

## The Nuclear Nonproliferation Treaty Turns 40 Today

By Tad Daley

Try an experiment today.

Go into a Starbucks (or better yet, some locally owned alternative), and see if you can chat with 100 people waiting in line. There are always people waiting in line at these places. Tell them that forty years ago today, on July 1, 1968, in Washington, London, and Moscow, world leaders signed the Treaty on the Non-Proliferation of Nuclear Weapons, commonly known as the NPT.

Then ask them to tell you what it says.

In this age of such civic disengagement, probably around 90 will respond, "I don't know. I never heard of it. But my mocha latte is ready so I've got to go get my dry cleaning now."

Of the remaining ten, probably eight or nine will tell you, "It's about preventing nuclear proliferation. It's about keeping countries like North Korea and Iran from getting the bomb."

Those eight or nine respondents will be half right.

In the NPT, the human race endeavored to offer a permanent solution to the great problem of the nuclear age. The grand bargain of the NPT was that the non-nuclear weapon states (in Article II) agreed never to produce or acquire nuclear weapons, and the nuclear weapon states (in Article VI) agreed to get rid of theirs.

No, that is not a misprint. But of your 100 interlocutors, quite likely no more than one or two will know that forty years ago today, our government committed itself to negotiate the elimination of its entire nuclear arsenal. And, in conjunction with the other nuclear weapon states, to abolish nuclear weapons from the face of the earth forever.

Really. Try the experiment today.

Indeed, the nuclear weapon states have repeatedly restated their intention to fulfill their promise. The treaty entered into force two years after it was signed, in 1970. At the 25-year NPT Review Conference in 1995, the nuclear weapon states committed again "to systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons." At the 30-year NPT Review Conference in 2000, the nuclear weapon states committed again to make "an unequivocal undertaking [...] to accomplish the total elimination of their nuclear arsenals." And the World Court concluded unanimously that the NPT had created "an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects."

And so, the grand issue facing the NPT regime today, 40 years after its signing, is how much longer the "have-nots" will keep to their end of the bargain if the "haves" do not even begin to move toward fulfilling theirs.

The Bush Administration has concentrated enormous diplomatic firepower on keeping Iran from acquiring nuclear weapons, and on persuading North Korea to give up the nuclear weapons -- even if few and small and unreliable -- that most experts believe it constructed as early as 2002.

Indeed, it has not hesitated to rattle its military sword and even its nuclear sword, by incessantly repeating the mantra -- as the president did in Europe regarding Iran just last month -- "all options are

on the table."

At the same time, however, the Administration is proceeding to build something called a "reliable replacement warhead," that will eventually replace every nuclear warhead category in the U.S. arsenal. And during its very first year in office, in its "Nuclear Posture Review," it set in motion plans to deploy a new generation of long-range missiles to deliver nuclear weapons in 2020, a new submarine to deliver nuclear weapons in 2030, and a new long-range heavy bomber to deliver nuclear weapons in 2040.

Just in time for the centennial, in 2045, of the dawn of the atomic age.

Yet regarding America's international legal obligation to commence and conclude "negotiations leading to nuclear disarmament in all its aspects," from Washington the silence has been deafening.

Today the NPT is the most universal treaty in history, with 189 states as members. (One could argue that it is the most important treaty in history as well.) Only four states, all of which possess nuclear weapons, remain outside -- India, Pakistan, Israel, and North Korea. Pyongyang left the treaty in 2003, as any party has the right to do (in Article X) "if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country." North Korea claimed, not wholly without reason, that the threat of American attack constituted such an extraordinary event.

There is actually another element to the grand bargain of the NPT, one that further complicates the nuclear dilemma. The parties agreed (in Article IV) that all states possessed an "inalienable right" to develop nuclear energy. Many of the current difficulties facing the regime derive from what many now call this "Article IV loophole." Iran claims, quite rightly, that Article IV gives it the right to enrich uranium "for peaceful purposes." Western states claim, quite rightly, that if Iran does so it comes perilously close to producing nuclear fuel suitable not just for nuclear power, but for nuclear weapons.

Nonetheless, on this 40th anniversary day we can see some hopeful signs.

