establishment of two subsidiary bodies on the first day of the Conference. On the one hand, South Africa and other non-aligned countries had been asking to establish a subsidiary body on nuclear disarmament, and Egypt and other Arab states had been asking to establish a subsidiary body on the Middle East. On the other hand, the U.S. had strongly opposed to these demands. It was afraid that the first several days would be wasted because of the disagreement on the establishment of subsidiary bodies.

The two subsidiary bodies were established due to the President's constructive efforts prior to the Conference and compromises by the U.S. and Egypt. Egypt originally demanded a subsidiary body on the Middle East, but the Conference agreed to establish a subsidiary body on regional issues, including the Middle East.

On the first day, Ambassador Abdallah Baali of Algeria was elected as a

5) On the prospect of the 2000 NPT Review Conference, see Mitsuru Kurosawa, "Toward the 2000 NPT Review Conference," *Osaka University Law Review*, No.47, February 2000, pp.1-15; Emily Bailey and John Simpson, "Issues and Options for the 2000 NPT Review Conference," *PPNN Issue Review*, No.17, April 2000, 8p; Rebecca Johnson, *Non-Proliferation Treaty: Challenging Times*, Acronym 13, February 2000; Tariq Lauf, "The 2000 NPT Review Conference," *Non-Proliferation Review*, Vol.7,No.1, Spring 2000, pp.146-161; Lawrence Scheinman, "Politics and Pragmatism: The Challenges for NPT 2000," *Arms Control Today*, Vol.30,No.3, April 2000, pp.18-23.

President. Mr. Jacky Selebi of South Africa, who was a president of Oslo Conference for adopting Convention banning anti-personal landmines and got a high reputation as a president, was initially supposed to be a president of the 2000 NPT Review Conference. Mr. Baali was unknown person in the field of disarmament and his ability of the presidency was not known. From this point, some were pessimistic about the possible result of the Conference. Contrary to these concerns, Mr. Baali in fact did a good job and led the Conference to the successful adoption of the final document. His ability to deal with the proceedings of the conference should be highly praised, and his ability should be evaluated as one element of the Conference success.

The President in his statement mentioned positive and negative developments in the past five years. As the negative elements, he listed nuclear tests by India and Pakistan, the lack of universality of the NPT, the refusal of the U.S. Senate to ratify the CTBT, the lack of progress on nuclear disarmament between Russia and the U.S., the new nuclear strategies of NATO and Russia, the challenge to the ABM Treaty and the intention of the U.S. to deploy an anti-missile defense system, the impasse in the Conference on Disarmament (CD), and the existence of 30,000 nuclear weapons.

As the positive development, he listed the ratification of the START II by the Russian Parliament, the increase of the NPT parties to 187, the strengthening of the IAEA safeguards by adopting the model additional protocol, the unilateral measures to reduce nuclear weapons and introduce greater transparency, the establishment of nuclear-weapon-free zones in Africa and South-East Asia and efforts to denuclearize in Central Asia, and opening for signature of the CTBT. Then he said that the outcome of this Conference would have a major impact on deciding the future course of the NPT and the nuclear non-proliferation regime for generation to come. He also mentioned the important role of civil society, and said that we should strive to bridge our differences and approach the Conference with a determination to find a common agreement on realistic measures.[6)]

The Secretary-General of the United Nations, Mr. Kofi Annan emphasized that we faced major challenges in fulfilling the disarmament aims of the NPT. He referred to some 35,000 nuclear weapons remained in the arsenals of the nuclear powers, with thousands still deployed on hair-trigger alert. There have been no nuclear disarmament negotiations for many years. We have witnessed the re-

6) Statement by the President of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, H.E. Ambassador Abdallah Baali (Algeria), New York, April 24, 2000.

affirmation of the nuclear weapons doctrines of all the nuclear-weapon states. As the most recent challenge, he mentioned the growing pressure to deploy national missile defenses.

As benchmarks for future progress, he mentioned the entry into force of the CTBT, deep, irreversible reduction in stocks of nuclear weapons, the consolidation of existing nuclear-weapon-free zones and negotiation of new zones, binding security guarantees to non-nuclear-weapon states parties, and improvements in the transparency of nuclear weapons arsenals and nuclear materials.[7)]

2. Main Players in the Conference

Compared with the last five review conferences, the 2000 Review Conference was significantly different in main players. Traditionally, the multilateral negotiations on nuclear disarmament have been among three groups, that is, western group, eastern group and non-aligned group, as is shown in the Conference on Disarmament in Geneva. However, with the end of the Cold War, there has been a tendency that the eastern group has been absorbed in the western group, and the non-aligned group can not unite themselves as before. On non-proliferation, the confrontation has been traditionally between the nuclear-weapon states and the non-nuclear-weapon states.

One of the characteristics of the 2000 Review Conference is that the New Agenda Coalition (NAC) played a very important role in place of the Non-Aligned Movement Countries (NAM). The NAC consists of seven states, that is, Ireland, Sweden and New Zealand which are not included in the NAM, and Brazil, Egypt, Mexico and South Africa which are members of the NAM. The five nuclear-weapon states (N-5) are the subject to conduct nuclear disarmament, and their importance in nuclear negotiation is the same as before. The counterpart of the N-5 was the NAC and not the NAM at the Conference. The NAC, which was established in June 1998 by the states of great concern to nuclear disarmament, takes more realistic position than the NAM.

The other characteristic of the Conference was the emergence of intermediary group of states, which searched for the compromise between the N-5 and the NAC. Japan and Australia submitted working papers and actively played their role. The NATO-5 group, consisting of Germany, the Netherlands, Belgium, Italy and Norway also played an important role. Canada played a role too. These intermediary states were active in submitting working papers and discussing the

7) The Secretary-General Address to the NPT 2000 Review Conference, New York, 24 April 2000.

final document and played a role in successfully adopting the final document.

3. Structure of the Conference

The Conference started on the 24th of April, and in the morning session the statements by the President, the Secretary-General of the United Nations and the Director-General of the IAEA were read out. General Debates began in the afternoon on the same day and continued until the first part of the second week. Altogether 93 delegations of states parties made statement, explaining their own position on various issues. Precise discussions have been taken place in three Main Committees. The Main Committee I dealt with nuclear non-proliferation, nuclear disarmament and security assurances, the Main Committee II dealt with safeguards, nuclear-weapon-free zones and other issues, and the Main Committee III dealt with peaceful uses of nuclear energy. The review conferences in 1990 and 1995 succeeded to adopt draft final documents in Main Committees II and III, but Main Committee I failed to adopt it, and as a result, the conference as a whole failed to adopt a final document. Based on the past experiences, the debate at the Main Committee I at this Conference attracted attention.

At this Conference, structure is a little different from previous ones, because Subsidiary Body I on nuclear disarmament was established under the Main Committee I and Subsidiary Body II was established under the Main Committee II. The subsidiary bodies were established to provide for a focused consideration of specific issues. However, the discussion time for subsidiary bodies was not allocated in addition to the time allocated to the Main Committees, but within the time allocated to the Main Committees. As a result, the whole time originally allocated to the Main Committee and the time in fact allocated to the Main Committee and to the Subsidiary Body were the same, and the time for whole meetings was not increased. Although different Main Committees were held simultaneously, the Main Committee and its Subsidiary Body were not held simultaneously. In effect, the Main Committee and its Subsidiary Body worked as one negotiating body on different issues. The decision on this point in the 1995 document is not clear, and some scholars suggested a possibility that a subsidiary body would discuss a particular issue in addition to ordinary discussion in the main committee. In reality, as there were so many informal consultations in addition to the planned program of time, we can say that additional negotiations were held in the Subsidiary Bodies.

4. Proceedings of the Discussion

The discussion in each of three Main Committees started at the end of the first week, and in the second week the five nuclear-weapon states submitted their common statement and the discussions in two Subsidiary Bodies started. At the end of the second week, the chairman's working paper of the Main Committee I and the chairman's working paper on cluster 1 of the Subsidiary Body I were submitted. In the third week, the discussions were hot and precise, and informal consultations began which sometimes lasted by mid-night. The discussions and negotiations were continued based on the chairman's working papers, and through the discussions the chairman's working papers were revised. At the end of the third week, as was required by the President, the reports of the three Main Committees including the report of the Subsidiary Bodies were submitted at the plenary meeting.

In the fourth week, all meetings were informal consultations, and each Main Committee and Subsidiary Body worked hard to make a draft final document. President Baali sometimes took initiative for informal consultations.[8] The three Main Committees and the two Subsidiary Bodies continued to make a draft paper, and at the plenary meeting under the President's chairmanship, "Improving the effectiveness of the strengthened review process for the Treaty" was discussed. At the final stage, these six draft documents were arranged into one document in accordance with the paragraphs of the Treaty. The most difficult issues which remained unresolved until the end of the Conference were "unequivocal undertaking to total elimination of nuclear arsenals", "nuclear transparency" and "Iraqi issue".

