



What the Commission Report says on:

THE NON-NPT NUCLEAR-ARMED STATES: INDIA, PAKISTAN AND ISRAEL

One of the greatest challenges to creating a world free of nuclear weapons is the non-signature by India, Pakistan and Israel of the NPT and, their non-subjection as a result to the legal obligations and commitments of either nuclear-weapon states or non-nuclear-weapon states under that treaty, and their production of unsafeguarded fissile material – and nuclear weapons. The rest of the world calls for these three states to join the NPT as non-nuclear-weapon states and thereby make the treaty universal (treating North Korea for this purpose as a lapsed rather than non-member). But they are unwilling to join the NPT on this basis and cannot be forced to do so. Nor is there any constituency for them joining as nuclear-weapon states: the procedures for amending the NPT to allow such a change almost guarantees that this will not happen.

Given this stalemate, the practical question is how to induce these three states to uphold non-proliferation and disarmament norms and practices at least as rigorous as those accepted by nuclear-weapon states under the NPT, even though they will not formally receive the legitimacy of the recognized nuclear-weapon states. India, Pakistan and Israel each have different motivations and decision-making considerations, but for the purposes of strengthening the global nuclear order it is important that they commit themselves to internationally recognized standards in relation to non-proliferation, and become no less committed to disarmament than the original five nuclear-weapon states.

In the absence of a solution in the foreseeable future for the NPT stalemate, one way of bringing the “three elephants” into the same room as everyone else might be to start again from the beginning with a new, comprehensive treaty arrangement, that would set both non-proliferation

and, as relevant, disarmament commitments for all states irrespective of their status under the NPT. But while a new all-embracing “Nuclear Weapons Convention” of this kind has many attractions, and will clearly be a necessary accompaniment to the final stages of any move to a nuclear weapon free world, those attractions do not extend to the ease or speed with which its terms will be able to be negotiated. The need for the three to become integrated into the global nuclear order to the greatest extent possible is too urgent and important to wait upon that process.

The only available option, given these realities, is to multiply the number of parallel instruments and arrangements, alongside the NPT, in which the three participate. For the great majority of the relevant treaty and other mechanisms – including centrally important ones like the CTBT and FMCT – membership in the NPT is not a requirement, and non-membership of that treaty not an obstacle. India, Pakistan and Israel could and should demonstrate their commitment by going down this path. Israel already exercises stringent controls over its nuclear materials, technology and know-how and has signed relevant international conventions on these issues; it has also signed (though not ratified) the CTBT, unlike India and Pakistan. There is widespread speculation that it has already ended fissile material production, but equally it may be no less reluctant than India and Pakistan to close off this option without seeing major improvements in its security environment: either way, it should be put under pressure to do so.

It is not unthinkable, as part of this general approach, that bilateral or multilateral agreements be signed with any of the three allowing them access to nuclear materials and technology on the

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same basis as any other NPT member *provided* they satisfied certain objective criteria showing their general commitment to disarmament and non-proliferation, and signed up to specific future commitments in this respect.

The India-U.S. agreement, as subsequently endorsed by the NSG, is a very unfortunate precedent in this respect. While it is highly unlikely that the NSG will now agree to a similar deal for Pakistan and Israel, if one were to be contemplated the Indian agreement will make it considerably more difficult to extract stronger terms than those won by India. But the NSG should insist on nothing less, including ratification of the CTBT, and moratoria on unsafeguarded production of fissile materials pending negotiation of a fissile material production cut-off treaty.

The most feasible way to integrate India, Pakistan and Israel into the international non-proliferation order may in fact be through a global disarmament process [of the kind discussed in Sections 17 and 18 of the report]: this strategy can be pursued independently of formal NPT forums that exclude India, Pakistan and Israel, but is consistent with the ultimate objectives of the treaty. By definition, global nuclear abolition will not occur unless and until these three states have disarmed. And these three states will not eliminate their nuclear deterrents unless and until China, the U.S. and others have done so, and concerns like those generated by the situations in Iran and North Korea have been eliminated.

From the perspective of a realistic nuclear disarmament strategy, it makes no more sense to single out India, Pakistan or Israel and demand that they will disarm unilaterally than it does to

expect that the U.S., Russia or China will do so. Conversely, it *is* reasonable to expect these three states to participate in multilateral nuclear disarmament negotiations and processes undertaken by the other nuclear-armed states.

Recommendations:

Recognising the reality that the three nuclear-armed states now outside the NPT – India, Pakistan and Israel – are not likely to become members any time soon, every effort should be made to achieve their participation in parallel instruments and arrangements which apply equivalent non-proliferation and disarmament obligations.

Provided they satisfy strong objective criteria demonstrating commitment to disarmament and non-proliferation, and sign up to specific future commitments in this respect, these states should have access to nuclear materials and technology for civilian purposes on the same basis as an NPT member.

These states should participate in multilateral disarmament negotiations on the same basis as the nuclear-weapon state members of the NPT, and not be expected to accept different treatment because of their non-membership of that treaty.

[Section 10, Paras 10.13-18, Recs 17-19]