

A331 - NUCLEAR NONPROLIFERATION Treaty is obsolete

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If you are a hard-working and busy attorney, as most are, you may have little interest in reading about international treaties-especially as you correctly sense that they often are breached rather than observed. However, the Nuclear Non-Proliferation Treaty (NPT) does deserve your attention. The reason? The most significant threat to all you care about comes from terrorists who may well lay their hands on nuclear arms or materials from which they can be readily made.

Recently, commissions and congressional hearings have focused on what we did wrong in not preventing the Sept. 11, 2001, terrorist attacks. Indeed much of what we do on the homeland-protection front deals with trying to prevent a rerun of those horrible events. Thus, a very large part of our domestic-security budget is dedicated to ensuring that no shoe bombs, box cutters or nail clippers get on any airplane. We check every one of the millions of passengers who fly daily.

Yet the government inspects only a small fraction of the millions of containers loaded onto ships that make it into the United States each year, which could contain nuclear weapons, not to mention an entire SWAT team of terrorists, to boot.

Instead, we rely largely on an obsolescent treaty, the NPT, which allows nations to build and operate nuclear reactors that use highly enriched uranium, the material from which nuclear weapons can be readily made. It also permits nations to build centrifuges that can be used to enrich uranium. The NPT relies on inspectors who are supposed to verify that no uranium is diverted for what the treaty calls "military use." The United States' main complaints about Iran and North Korea and, before that, Iraq, concerned those nations' refusal to allow proper inspections to validate the peaceful use of dangerous nuclear reactors, rather than their having such reactors in the first place.

Signatories can easily withdraw

Moreover, the NPT allows any signatory to quit after a few months' notice but keep the highly enriched uranium, reactors and turbines, which are considered the source of the problems that the inspection regime was created to control. This is not some kind of theoretical argument. This is exactly what North Korea did; it simply withdrew from the NPT, quite legally.

Furthermore, once a nation subscribes to the treaty, it must work out a "protocol" concerning the details of who will inspect and when, etc., etc. Nineteen nations have not yet gotten around to working out such a protocol and they seem in no hurry to do so. Oh, and I almost forgot, Pakistan, India and Israel have not agreed to endorse the treaty in the first place.

¹ <http://www.law.com/jsp/nlj/articles/etzioni.jsp>

This is no small matter. Pakistan has not only the means to make nuclear bombs but has actually made them, and its government is teetering. By the time this is published, an extremist Islamic bunch of generals might have replaced the current pro-United States general. Moreover, Pakistan has sold the dangerous stuff to other nations.

If you still are not concerned about the NPT, let me add that it was established before Sept. 11, 2001, to deal with nations on which sanctions may be imposed under some conditions if they violate the treaty-although it is hard to get such sanctions applied.

Indeed, we are still focusing on rogue states that seem to violate the treaty (Iran) or have abandoned it (North Korea).

However, the main danger these days comes from terrorists and not from rogue states. And terrorists are not deterred by any sanctions that we may impose on this or that nation.

New regime is needed

We need a whole new regime that rewards nations that give up whatever bombs they have and replace their reactors that work on highly enriched uranium with those that use some other material from which bombs cannot be made. Such a deproliferation approach is as different as gun registration (the American approach) is from the banning of guns (the one followed by practically all other free nations).

The poster child for this new approach should be Libya, whose nuclear disarmament received relatively little attention but did much more for your safety and mine than the invasion of Iraq. Libya can no longer threaten anyone with a nuclear attack, nor can it provide these most dangerous weapons to other nations or terrorists. Other nations should be encouraged, prodded and pressured to follow suit.

Amitai Etzioni, an NLJ columnist, teaches at George Washington University. His most recent book, From Empire to Community: A New Approach to International Relations (Palgrave 2004), elaborates on this subject. For more communitarian views, see www.amitai-notes.com.