III. Arguments by Key States

1. Arguments by the Nuclear-Weapon States

On the first and second days of the Conference, all nuclear-weapon states made statements, explaining their each position on several important issues. The general contents of these statements expressed that they made their best efforts for nuclear disarmament, fulfilling their obligation under the Article VI. However, it became

8) The President Baali nominated thirty-some states for informal consultations when he started informal consultation. However, the states which were not included in it protested the nomination strongly. As a result, he was obliged to change it as open-ended. The President once started to pick up paragraphs which concerned with future actions from the chairman's working papers which included both forward-looking and backward-looking paragraphs, but he abandoned this work.

clear from these statements that there existed big difference of opinions on critical matters among the five nuclear-weapon states.

The United States highly evaluated the decision of five years ago on indefinite extension of the Treaty. On the Indian and Pakistani nuclear tests, Secretary of State M. Albright said that there was no provision in the Treaty for new nuclear weapon states, nor would there be one. The U.S. emphasized that "we have already made remarkable progress in nuclear disarmament", and "the U.S. is meeting its commitment to Article VI," by referring to the progress in START II and START III, the cooperative threat reduction program with Russia, and the reduction of the number of nuclear weapons within NATO.

On missile defense, she said that "The world has changed dramatically in the almost three decades since the ABM Treaty was signed. That Treaty has been amended before, and there is no good reason it cannot be amended again to reflect new threats from third countries outside the strategic deterrence regime. And please remember that we are talking about a system capable of defending against at most a few tens of incoming missiles. It is not intended to degrade Russia's deterrent. Nor will it have that result."

On the CTBT, the ratification of which was recently refused by the Senate, she made it clear that the United States would not resume testing, and its work and support for the Treaty's Preparatory Commission have continued. She was convinced that America would ratify the CTBT. As a caveat to the NAC and the NAM, she said "if countries demand unrealistic and premature measures, they will harm the NPT and set back everyone's cause,"[9)]

Russia emphasized that "A tendency to undermine the existing system of strategic stability and the attempts to build national stability at the expense of the interest of other states is dangerous. This is, in fact, a direct invitation to a new arms race on the planet." Russia criticized the U.S. plan to deploy a National ABM system based on the arguments that "Further reductions in strategic offensive weapons can only be considered in the context of preservation of the ABM Treaty. ...The collapse of the ABM Treaty would, therefore, undermine the entirety of disarmament agreements concluded over the last 30 years."

Russia said that it was fully committed to its obligations under Article VI of the Treaty and as its evidence listed the ratification of the START II Treaty and the 1997 package of ABM agreements, the ratification of the CTBT, and the unilateral

9) Remarks, Secretary of States, Madeleine Albright, to the Opening Session of the United Nations Non-Proliferation Treaty Review Conference 2000, General Assembly Hall, United Nations Headquarters, New York, New York, April 24, 2000; NPT/CONF.2000/MC.I/CRP.3, 2 May 2000.

deep reduction of its tactical nuclear weapons. On the START process, Russia is prepared to consider reducing nuclear arsenals of the Parties to the level of 1500 warheads.[10)]

The United Kingdom said that the NMD issue should be addressed bilaterally with the Russians, but added that the United Kingdom have made it clear to both sides that we continue to value the ABM Treaty and wish to see it preserved. The U.K. emphasized its efforts for nuclear disarmament, mentioning the ratification of the CTBT, the reduction of its nuclear forces by withdrawing all its air-delivered nuclear weapons, transparency about the size of its stocks of nuclear material and submission of excess nuclear material to EURATOM safeguards, and the start of the research on verification.[11)]

France mentioned as efforts in nuclear disarmament its complete phasing out of land-based nuclear component and the reduction in the format of the airborne and sea-based components, the ratification of the CTBT, and the definitive closure of the Mururoa test site. Regarding multilateral process, France emphasized the importance of the entry into force of the CTBT and negotiations on a fissile material cut-off treaty. France attached the utmost importance to maintaining strategic stability, of which the ABM Treaty was an essential element, and was anxious to avoid any challenges to the Treaty liable to bring about a breakdown of strategic equilibrium and to restart the arms race.[12)]

China criticized that the progress in nuclear disarmament by the U.S. and Russia was not enough, and the so-called missile defense program would inevitably exert an extensive negative impact on international security and stability and trigger off a new round of arms race in new areas, thereby seriously obstructing or neutralizing international efforts of nuclear disarmament and nuclear non-proliferation. China's nuclear weapons were said to be solely of the purpose of self-defense and deployed with utmost restraint. China has unconditionally undertaken not to be the first to use nuclear weapons and China is now in the process of its ratification of the CTBT. In connection with a cut-off treaty, China thinks that the prevention of the weaponization of outer space is a task even more urgent than the FMCT

10) Statement by H.E. Mr. Igor S. Ivanov, Minister of Foreign Affairs of the Russian Federation at the Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, New York, April 25, 2000; NPT/CONF.2000/MC.I/CRP.14, 8 May 2000.

11) Towards A Nuclear-Free World: the United Kingdom and the Nuclear Non-Proliferation Treaty, Peter Hain MP, Minister of State, Foreign Office, NPT Review Conference, New York, 24th April 2000.

12) Débat général, Intervention de S. E. Hubert de La Fortelle, Représentant de la France auprès de la Conférence du Désarmement, Conférence d'Eamen du TNP, New York, mardi 25 avril 2000; NPT/CONF.2000/WP.8, 4 May 2000.

negotiation.

On transparency, China said "Nuclear-weapon states have differed a lot in their nuclear strategies and different arsenals therefore it is unreasonable to ask these countries to take the same transparency measures at the same time....it is neither conducive to their own security nor in the interest of global strategic balance and stability to ask the small or medium sized nuclear countries to take transparency measures." On the contrary, China asked nuclear-weapon states to unconditionally undertake not to be the first to use nuclear weapons.[13)]

In spite of the fact that opinions are quite different among the nuclear-weapon states, on the first day of the second week, they submitted a common statement consisting of 23 paragraphs.[14)] They formally reiterate the strong and continuing support for this Treaty, reaffirm their commitment to strengthening the review process of the Treaty and to the principles and objectives for nuclear non-proliferation and disarmament, reiterate the need for universal adherence to the NPT, and stress the importance of compliance.

They reiterate their unequivocal commitment to the ultimate goals of a complete elimination of nuclear weapons and a treaty on general and complete disarmament. In pursuit of the program of action set out by the 1995 Review and Extension Conference, there have been highly significant developments.

On the CTBT, there should be no doubt as to the commitment of the five countries to secure its early entry into force. However, on the FMCT, they affirm the necessity of a treaty and urge the CD to agree on a program of work which includes the immediate commencement and early conclusion of negotiations on such a treaty, just the same as Chinese proposal. On a nuclear reduction, their contribution has been and will be highlighted by each of them nationally. They declare that none of their nuclear weapons are targeted at any state.

On the START process and the ABM Treaty, they look forward to the conclusion of START III as soon as possible while preserving and strengthening the ABM Treaty, compromising the different positions of the N-5. They are committed to placing fissile materials no longer required for defense purposes under the IAEA or other relevant international verification. They express their support for nuclear-weapon-free zones and reaffirm their commitment to UN

13) Statement by H.E. Amb. Sha Zukang, Head of Delegation of the Government of the People's Republic of China at the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, 24 April 2000, New York; NPT/CONF.2000/MC.I/CRP.7, 5 May 2000; NPT/CONF.2000/MC.I/CRP.13, 8 May 2000.

14) NPT/CONF.2000/21, 1 May 2000.

Security Council resolution 984.

2. Arguments by the NAC and the NAM

The New Agenda Coalition (NAC), consisting of Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa and Sweden, states that the period of this review has not delivered systematic and progressive efforts by the nuclear-weapon states, nor the entry into force of any multilateral instrument in the field of nuclear disarmament. They express their concern on re-statements of policies and postures which reaffirm the central role of nuclear weapons in strategic concepts and the possibility of fighting war with the use of nuclear weapons.

As for future actions, they demand that the five nuclear-weapon states make an unequivocal undertaking to accomplish the total elimination of their arsenals and, in the course of the forthcoming review period 2000-2005, to engage in an accelerated process of negotiations and to take steps leading to nuclear disarmament. In addition, they ask the five nuclear-weapon states to take following measures as early and interim steps: (a) to adopt nuclear policies to preclude the use of nuclear weapons; (b) to proceed to the de-alerting and the removal of nuclear warheads from delivery vehicles; (c) to reduce tactical nuclear weapons; (d) to demonstrate greater transparency; (e) to provide legally binding negative security assurance, and (f) to apply the principle of irreversibility.[15)]

The Countries of Non-Aligned Movement (NAM) emphasize that the implementation of commitments in Article VI has been of great concern to the members of the Movement. This is reflected by the lack of progress in fulfilling the provisions of Article VI. Citing the dangers posed by nuclear armaments to humanity and to the survival of civilization, the Movement calls for a reversal of the nuclear arms race and for the complete elimination of these arsenals.