Few initiatives have done more to transform the nuclear policy debate than a pair of op-ed pieces that appeared in the Wall Street Journal in January 2007 and January 2008. Four lions of the American foreign policy establishment -- Henry Kissinger, Sam Nunn, William Perry, and George Shultz -- came out of the closet there, not just for directing immediate policymaker attention to immediate nuclear perils, but for nuclear weapons abolition. The gang of four titled their essays "A World Free of Nuclear Weapons" and "Toward a Nuclear Free World." For such a call to come not from peaceniks on the left, but from a team of bipartisan Cold War veterans, has already made for a sea change on the nuclear question. And it could make it politically realistic for the next president, Democrat or Republican, both to articulate abolition as an explicit goal, and to set a course for achieving it.

And, too, civil society campaigns specifically directed at nuclear disarmament appear to be reawakening. One, the "International Campaign to Abolish Nuclear Weapons" (I CAN), at [www.icanw.org](http://www.icanw.org), focuses not just on the idea of abolition, but on building specific support for enacting a real Nuclear Weapons Convention. Another, the just-launched "Nuclear Free Future" campaign at [www.nuclearfreefuture.org](http://www.nuclearfreefuture.org), seeks to enlighten the public -- especially young people engaged in politics for the first time by the 2008 election -- about the dangers that continue to prevail from nuclear power and nuclear weapons, and to demand that the presidential candidates make nuclear disarmament a central priority of their campaigns.

In addition, a broad coalition of nuclear policy experts have already hammered out, in draft form, the outlines of an actual nuclear weapons elimination treaty, called the "Model Nuclear Weapons

Convention" (MNWC) and available online. It is a masterpiece of envisioning the particularities of future aspiration. No one believes that an actual Nuclear Weapons Convention will turn out exactly like this draft. The *raison d'être* of the undertaking, instead, is to show that hard issues such as verification and enforcement can be confronted, and that such a treaty can be conceptualized and forged. If politics, as every undergraduate knows, is the art of the possible, then the act of drafting such a treaty, with such great specificity, surely can expand the parameters of political possibility.

Indeed, the MNWC, like several other recent proposals, even offers an answer to that bothersome Article IV loophole. States still may pursue nuclear energy programs (although the MNWC would encourage investments in alternative renewables such as wind and solar instead). But the facilities for creating the fuels that can be used for both nuclear energy and nuclear weapons would be limited to a very few states, and would all -- including ours -- be subject to rigorous and verifiable international controls.

This year is full to bursting with remembrances of the many historic events that took place during the epochal year of 1968. The Tet offensive, which caused many Americans to comprehend for the first time that Vietnam was a war we might actually lose. The assassination of Martin Luther King, and the nationwide riots that ensued. The assassination of presidential frontrunner Robert F. Kennedy two months later. The melee at the Chicago Democratic convention. The Mexico City Olympics, and the black power salutes of Tommie Smith and John Carlos. The tumultuous three-way presidential election, and the victory of Richard M. Nixon. And, on Christmas Eve, the flight of Apollo 8 from the earth to the moon, and our first glimpse -- gathered around televisions in perhaps the single greatest collective experience in human history -- of our single, borderless, breathtaking planet, lonely and fragile and whole, suspended among the blazing stars.

Yet the 1968 anniversary we celebrate today may have consequences greater than any of these.

We may in the next decade or so see the fulfillment of the NPT's grand bargain, the enactment of a Nuclear Weapon Convention, and the elimination, at last, of every nuclear weapon from the face of the earth.

Alternatively, we may in the next decade or so see the nuclear weapon states continue indefinitely to stall. If they do, at some point, several non-nuclear weapon states will almost certainly give up on the NPT bargain, and will set us on the road toward 10 or 15 or 25 nuclear weapon states.

That world will provide that many more opportunities for a nuclear warhead to find its way into the hands of a non-state nuclear terrorist. Or for a hot political crisis between nuclear-armed adversaries to spin wildly out of control. Or for some rogue military officer to push the nuclear button, out of malevolence or mental unbalance. Or for a nuclear warhead to be launched utterly by accident. (Astonishingly, experts believe this remains a real possibility, even for the United States or Russia.) Or name your own Armageddon scenario.

But the one thing we can be quite confident we will not see in the next decade or so is a continuation of the nuclear status quo. The basic choice remains, as Albert Einstein and Bertrand Russell put it in 1955, "stark and dreadful and inescapable" -- a world with dozens of nuclear weapon states, or the alternative of a nuclear weapon free world. As Abraham Lincoln said about a nation half slave and half free, a world with a few nuclear "haves" and a great many nuclear "have-nots" cannot forever endure.

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