

Keynote Address

The NPT -- Yesterday, Today, and Tomorrow

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I am grateful for the opportunity to speak with you today -- actually, grateful in three respects. First -- for the privilege of addressing an audience that cares deeply about the goals of nuclear disarmament and non-proliferation. Second -- for the honour of discussing these issues in this historic city of peace. And third -- for this invitation to provide some personal reflections upon the Nuclear Non-Proliferation Treaty (NPT), a legal instrument that has contributed enormously to international peace and security, but that still has much to accomplish. Indeed, obituaries of the NPT are already being written by some, but - as Mark Twain famously commented upon reading his own obituary - the reports of the treaty's demise are "greatly

exaggerated."

The NPT is of course much more than just a "non-proliferation" treaty. It also obligates all its parties to pursue negotiations in good faith on effective measures relating to nuclear disarmament, a duty unanimously reaffirmed by the International Court of Justice in its historic advisory opinion of 1996. Yet while the original architects of this treaty appreciated the inseparable link between disarmament and non-proliferation, nobody ever argued that the NPT alone offers any "silver bullet" that will instantly produce a nuclear-weapons-free world.

After many years of dealing with this treaty, I am more convinced than ever that the fulfillment of its basic goals depends upon one crucial factor -- the existence, persistence, and ultimate triumph of political will of all the States parties. It would therefore make good sense for all of us to consider the current state of that political will and what is needed -- from civil society and its leaders -- to strengthen it in the years ahead.

This approach recognizes that political will does not appear out of thin air -- it is nurtured and practiced by human beings who are, after all, the ultimate beneficiaries of the success of global non-proliferation and disarmament efforts. Treaties can say many significant things, but if there is no political will to implement them -- or to defend them when they are challenged by contradictory policies -- they risk becoming mere ornamental offerings to dead or dying concepts, ready to be cast aside by the course of events. Nobody can afford to remain ambivalent about the outcome of such events, especially when they might one day include a nuclear war.

The Treaty Yesterday

If all States parties to the NPT back in 1995 were fully content with the treaty's implementation, the crucial Review and Extension Conference that year would have been a *pro forma* event yielding only one, unsurprising outcome: an indefinite extension. Yet such a decision was anything but a foregone conclusion. I was fortunate to serve as the President of that Conference and to this day I often think about the process that led to that fateful decision and its aftermath. In his recent memoirs, entitled Disarmament Sketches, then-US Ambassador Thomas Graham - who was a key member of the US delegation to this conference -- wrote that I was not at the time sanguine about the NPT's indefinite extension. He wrote that I viewed successive twenty-five-year extensions -- with automatic transitions from one period to the next -- as "the best possible outcome for the NPT," and that I "was not sure even this could be achieved."

It is true, I did have my doubts about the outcome, up to virtually the last day of the event - doubts that were heightened by an unresolved procedural dispute over how we would vote if consensus was not possible. While the treaty was indefinitely extended as a result of a key decision, other decisions provided for enhanced accountability through a strengthened review process, and a set of Principles of Objectives for Nuclear Non-Proliferation and Disarmament.

These decisions, plus the Middle East Resolution, together constitute the integrated "package" that led to the indefinite extension. This outcome was the result of resolute political will that forged the parochialism of separate national perspectives into a unity representing the common interest of humankind -- it was, as it were, multilateralism at one of its finest moments.

Expressing my personal views in closing the conference, I stated that the final decision on the indefinite extension was not as a zero-sum triumph of one bloc of countries over another, but a triumph of the Treaty itself -- a treaty whose full implementation would serve the interests of all. I also cautioned, however, against "smug complacency" of progress in the fields of disarmament and non-proliferation. Unfortunately, various events in the intervening years have only reinforced my concerns. The incomplete and uneven implementation of the treaty's review process offers many warning signs of trouble ahead for the NPT.

Let us recall that the basic tasks of the NPT's review process are to assess results and to consider ways to promote the treaty's full implementation. Accountability is the *raison d'être* of the review process. In the years immediately after 1995, however, the NPT has suffered many blows from both outside and inside the treaty regime. In 1998, the eleven nuclear tests in South Asia by two non-NPT states were a harsh reminder of the treaty's lack of universality and a "vote of no confidence" by these states in the value of the treaty in advancing their security interests.