Although NAM's proposals overlap with these of the NAC, the characteristic of the NAM resides in their call upon the CD to establish an ad hoc committee on nuclear disarmament and to commence negotiations on a phased program of nuclear disarmament and for the complete elimination of nuclear weapons with a specified framework of time, including a nuclear-weapon convention. They also ask to refrain from nuclear sharing for military purposes, and call upon the nuclear-weapon states to refrain from conducting all types of tests in conformity with the

15) Statement by Ambassador Rosario Green, Minister of Foreign Affairs of Mexico on Behalf of the Delegations of Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa and Sweden, General Debate, 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, New York, 24 April 2000; NPT/CONF.2000/WP.3, 24 April 2000.

objectives of the CTBT.[16)]

3. Arguments by Intermediary States

What was unique at the 2000 Review Conference was that between the five nuclear-weapon states and the NAC/NAM, intermediary states, including Japan and Australia, the European Union (EU), the NATO-5, and Canada, played their role to accommodate to the two main confronting players and try to find out compromises.

First, Japan with Australia submitted a working paper which includes following eight points:[17)]

1. The early entry into force of the CTBT and moratorium on nuclear test explosion pending the entry into force of that Treaty.

2. The immediate commencement of negotiations on a FMCT and their conclusion preferably before 2003, but not later than 2005, and pending the entry into force of the treaty, a moratorium on the production of fissile material for nuclear weapons.

3. The immediate entry into force and the full implementation of START II, the early commencement and completion of the negotiations on START III, and continuation of the process beyond START III.

4. Further efforts by the nuclear-weapon states to reduce their nuclear arsenals unilaterally, and the commencement of negotiations involving the nuclear-weapon states for the reduction of nuclear weapons at an appropriate stage.

5. Multilateral discussion in the CD on possible future steps on nuclear disarmament and nuclear non-proliferation.

6. The early completion of the negotiations on a nuclear-weapon-free zone in Central Asia.

7. Universalization of the IAEA Additional Protocol and early establishment of the Integrated Safeguards.

8. The disposition of fissile materials no longer required for defense purposes and placement of such materials and civil fissile materials under appropriate international safeguards.

This is the first time for Japan to submit a working paper to the NPT review

16) Statement by H.E. Dr. Makarim Wibisono, Permanent Representative of the Republic of Indonesia at the General Debate in the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to introduce a Working Paper submitted by the Members of the Movement of Non-Aligned Countries Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, 24, April 2000; NPT/CONF.2000/18, 24 April 2000; NPT/CONF.2000/MC.I/CRP.6, 5 May 2000.

17) NPT/CONF.2000/WP.1, 24 April 2000.

conferences. It was also the epoch-making first occasion for Japan to submit the working paper under co-sponsorship with Australia, and Japan also tried to get Canada's co-sponsorship.

The European Union strongly supports the early entry into force of the CTBT and immediate commencement and early conclusion of negotiations on a FMCT. In addition, they emphasize the application of the principle of irreversibility to guide all measures in the field of nuclear disarmament and arms control, the increased transparency as voluntary CBM measures to support further progress in disarmament, and the reduction of non-strategic nuclear weapons.[18)]

The NATO-5 Countries (Belgium, Germany, Italy, Norway and the Netherlands) take a position one step further for nuclear disarmament than the EU. They propose the entry into force of the CTBT no later than the 2005 Review Conference, the conclusion of a FMCT no later than the 2005 Conference, and the reduction of non-strategic nuclear weapons and their ultimate elimination. On transparency, they ask the nuclear-weapon states to provide periodically the aggregated numbers of warheads, delivery systems and stocks of fissile materials for explosive purposes, and a written account of the progress achieved in nuclear disarmament.[19)]

Canada proposes the earliest possible entry into force of the CTBT and a universal moratorium on nuclear testing, the early conclusion of negotiations on a FMCT including appropriate measures to deal with stocks of fissile materials, the achievement of START III and the pursuance of further substantial reduction, the reduction and elimination of tactical nuclear weapons, and the pursuance of measures like de-alerting and de-mating.[20)]

IV. Review of Measures on Nuclear Disarmament

Discussions on the review on the progress in nuclear disarmament during the last five years were taken place in the Main Committee I. Based on the general debates and working papers submitted by states or state groups, the chairman submitted his working paper on May 4[21)], and then based on the working paper,

18) Council Common Position of 13 April 2000 relating to the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Official Journal of the European Communities, 19. 4. 2000; NPT/CONF.2000/MC.I/WP.5, 2 May 2000; NPT/CONF.2000/MC.I/SB.I/CRP.1, 3 May 2000.

19) NPT/CONF.2000/MC.I/WP.7, 4 May 2000; NPT/CONF.2000/MC.I/SB.I/CRP.1, 3 May 2000.

20) NPT/CONF.2000/MC.I/WP.4, 2 May 2000.

21) NPT/CONF.2000/MC.I/CRP.5, 4 May 2000.

discussions were continued. The chairman submitted revised working papers on May 9[22] and 11[23]. The last working paper was included in the report of the Main Committee I[24] and submitted to the plenary meeting. The discussions continued based on it, and finally the final document was agreed. The review of measures on nuclear disarmament is included in paragraphs 1 to 14 of "Article VI and preambular paragraphs 8 to 12" of the final document.

In the final document, the Conference first notes the reaffirmation by the states parties of their commitment to Article VI and preambular paragraphs 8 to 12 of the Treaty. As general evaluation, "The Conference notes that, despite the achievement in bilateral and unilateral arms reduction, the total number of nuclear weapons deployed and in stockpile still amounts to many thousands. The Conference expresses its deep concern at the continued risk for humanity represented by the possibility that these nuclear weapons could be used."

On the one hand, the United States and other nuclear-weapon states argued that during the last five years they identified much progress in nuclear reduction and disarmament. On the other hand, the NAC and the NAM criticized the lack of progress in nuclear disarmament. The NAC shared the Secretary-General of the UN's concern that "over the last few years we have witnessed the reaffirmation of nuclear weapon doctrines of all the nuclear-weapon states. Some states retain first-use nuclear doctrines and some do not exclude the use of such weapons even against non-nuclear-weapon states".[25] The concern on nuclear weapon doctrines was included in the chairman's working papers, but it was deleted at the final stage in the discussions on the final document.

The Conference takes note of the proposal made by the Secretary-General of the UN on the convening an international conference to eliminate nuclear danger.[26] The Conference reaffirms that the cessation of all nuclear test explosions will contribute to the non-proliferation and to the process of nuclear disarmament. The Conference welcomes the adoption and opening for signature of the CTBT, and calls upon all states to continue their efforts to ensure the early entry into force of the Treaty. The Conference welcomes the final declaration adopted at the conference on facilitating the entry into force of the CTBT, convened in October

22) NPT/CONF.2000/MC.I/CRP.5/Rev.1, 9 May 2000.

23) NPT/CONF.2000/MC.I/CRP.5/Rev.2, 11 May 2000.

24) NPT/CONF.2000/MC.I/1, 11 May 2000.

25) NPT/CONF.2000/MC.I/CRP.8, 5 May 2000.

26) United Nations General Assembly, Fifty-fourth session, Agenda item 49(b) The Millennium Assembly of the United Nations, We the Peoples: the Roles of the United Nations in the Twenty-First Century, Report of the Secretary-General, A/54/2000, 27 March 2000, p.56.

1999. However, the Conference could not agree on the proposal mainly submitted by South Africa that "The Conference recalls the undertakings given in statement at the time of the negotiation of the CTBT, and calls upon all states not to conduct tests for the further development and modernization of nuclear weapons."[27)]

The reference to the advisory opinion of the International Court of Justice (ICJ) of 1996 was strongly argued for by non-nuclear-weapons states, and in particular by Malaysia and Costa Rica[28)], but the U.S. asked to delete the reference.[29)] In the final document, the Conference notes the International Court of Justice advisory opinion on the "Legality of the threat or use of nuclear weapons" issued at The Hague on 8 July 1996. However, the phrases referring to the obligation to bring to a conclusion negotiations leading to nuclear disarmament and the fact that the phrase was adopted unanimously were deleted. On a FMCT, the Conference regrets that negotiations have not been pursued on this issue.

On nuclear disarmament, the Conference welcomes the significant progress achieved in nuclear weapons reductions made unilaterally or bilaterally under the START process, and recognized that completion of ratification of START II by the United States remains a priority. The Conference also welcomes the significant unilateral reduction measures taken by other nuclear-weapon states, and the efforts to cooperate in making nuclear disarmament measures irreversible.

The Conference reiterates the important contribution made by Belarus, Kazakhstan and Ukraine through their voluntary withdrawal of nuclear weapons, and welcomes the signing by Belarus, Kazakhstan, the Russian Federation, Ukraine and the United States of significant agreements relating to the ABM Treaty. At last, the Conference notes the nuclear-weapon states declaration that none of their nuclear weapons are targeted at any state.

Some of the previous NPT review conferences could not adopt a final document, mainly because of the strong confrontation between the nuclear-weapon states and the non-nuclear-weapon states on whether significant progress in nuclear disarmament in the previous five years was seen or not. At this Review Conference, each nuclear-weapon state expressed how much they made efforts for nuclear disarmament and how much result they got. However, in the last five years, international circumstances surrounding security deteriorated and accordingly there was not significant progress in nuclear disarmament. Prior to the conference, it was concerned that how much the nuclear-weapon states would accept the arguments by

27) NPT/CONF.2000/MC.I/CRP.8, 5 May 2000; NPT/CONF.2000/MC.I/CRP.16, 10 May 2000.

28) NPT/CONF.2000/MC.I/SB.I/WP.4, 8 May 2000.

29) NPT/CONF.2000/MC.I/CRP.10, 5 May 2000.

the non-nuclear-weapon states, and some experts were pessimistic for the Conference to adopt a final document. They argued that even when there was no consensus on the review of the previous five years, the conference should endeavor to agree on a document that includes future measures of nuclear disarmament.

At this Review Conference, the discussions were proceeded based on the chairman's working paper, and it was generally afraid at the beginning of the last week that this Conference might fail to adopt a final document. However, the serious discussion on the review started just when it became clear that the Subsidiary Body I discussing future measures of nuclear disarmament was close to an agreement in the last week. Although there were some important points on the past review where there was no agreement, the NAC countries showed significant compromise on the past review because "an unequivocal undertaking of nuclear elimination" was agreed as one of the future measures of nuclear disarmament. As a result, agreement was achieved mainly because almost all paragraphs that the NAC had confronted with opposition by the nuclear-weapon states were deleted.

V. Practical Steps for Nuclear Disarmament

Measures for future nuclear disarmament were discussed at the Subsidiary Body I. Based on the general debates and working papers submitted by states or state groups, the first chairman's working paper which was divided into two parts was submitted on May 4[30] and 8.[31] The discussions were continued based on the chairman's working paper, which was revised on May 9,[32] 15,[33] 16,[34] and 17[35], then it was adopted in the final document. In the final document, these measures were listed in paragraph 15 of "Article VI and preambular paragraphs 8 to 12".

The Conference agrees on the following practical steps for the systematic and progressive efforts to implement Article VI of the NPT and paragraphs 3 and 4(c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament".

I will examine all sub-paragraphs one by one by discussing arguments and counter-arguments during the discussions, because this part includes many issues

30) NPT/CONF.2000/MC.I/SB.I/CRP.2, 4 May 2000.
31) NPT/CONF.2000/MC.I/SB.I/CRP 4, 8 May 2000.
32) NPT/CONF.2000/MC.I/SB.I/CRP.7, 9 May 2000.
33) NPT/CONF.2000/CRP.2, 15 May 2000.
34) Chairman's Working Paper, 16 May 2000.
35) Non-Paper, 17 May 2000.

which attracted much attention, for example, the issues of NMD/ABM Treaty and unequivocal undertaking of nuclear elimination.

1. The importance and urgency of signatures and ratifications, without delay and without conditions and in accordance with constitutional processes, to achieve the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty.

The content of this paragraph was included in the working papers submitted by Japan and Australia, the NAC, the NAM, the EU, the NATO-5, Canada, and China.[36] The statement by the five nuclear-weapon states (N-5) also included the content. As a result, there existed general consensus on this issue. The NAM proposal asked the nuclear-weapon states to refrain from conducting all types of tests, which meant the prohibition of subcritical tests. The NATO-5 proposed to ensure the earliest possible entry into force of the CTBT, but not later than the 2005 Review Conference. Neither proposal was agreed upon. The United States once made a reservation on "without conditions" and asked the insertion of "in accordance with constitutional processes", because the Senate rejected the ratification of the Treaty. Some argued that the latter phrase is unnecessary because it was implied in the treaty-making process, but finally it was included.

2. A moratorium on nuclear-weapon-test explosions or any other nuclear explosions pending entry into force of that Treaty.

The moratorium pending its entry into force was included in the proposals by Japan and Australia, the NAC, the NAM, Canada, and Switzerland,[37] but not included in the proposals by the EU, the NATO-5, China, and the N-5. This paragraph was adopted without any significant argument. However the moratorium of testing is very important because there exists strong opposition to the Treaty in the United States, and China might consider the resumption of nuclear tests as the U.S. NMD program proceeds.

3. The necessity of negotiations in the Conference on Disarmament on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices in accordance with the statement of the Special Coordinator in 1995 and the mandate contained therein, taking into consideration both

36) NPT/CONF.2000/MC.I/WP.1, 1 May 2000.

37) NPT/CONF.2000/MC.I/WP.3, 2 May 2000.

nuclear disarmament and nuclear non-proliferation objectives. The Conference on Disarmament is urged to agree on a programme of work which includes the immediate commencement of negotiations on such a treaty with a view to their conclusion within five years.

On this issue there were many arguments, with the strong opposition by China. Finally the expression of the paragraph was based on the one in the N-5 statement. The demand on a moratorium on the production of fissile materials pending the conclusion of a treaty was not included in the final document due to strong opposition by China. "The immediate commencement and early conclusion of the negotiations on a treaty" was included in the proposals by Japan and Australia, the EU, the NAM, and the NATO-5, and the NAC proposed the importance and urgency of achieving a treaty.

On the timetable, Japan and Australia proposed "preferably before 2003, but not later than 2005", the NATO-5 proposed "not later than 2005 Review Conference", and the chairman's early working paper said "with a view to their conclusion by 2005". However, the final document includes the phrase " with a view to their conclusion within five years", which permits the interpretation that it means within five years after the negotiation begins. It will be beyond 2005.

On the content of a FMCT, the final document adopted the phrase "taking into consideration both nuclear disarmament and nuclear non-proliferation", which originally proposed by the NAC. This confirms the possibility that the issue of stockpile will be discussed, but the reference is not so direct as the NAM proposal which says "a treaty banning the production and stockpiling of fissile material" and the Canadian proposal that "appropriate measures to deal with stocks of fissile material...should be identified and implemented".

China argued that preventing arms race in outer space (PAROS) was more urgent than a cut-off treaty, and accordingly the Conference on Disarmament in Geneva should establish three ad hoc committees to negotiate a FMCT, PAROS and nuclear disarmament.

On the moratorium, almost all states, including Japan and Australia, the NAC, the EU, Switzerland, the NATO-5, and Canada, supported to include it in the final document, but China's strong opposition resulted in no mention of it. In the negotiation process, the first chairman's working paper included the moratorium and then deleted. Many states asked for revival of the moratorium but it was not accepted.

China's strong opposition to the moratorium implies that China is still continuing production of fissile material for weapons purpose or at least China

wants to leave the option open. It suggests that China is continuing its modernization of nuclear forces, and China anticipates the necessity to counter the NMD program of the U.S.

The Conference urges the CD to agree on a program of work, which includes the immediate commencement and early conclusion of negotiations on such a treaty. The Conference does not urge the immediate commencement and early conclusion of negotiations of such a treaty. It means that the linkage that China demanded above is possible, and accordingly we can not expect the immediate commencement of the negotiations. It means that this paragraph goes backward compared with the 1995 decision.

4. The necessity of establishing in the Conference on Disarmament an appropriate subsidiary body with a mandate to deal with nuclear disarmament. The Conference on Disarmament is urged to agree on a programme of work which includes the immediate establishment of such a body.

The first chairman's working paper included the first sentence, but later the second sentence was added in order to take the same formula as the sub-paragraph 3 above. The first sentence is just the same as the NAC proposal. Japanese and Australian proposal asked "multilateral discussion in the Conference on Disarmament on possible future steps on nuclear disarmament and nuclear non-proliferation", the NATO-5 asked "ad hoc working group for the exchange of information and views on endeavors towards nuclear disarmament", and Canada asked "a mechanism for exchange of information and the substantive discussion of nuclear disarmament issues".

On the other hand, the NAM called upon the CD to establish an ad hoc committee on nuclear disarmament and commence negotiations on a phased programme of nuclear disarmament and for the complete elimination of nuclear weapons with a specific framework of time, including a nuclear-weapon treaty. Malaysia and Costa Rica proposed to commence negotiations leading to the conclusion of a nuclear weapon convention, as a follow-up to the ICJ advisory opinion.[38] The N-5 statement did not mention on this issue and China asked to establish three ad hoc committees simultaneously as mentioned above.

According to this sub-paragraph, the CD is urged to start discussions, not negotiations, on nuclear disarmament. It is asked not only to discuss the issue but also to establish an appropriate subsidiary body. It means that something between

38) NPT/CONF.2000/MC.I/SB.I/WP.4, 8 May 2000.

just discussions and negotiations was agreed. Just the same as the previous sub-paragraph, this measure is not urged directly, but agreement on a programme of work including this measure is urged. Then the problem of linkage emerges.

5. The principle of irreversibility to apply to nuclear disarmament, nuclear and other arms control and reduction measures.

The principle of irreversibility has been often emphasized in nuclear disarmament negotiations. The NAC and the EU proposed this measure. Russia argued that the principle was too abstract and more concrete principle was necessary. However, on this principle there was general consensus. One of the controversial issues was whether this principle should be applied only to nuclear weapons or but also to other weapons. As the nuclear-weapon states argued, other weapons also were included. The other controversial issue was whether this principle should be applied to or should guide disarmament measures. The NAC demanded "apply" and the EU demanded "guide", and "apply" was adopted in the final document.

6. An unequivocal undertaking by the nuclear-weapon states to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament to which all states parties are committed under Article VI.

The undertaking to nuclear disarmament has been expressed as "nuclear disarmament with a view to the ultimate elimination of nuclear weapons", which was initially submitted by Japan in 1994 and has been later accepted even by the nuclear-weapon states. Initially the phrase was highly evaluated because it referred to the elimination of nuclear weapons even though it was an ultimate goal. In last several years, there was no progress toward elimination of nuclear weapons, and the phrase was criticized because it helped to defer the elimination far away into the ultimate future. It has no practical effect in promoting nuclear disarmament.

This sub-paragraph was originally submitted by the NAC. This was the most important one for the NAC and this was listed at the top of the NAC proposal. On this issue, the confrontation between the NAC and the N-5 was sharpest. NAC's original proposal asked "The five nuclear-weapon states make an unequivocal undertaking to accomplish the total elimination of their nuclear arsenals and, in the course of the forthcoming review period 2000-2005, to engage in an accelerated process of negotiations and to take steps, leading to nuclear disarmament to which all states parties are committed under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons".

The N-5 states were initially strongly opposed to it and declared it unacceptable. Instead, in the N-5 statement, they "reiterate their unequivocal commitment to the ultimate goals of a complete elimination of nuclear weapons and a treaty on general and complete disarmament under strict and effective international control." Here both a complete elimination of nuclear weapons and a treaty on general and complete disarmament were characterized as the ultimate goals.

Two kinds of criticism of this statement came from the NAC and the NAM countries. One was against "ultimate goal", which they thought lost its historical mission because it did not help make progress in nuclear disarmament and instead justified negligence by the nuclear-weapon states of their commitment to nuclear elimination as it was ultimate goal. In place of "ultimate goal", they asked "unequivocal undertaking". The other was against including "a general and complete disarmament" in addition to nuclear elimination. The NAC states argued that only nuclear elimination should be referred, because the final document of the first United Nations special session on disarmament of 1978 clearly gave priority of negotiation to nuclear disarmament, and the ICJ in its advisory opinion clearly mentioned an obligation to bring to a conclusion negotiations leading to nuclear disarmament as its interpretation of Article VI.

In the last week of the Conference, the NAC yielded to delete "and, in the course of the forthcoming review period 2000-2005, to engage in an accelerated process of negotiations and to take steps." Even with this compromise by the NAC, Russia and France did not agree this sub-paragraph until just one day before the last day of the Conference.

This sub-paragraph is one of the most important fruits at this Conference. As the part was deleted from the original proposal, the undertaking to take concrete measures in coming five years was not included, although the undertaking to accomplish the total elimination was secured. In other paragraphs, many concrete measures for nuclear disarmament are stipulated, and we must carefully watch how and whether the undertaking to eliminate nuclear arsenals is implemented.

7. 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 reduction of strategic offensive weapons, in accordance with its provisions.

This sub-paragraph deals with both START process and the ABM Treaty. Although the two issues are deeply interrelated, I will examine them separately. On

START II, Japan and Australia proposed "the immediate entry into force and the full implementation", the NAC proposed "full implementation", the NAM proposed "full and early implementation", and the EU proposed "the prompt entry into force and timely implementation". The first chairman's working paper provided for "the prompt entry into force and full implementation" and then was changed into "the early entry into force and full implementation".

On START III, Japan and Australia proposed "the early commencement and conclusion of the negotiations on START III, and continuation of the process beyond START III", the NAC proposed "to commence without further delay negotiations on START III with a view of its early conclusion", the NAM proposed "the early commencement of negotiations of START III", and the EU proposed "the early commencement of negotiations on START III". The N-5 statement proposed "the conclusion of START III as soon as possible" and this phrase was adopted in the final document. The Japanese and Australian proposal was most ambitious asking further reduction by continuing the process beyond START III, but was rejected by Russia and was not included in the final document.

One of the most controversial issues at this conference was the U.S. program on the NMD. In this connection, the ABM Treaty was widely discussed. In the general debates in the first several days, many countries expressed their concern on the NMD, mainly because this would undermine strategic stability, cause new nuclear arms race, and jeopardize the system of nuclear arms control and disarmament which has been established last thirty years. In particular, Russia and China, that would be directly influenced, were opposed most severely, and France also criticized it from the viewpoint of strategic stability. The EU reaffirmed the importance of the ABM Treaty as a cornerstone of strategic stability, the NAC stressed that the ABM Treaty remained a cornerstone of strategic stability and underlined the responsibility of its states parties to preserve its integration, and the NAM was concerned over the negative implications of the development and deployment of ABM system and called upon the parties to fully comply with its provisions.

On the other hand, the U.S. in the remarks by Secretary of State, Ms. Albright, stated, "The world has changed dramatically in the almost three decades since the ABM Treaty was signed. The Treaty has been amended before, and there is no good reason it cannot be amended again to reflect new threats from third countries outside the strategic deterrence regime. And please remember that we are talking about a system capable of defending against at most a few tens of incoming missiles. It is not intended to degrade Russia's deterrent. Nor will it have that

result."

This confrontation between the U.S. on the one hand and other nuclear-weapons states and many non-nuclear-weapon states on the other hand, was in a sense settled when the N-5 submitted their common statement at the first day of the second week. In the statement, they look forward to 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 of strategic offensive weapons, in accordance with its provisions. There was an agreement among the five nuclear-weapon states on this sentence. The N-5 common statement as a whole is a result of compromise among the five, but this part reflects the U.S. concern. Russia, China and France, which are opposed to the amendment of the ABM treaty, seem to emphasize the word "preserving", while the U.S. seems to emphasize the word "strengthening" which allows its amendment. The sentence that was included in the N-5 statement was agreed in the final document.

In spite of the strong opposition by Russia, China and France, the U.S. succeeded to defend its NMD program. In order to defend its position on this issue, the U.S. was obliged to yield in other issues. On the whole, the U.S. was rather defensive at the Conference, because the U.S. gave the promotion of the NMD program the top priority.

The most eminent example was the compromise on a FMCT. In spite of its traditional position that an immediate commencement and early conclusion of a FMCT should be the first priority in multilateral negotiations, the U.S. accepted Chinese position which allowed the linkage of a FMCT to other issues. It means that the U.S. sacrificed the progress in nuclear disarmament in order to save the NMD program.

During discussions after the N-5 statement was agreed, Russia strongly urged the insert of the phrase like "for the maintenance of strategic stability" on concrete measures for nuclear disarmament, and China also emphasized the importance of strategic stability. This iridescent settlement is based on the understanding that the NMD issue cannot be solved at this Conference, and it is clever to avoid the confrontation in order to save the Conference itself. In fact, the issue was shelved for a while. The issue continues to be controversial in negotiations on nuclear disarmament.

8. The completion and implementation of the Trilateral Initiative between the United States of America, the Russian Federation and the International Atomic Energy Agency.

The U.S. and Russia have already dismantled some of their nuclear weapons, and agreed to submit their nuclear materials from dismantled nuclear weapons under the IAEA safeguards and implemented the agreement in part in order to prevent the process from going reversibly. This sub-paragraph asks the two countries to broaden the scope and implement completely. This was adopted without much discussion.

The NAC proposed "to further develop the Trilateral Initiative between the U.S., Russia and the IAEA so as to include all five nuclear-weapon states in similar arrangements and to ensure the irreversible removal of fissile materials from weapons programme". This proposal has been reflected in the sub-paragraph 10 below. The first chairman's working paper provided for "the further development of the Trilateral Initiative" and its meaning was not clear, and then it was changed into "the completion and implementation".

9. Steps by all the nuclear-weapon states leading to nuclear disarmament in a way that promotes international stability, and based on the principle of undiminished security for all:

This sub-paragraph contains six concrete measures, but initially each of these six measures had independent sub-paragraphs just the same as other sub-paragraphs. At the final stage, these six measures were gotten together to form one sub-paragraph with a common chapeau as all measures are addressed to nuclear-weapon states. The reason why they were combined is that these six measures are commonly addressed to nuclear-weapon states for nuclear disarmament, and that some of the measures were conditioned by the phrase like "for maintenance of strategic stability" mainly by Russia, and it was thought better to have a common chapeau by taking the concern into account but not directly referring to "strategic stability".

In this sub-paragraph, six measures are contained including unilateral reduction, increased transparency, reduction of non-strategic nuclear weapons, reduction of operational status, diminishing role for nuclear weapons, and engagement of all nuclear-weapon states. In the process of negotiations, Russia and China asked to add the phase "strategic stability" to all measures except transparency and engagement. This was a clear expression that they were opposed to the U.S. NMD program and the ABM Treaty should be strictly observed. Finally, the phrase "in a way that promotes international stability, and based on the principle of undiminished security for all" was adopted, in place of "maintaining strategic stability". The phrase was changed but the content did not change much.

The NAC proposed following six measures, as early and interim steps: (a) to adapt their nuclear policies and postures so as to preclude the use of nuclear weapons; (b) to proceed to the de-alerting, and to the removal of nuclear warheads from delivery vehicles; (c) to reduce tactical nuclear weapons; (d) to demonstrate greater transparency; (e) to further develop the Trilateral Initiative so as to include five nuclear-weapon states; and (f) to apply the principle of irreversibility. Measures in (e) and (f) are treated as independent sub-paragraphs in the final document.

— Further efforts by the nuclear-weapon states to reduce their nuclear arsenals unilaterally.

After the end of the Cold War, the United States and Russia, and later the United Kingdom and France have reduced their nuclear arsenals unilaterally. This paragraph asks further efforts for unilateral reduction. Only Japan and Australia proposed unilateral reduction. Some of the nuclear-weapon states were reluctant to accept this proposal, but it was agreed in the final document. In the process of negotiation, once the chairman's working paper included the phrase "for the maintenance of strategic stability", but deleted soon.

— Increased transparency by the nuclear-weapon states with regard to the nuclear weapon capabilities and the implementation of agreements pursuant to Article VI and as a voluntary confidence-building measure to support further progress on nuclear disarmament.

The NAC proposed "greater transparency with regard to their nuclear arsenals and fissile material inventories", and the EU proposed "increased transparency as a voluntary CBM to support further progress in disarmament", and accordingly the first chairman's working paper combined these two proposals. The NATO-5 proposed to provide periodically the aggregated numbers of warheads, delivery systems and stocks of fissile materials.

China was strongly opposed to the increased transparency from the beginning, and stated "Nuclear-weapon states have differed a lot in their nuclear strategies and different arsenals therefore it is unreasonable to ask these countries to take the same transparency measures at the same time. ...it is neither conductive to their own security nor in the interest of global strategic balance and stability to ask the small or medium sized nuclear countries to take transparency measures." Other nuclear-weapon states did not agree to provide concrete numbers of nuclear weapons and nuclear stockpiles. As a result, "their nuclear arsenals and fissile material

inventories" was watered down into the very abstract phrase "nuclear weapons capability".

Another point of discussion was whether to deal with transparency measures as "voluntary" CBM measures. The first two chairman's working papers did not include the word "voluntary", but the nuclear-weapon states and the EU, and in particular France, strongly argued for including "voluntary" and it was so decided in the final document.

In spite of the fact that the content of transparency measures was severely watered down, China did not agree this paragraph until the very last day of the Conference.

— The further reduction of non-strategic nuclear weapons, based on unilateral initiatives and as an integral part of the nuclear arms reduction and disarmament process.

The NAC proposed "to reduce tactical nuclear weapons and to proceed to their elimination as an integral part of nuclear arms reduction", the EU proposed "underlining the importance of non-strategic nuclear weapon in the framework of nuclear arms reduction efforts", and the NATO-5 encouraged the U.S. and Russia to proceed with the reduction of non-strategic nuclear weapons and to include their reduction and ultimate elimination in the overall nuclear arms reduction negotiations.[39]

The first chairman's working paper provided that "The further reduction of non-strategic nuclear weapons in a transparent and irreversible manner and a process leading to their total elimination as an integral part of nuclear arms reductions." However, Russia stated that it was unilaterally reducing them, and this measure should not be taken up independently. Russia proposed to add the phrases "building on unilateral initiatives" and "as an integral part of nuclear disarmament", as well as "in the context of strategic stability".

As a result, the final document includes the phrases "based on unilateral initiative" and "as an integral part of the nuclear arms reduction and disarmament process".

— Concrete agreed measures to further reduce the operational status of nuclear weapons systems.

The NAC proposed "to proceed to the de-alerting, to the removal of nuclear

39) Finland also submitted its own proposal on non-strategic nuclear weapons. NPT/CONF.2000/MC.I/SB.I/WP.3, 3 May 2000.

warheads from delivery vehicles and to the withdrawal of all nuclear forces from active deployment pending their complete elimination", and Canada proposed "As regards nuclear-weapon doctrines and operations, appropriate measures (e.g., de-alerting, de-mating, transparency, confidence-building) should be pursued."

The common statement by the N-5 included the declaration on de-targeting, stating "We declare that none of our nuclear weapons are targeted at any state." When French representative introduced this common statement on behalf of the five nuclear-weapon states, he read only this paragraph, suggesting that this declaration was particularly important among many paragraphs included in the statement.

The first two chairman's papers were similar with the NAC proposal. China said it could not accept it, and instead, China proposed to include the withdrawal of nuclear weapons deployed in other countries, the opposition to nuclear umbrella or nuclear sharing. Other nuclear-weapon states also asked to delete all concrete measures excluding de-targeting. There were strong conflicting arguments among the N-5 and the NAC. The issue of strategic stability was also discussed in connection with this measure. As a result, with strong arguments by the N-5, all concrete measures like de-alerting was deleted and very abstract phrase "reduce the operational status of nuclear weapons system" was adopted in the final document.

— A diminishing role for nuclear weapons in security policies to minimize the risk that these weapons ever be used and to facilitate the process of their total elimination.

The NAC underlined the imperative of lessening the role of nuclear weapons in security policy and proposed to adapt their nuclear policies and postures so as to preclude the use of nuclear weapons. Myanmar also proposed as interim measures to review and adapt nuclear policies to reduce the nuclear danger and to de-emphasize the role of nuclear weapons.[40)]

The general response by the nuclear-weapon states was negative to these proposals, stating that NATO was under reexamination of its nuclear policy or that this issue should not be treated in isolation. The issue of strategic stability was also discussed in this connection. The focal point of discussions was whether to "minimize" or "exclude" the risk that these weapons ever be used, and as the N-5 and its aligned countries argued for, the word "minimize" was adopted in the final document.

40) NPT/CONF.2000/MC.I/CRP.4, 3 May 2000.

— The engagement as soon as appropriate of all the nuclear-weapon states in the process leading to the total elimination of their nuclear weapons.

Japan and Australia proposed "the commencement of negotiations involving the nuclear-weapon states for the reduction of nuclear weapons at an appropriate stage" in connection with unilateral reduction, and the NAC proposed "The nuclear-weapon states undertake to proceed to the early integration of all five nuclear-weapon states into the process leading to the total elimination of their respective nuclear weapons". Canada also proposed that the other three nuclear-weapon states should become directly engaged in the START process in the near future.

The N-5 statement said "The contribution of the five nuclear-weapon states to systematic and progressive efforts to reduce nuclear weapons globally has been and will be highlighted by each of us nationally". France and the United Kingdom resisted to "the engagement at an early stage" because they thought they had enough reduced unilaterally. As a result the phrase "as soon as appropriate" was adopted in the final document.

10. Arrangement by all nuclear-weapon states to place, as soon as practicable, fissile material designated by each of them as no longer required for military purposes under IAEA or other relevant international verification and arrangement for the disposition of such material for peaceful purposes, to ensure that such material remains permanently outside of military programme.

Japan and Australia proposed "The disposition of fissile materials no longer required for defense purposes and placement of such materials and civil fissile materials under appropriate international safeguards with a view to ensuring the irreversibility of nuclear disarmament",[41] and the NAC proposed to further develop the Trilateral Initiative so as to include all five nuclear-weapon states in similar arrangement. The EU proposed to place fissile material designated as no longer required for defense purposes under appropriate international safeguards and physical protection, and the NATO-5 proposed almost the same.

The N-5 in its common statement said "We are committed to placing as soon as practicable fissile materials designated by each of us as no longer required for defense purposes under IAEA or other relevant international verification. We have launched a number of significant initiatives to provide for the safe and effective management and disposition of such materials".

All the proposals were in principle the same with no substantive confrontation,

41) Later, Japan and Australia submitted a working paper which deleted "civil fissile materials". (NPT/CONF.2000.MC.I/SB.I/WP.1, 3 May 2000.)

and the discussions focused on the option of words or phrases.

11. Reaffirmation that the ultimate objective of the efforts of states in the disarmament process is general and complete disarmament under effective international control.

This sub-paragraph appeared in later stage of the negotiations in connection with the unequivocal undertaking of nuclear elimination. As I have described in the context of sub-paragraph 6, the nuclear-weapon states, in particular France, demanded to refer to general and complete disarmament in parallel with an unequivocal undertaking of nuclear elimination. On the contrary, the NAC argued that nuclear disarmament should have a priority and only nuclear disarmament should be included. As a compromise, it was agreed to refer only to nuclear disarmament in sub-paragraph 6 and have a new sub-paragraph on general and complete disarmament.

12. Regular reports, within the framework of the NPT strengthened review process, by all states parties on the implementation of Article VI and paragraph 4(c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament", and recalling the Advisory Opinion of the International Court of Justice of 8 July 1996.

The NATO-5 proposed that "Nuclear-weapon states undertake to provide periodically within the framework of the strengthened review process, a written account of the progress achieved towards the implementation of Article VI of the Treaty and paragraph 4(c) of the 1995 Principles and Objectives", and the NAM proposed to inform the Secretary-General of the UN of the efforts and measures taken on the implementation of the unanimous conclusion of the International Court of Justice.

The first chairman's working paper provided that "Reports by the nuclear-weapon states on the implementation of Article VI within the framework of the NPT review process". In the process of negotiations, subject of the report was broadened from the nuclear-weapon states into all states parties, paragraph 4(c) was included in addition to Article VI as objects of the report, and reports was changed to annual reports and finally to regular reports.

The reference to the advisory opinion of the ICJ was included at the later stage of the negotiations, as non-nuclear-weapon states, and in particular Malaysia expressed the strong demand.

13. The further development of the verification capabilities that will be required to provide assurance of compliance with nuclear disarmament agreements for the achievement and maintenance of a nuclear-weapon-free world.

This issue was initiated by the United Kingdom which submitted a working paper on the issue.[42] However, China was strongly opposed, saying that China could not accept it because it would prejudge the outcome of nuclear disarmament negotiations.

The precise expression which was included in earlier chairman's working paper as the further development, "nationally, bilaterally, multilaterally, and through relevant international organizations", of verification capabilities, was deleted.

VI. Negative Security Assurances and Nuclear-Weapon-Free Zones

1. Negative Security Assurances

The issue of negative security assurances was discussed in the Main Committee I, which mainly discussed the review of nuclear disarmament. A chairman's working paper was at first submitted on May 4,[43] and based on the discussions it was revised on May 9[44] and 11,[45] when it was submitted to the plenary meeting as the report of the Main Committee I.[46] After this submission, discussions still continued.

The focal point of this issue concerns with legally binding negative security assurances. The NAC, the NAM and in particular Egypt[47] naturally demanded legally binding assurances, and the NATO-5 mentioned that "legally binding security assurances by the five nuclear-weapon states to the non-nuclear-weapon states parties to the NPT strengthen the nuclear non-proliferation regime". Common attitude of the nuclear-weapon states except China was that legally binding negative security assurances were expanded by the establishment of nuclear-weapon-free zones.

In the final document, the Conference at first reaffirms the principles of no-use of force of Article 2, Paragraph 4 of the UN Charter, and then reaffirms that the total elimination of nuclear weapons is the only absolute guarantee against the use

42) NPT/CONF.2000/MC.I/WP.6, 3 May 2000.
43) NPT/CONF.2000/MC.I/CRP.5, 4 May 2000.
44) NPT/CONF.2000/MC.I/CRP.5/Rev.1, 9 May 2000.
45) NPT/CONF.2000/MC.I/CRP.5/Rev.2, 11 May 2000.
46) NPT/CONF.2000/MC.I/1, 11 May 2000.
47) NPT/CONF.2000/MC.I/WP.1, 2 May 2000.

or threat of use of nuclear weapons. In addition, the Conference agrees that legally binding security assurances by the five nuclear-weapon states to the non-nuclear-weapon states parties to the Treaty strengthen the nuclear non-proliferation regime, and calls on the Preparatory Committee to make recommendations to the 2005 Review Conference on this issue. It is the compromise between the nuclear-weapon states which did not agree legally binding negative security assurances and the NAC and the NAM which strongly demanded them.

The Conference notes the reaffirmation by the nuclear-weapon states of their commitment to the UN Security Council resolution 984 (1995), and also notes the establishment in March 1998 by the CD of the Ad Hoc Committee on negative security assurances. In this connection, some states argued for the re-establishment of the ad hoc committee, but it was not agreed.

China argued for the inclusion in the final document of the pledges of no-first-use and negative security assurances, and conclusion of international convention for them, but it was finally deleted in the final document.

The Conference recognizes the important role which the establishment of new nuclear-weapon-free zones and the signature to the protocols of new and previously existing zones has played in extending negative security assurances, and underlines the importance of concerned states taking steps to bring into effect the assurances provided by nuclear-weapon-free zones and their protocols.

2. Nuclear-Weapon-Free Zones

Discussions on nuclear-weapon-free zones were conducted in the Main Committee II. Chairman's draft report of the Main Committee II was at first submitted on May 5, but the part of nuclear-weapon-free zones was blank. On May 16, the report of the Main Committee II was submitted to the plenary meeting.[48] In the report, among ten paragraphs on nuclear-weapon-free zones, two were bold meaning there was no agreement on these paragraphs yet. Negotiations during last few days allowed the achievement of the consensus.

There existed general support for the establishment of nuclear-weapon-free zones. Japanese and Australian proposal touched upon only a Central Asian nuclear-weapon-free zone, but the NAC referred to the Middle East and South Asia and the NAM referred to Mongolia and the Southern Hemisphere. The N-5 countries generally supported the establishment of zones, emphasized the importance of their signature and ratification of the relevant protocols, encouraged

48) NPT/CONF.2000/MC.II/1, 16 May 2000.

the states in Central Asia to pursue successfully their efforts, and expressed their support and respect of the nuclear-weapon-free status of Mongolia.

In the final document, at first, the Conference welcomes and supports the steps taken to conclude further nuclear-weapon-free zone treaties since 1995, and reaffirms the conviction that the establishment of nuclear-weapon-free zones enhances global and regional peace and security, strengthens the nuclear non-proliferation regime and contributes towards realizing the objectives of nuclear disarmament. Then the Conference supports proposals for the establishment of nuclear-weapon-free zones where they do not yet exist, such as in the Middle East and South Asia. The Conference welcomes and supports the declaration by Mongolia of its nuclear-weapon-free status, welcomes the Joint Declaration on the Denuclearization of the Korean Peninsula and urges its rapid implementation.

The Conference recognizes the continuing contributions that the Antarctic Treaty and the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba are making towards the achievement of nuclear non-proliferation and disarmament objectives, and stresses the importance of signature and ratification of these treaties and the relevant protocols.

On the Middle East, the Conference welcomes the consensus reached in the General Assembly, and urges all parties directly concerned to consider seriously taking the practical and urgent steps. In this context, some states argued that the Conference should urge Israel to accede to the Treaty and to place its nuclear facilities under full-scope safeguards, but there was no consensus on this point.

The conference welcomes the report on the establishment of nuclear-weapon-free zones adopted by consensus by the Disarmament Commission on 30 April 1999.[49] The Conference supports the intention and commitment of the five Central Asian states to establish a nuclear-weapon-free zone, welcomes the practical steps they have taken, and believes that the international community should continue to promote the establishment of new nuclear-weapon-free zones. However, the initiative on the establishment of a nuclear-weapon-free space in Central and Eastern Europe proposed by Belarus was confronted with strong opposition mainly from other Central and Eastern European states, and it was not included in the final document.

49) General Assembly Official Records, Fifty-third session, Supplement No.42 (A/53/42), Report of the Disarmament Commission, 1998, pp.12-16.

VII. Strengthening the Nuclear Non-Proliferation Regime

The basic and common understanding among the states parties at the Conference was that the nuclear non-proliferation regime played a very important role in current international society and the Non-Proliferation Treaty as the center of the regime was extremely important for international peace and security, although various kinds of arguments were developed for four weeks. They agreed that although the Treaty was discriminatory in nature, it was better to remedy its shortcomings than to abandon the Treaty because of its discriminatory nature.

Prior to the Conference, an expert was concerned that some states might withdraw from the Treaty as the symbolic expression of dissatisfaction at the implementation of the Treaty.[50] However, at the Conference these kinds of arguments did not emerge.

1. Universality

The number of the parties to the Treaty became 187 by adding 9 states since the 1995 NPT Review and Extension Conference. This number is the highest among many disarmament-related treaties. Non-parties are India, Israel, Pakistan and Cuba, but Cuba signed the additional Protocol with the IAEA and has no risk of proliferation. The conference, in the final document, refers to these four nations, and calls on those states to accede to the Treaty as non-nuclear-weapon states.

The first issue is India and Pakistan which conducted nuclear tests in May 1998 and have been continuing its development of nuclear forces including missile development. Just after the tests, the UN Security Council adopted resolution 1172 (1998) and urged them to refrain from development of their nuclear forces and called upon them to accede the NPT.

The Conference recalls the Security Council resolution 1172 (1998) and calls upon both states to take all the measures set out therein, and make it certain that notwithstanding their nuclear tests, India and Pakistan do not have the status of nuclear-weapon states. The Conference urges them to accede to the NPT and to sign the CTBT.

The nuclear testing and development of nuclear forces by India and Pakistan is a great challenge to the international nuclear non-proliferation regime. Although

50) William Potter, "The NPT under Siege: External and Internal Challenges", a paper submitted to the international symposium on the Nuclear Non-Proliferation Regime, sponsored by the Japan Institute for International Affairs, Center for Promoting Disarmament and Non-Proliferation, March 24, 2000, Tokyo, Japan.

their testing does not directly violate any legal obligations, it is contrary to the international norm accepted by overwhelming majority of states. The international society should not give them the status of nuclear-weapon states or other privileged status, as has been expressed many times, and should try to persuade them that testing was a loss, not gain.

In order to make India and Pakistan reverse their course, it is necessary for all states to take above-mentioned position, and to seek to improve security environment in South Asia. States should make every effort to promote negotiations and consultations between the two states, and in particular China should take positive initiatives for lessening tensions and building confidence because India feels nuclear threat from China.

The second issue is Israel that is in general believed to be only country to possess nuclear weapons in the Middle East. Since the last review conference of 1995, all Arabic states acceded to the Treaty, and Israel is the only non-party to the Treaty in the region. At the Conference, the Subsidiary Body II was established under the Main committee II, and the issue of the Middle East was intensively discussed there.

The Conference, in the final document, reaffirms the importance of Israel's accession to the NPT and the placement of all its nuclear facilities under comprehensive IAEA safeguards. The Conference notes that the Disarmament Commission encouraged the establishment of a nuclear-weapon-free zone in the Middle East, as well as the development of zones free from all weapons of mass destruction, and invites all states to reaffirm or declare their support for the objectives of establishing them.

The possibility that Israel will accede to the Treaty soon is very low, but states should make their best efforts to improve security circumstances in the Middle East by seriously continuing the peace process in the Middle East. As Israel has already signed the CTBT, international society should ask Israel to ratify it as soon as possible.

2. Non-compliance and Securing Compliance

In the final document, the Conference, at the beginning, reaffirms that the full and effective implementation of the Treaty and the regime of non-proliferation in all its aspects has a vital role in promoting international peace and security. The Conference expresses its concern with cases of non-compliance of the Treaty by states parties, and calls on those states non-compliant to move promptly to full compliance with their obligations.

On Iraqi issue, the Conference, by extending the duration of the Conference by one day, reaffirms the importance of Iraq's full continuous cooperation with the IAEA and compliance with its obligation. The U.S. argued that not only Articles I and II of the Treaty but also the Security Council resolutions directly relevant to nuclear non-proliferation had to be taken into account in discussing non-compliance.[51] On North Korea, the Conference, noting with concern that IAEA continues to be unable to verify the correctness and completeness of the initial declaration, looks forward to the fulfillment by the DPRK of its stated intention to come into full compliance with its safeguards agreement with IAEA.

In connection with non-compliance and securing compliance, the IAEA has worked hard since 1993 to strengthen its safeguards system, and adopted a model protocol additional to the safeguards agreement in 1997. Although the states that ratified the model protocol are not many, through this method, in a longer term, nuclear activities of states will become more transparent, and the correctness and completeness of IAEA safeguards will improve, and compliance will be secured more reliably.

The states parties to the NPT, in general, have been very positive to react to non-compliance and strengthen the ways to secure compliance, and vast majority of states parties have been in compliance with the provisions of the Treaty. It can not be imagined that the issue of non-compliance will seriously deteriorate in the future.

There is the consensus of the importance of the international nuclear non-proliferation regime, at least among the states parties to the Treaty. Vast majority of states is eagerly making efforts to deal with non-participation to the Treaty and non-compliance with the Treaty. The importance of the international nuclear non-proliferation regime was strongly reaffirmed by the Conference. The regime will and can be strengthened more in the future.

VIII. The Prospect of Nuclear Disarmament

The importance of the international nuclear non-proliferation regime has been described above. However, we must ask the legitimacy of the regime. Just as the Conference recalls in the final document, "the overwhelming majority of states entered into legally binding commitments not to receive, manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices in the context, *inter*

51) NPT/CONF.2000/MC.I/CRP.2, 2 May 2000.

alia, of the corresponding legally binding commitments by the nuclear-weapon states to nuclear disarmament in accordance with the Treaty." Although the purpose of the NPT Review Conference is to review all provisions of the Treaty, the most important aspect of the works of the Conference is to review the progress in nuclear disarmament, and if not enough progress, to show the way to go.

The Conference examined whether and how the measures stipulated in the Principles and Objectives for Nuclear Non-Proliferation and Disarmament of 1995 had been implemented. The CTBT was adopted in September 1996 and ratified by the United Kingdom, France and Russia, but its ratification was rejected in the U.S. Senate and China has not yet ratified it. The entry into force of the CTBT will take a long time. There have been almost no negotiations on a FMCT. The reasons are, on the one hand the issue of a linkage with the negotiation on nuclear disarmament, and on the other hand, the issue of how to deal with stockpiles. Negotiations on nuclear reduction between the U.S. and Russia stalled.

We can not be optimistic on the future prospect of nuclear disarmament. On the bilateral negotiations, the Russian Duma approved the ratification of the START II Treaty. This is a breakthrough and a big progress, but it contains many conditions including the strict compliance of the ABM Treaty. The U.S. ratified the START II Treaty in January 1996, but has not ratified the relevant agreements of September 1997. The U.S. is neither ready to ratify the relevant agreements, nor ready to agree the conditions by Russia. As a result, the START II Treaty will not enter into force soon. Discussions on START III have been conducted between the two states, but negotiations are to start when the START II Treaty enters into force.

In the multilateral forum, the CD has not been working for almost four years since it negotiated the CTBT in 1996. The 2000 NPT Review Conference suggests that a FMCT negotiations will not start soon, because the Conference urges the CD to agree on a programme of work including negotiations on a FMCT. The Conference permits the linkage of a FMCT with nuclear disarmament or prevention of arms race in outer space (PAROS).

In order to mobilize the CD, it is necessary that the U.S. and China or other nuclear-weapon states agree on negotiation agenda. That decision also has to take opinions of the non-nuclear-weapon states into account, because any decision in the CD is based on consensus.

The main reason why all nuclear disarmament negotiations stalled is the U.S. program of the NMD. As it is clear from the discussions at the Conference, Russia, China and France are afraid that strategic stability will be jeopardized and their nuclear deterrence will not function. The relation between offensive weapons and

defensive weapons has been discussed since 1960s, and the ABM Treaty has been believed to give the answer to their complex relation by providing a cornerstone for strategic stability.

In this sense, the U.S. program of the NMD is introducing a new paradigm to the complex strategic relation surrounding offensive and defensive weapons, and this can not be responded by the traditional nuclear strategy. We can not expect the progress in nuclear disarmament unless and until the solution, even if temporary, is found on the NMD issue. Accordingly, the early solution of the conflict on the NMD program is indispensable for the progress in nuclear disarmament. It will take some time to find out the solution, and this may give a negative impact on the international nuclear non-proliferation regime.[52)]

52) On the analysis of the effect which the result of the Conference will give, See Tariq Lauf, "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; Norman A. Wulf, "Observations From the 2000 NPT Review Conference", *Arms Control Today*, Vol.30, No.9, November 2000, pp.3-9.