Concerns also persisted in this period about the proven non-compliance of two NPT States parties -- the Democratic People's Republic of Korea and Iraq - and how compliance was to be restored. Some states made additional allegations about another State party, Iran. The non-nuclear-weapon States, meanwhile, objected to the lack of concrete evidence of progress on nuclear disarmament, and the lack of transparency with respect to the P5's nuclear-weapons programmes.

Nevertheless, the 2000 NPT Review Conference marked several steps forward for the treaty -- and for multilateralism -- including agreement on thirteen practical steps for the systematic and progressive efforts to implement article VI of the treaty, relating to nuclear disarmament. Among these steps was an "unequivocal undertaking" by the nuclear weapon States "to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament." While the ability of the States parties to agree on a Final Document was itself a significant achievement, the thirteen steps were especially welcome, for they provided an invaluable set of benchmarks for assessing progress in achieving nuclear disarmament.

The Treaty Today

My musings about the NPT in 1995 and the succeeding years, however, are not intended purely for historical interest -- I raise them because of their direct bearing upon the status of the NPT today and its future.

The complacency I feared in 1995 is now running rampant -- many states view the 1995

indefinite extension as a "done-deal," rather than a continuing work-in-progress.

While the overwhelming majority of States parties have demonstrated an excellent record of living up to their NPT obligations, compliance issues nevertheless continue to arise with respect both to disarmament and non-proliferation. The IAEA's Additional Protocol would help significantly in strengthening safeguards in non-nuclear-weapon States - and thereby alleviate potential compliance concerns - yet the Protocol has only entered into force in only 32 States.

Universality raises another challenge that remains very much with us today -- and I mean "universality" here in a double sense: in retaining States parties as members of treaty, and in bringing in new members. The DPRK's announcement last January of its intention to withdraw from the NPT raises a closely related issue of the "irreversibility" of NPT commitments and the confidence they engender -- an issue that is not at all fully resolved and that will continue to shape the future of the treaty.

Another serious and persisting problem facing the treaty is its lack of transparency, both with regard to peaceful uses of nuclear energy and to details about the size of the five nuclear-weapons programmes and their respective stocks of fissile nuclear material. Without doubt the clearest indicator of a problem in this latter area relates to the futility of persistent efforts by the non-nuclear-weapons States and many groups in civil society to obtain a definitive answer to the most fundamental question of all -- how many nuclear weapons exist in the world?

The Stockholm International Peace Research Institute and the US-based Natural Resources Defense Council each claim that over 30,000 such weapons remain. Yet what is the right figure and how is the world to verify such claims? The answer is more than academic -- if SIPRI's estimate for 2002 is compared with the NRDC's estimate for 1970 - when the NPT entered into force -- this shows a net reduction of 1,353 weapons over the life of the treaty. According to these figures, nuclear disarmament is proceeding at a rate of only about 42 weapons a year. Can the world afford to wait literally hundreds of years to fulfill the promise of Article VI?

Adding to this problem, some nuclear-weapon States are devising new rationales and doctrines to expand the circumstances in which these weapons would be used -- including doctrines that threaten preemptive nuclear strikes, even against non-nuclear-weapon States, and that reaffirm the great value of such weapons in advancing key security interests. They are also considering the development of new nuclear weapons. Many other NPT non-nuclear-weapon States, while supporting disarmament as a goal, continue to enjoy the security benefits from the nuclear umbrella, which remains based on the deadly doctrine of nuclear deterrence and first-use.

Meanwhile, the votes each year on nuclear disarmament resolutions in the General Assembly's First Committee remain deeply divided, the Conference on Disarmament has been unable to make any progress on nuclear disarmament for many years, and earlier this month,

the UN Disarmament Commission -- following three years of deliberations (not counting its failure to meet last year for its 50th anniversary) -- adjourned its 2003 session without any consensus on "ways and means to achieve nuclear disarmament."

My intention here is not to gainsay the welcome progress in recent years, but to point to some very serious challenges that continue to face the treaty in such a climate. The Strategic Offensive Reductions Treaty is reportedly reducing significantly the numbers of deployed strategic nuclear weapons possessed by the United States and the Russian Federation -- a welcome development indeed, even considering that the treaty did not require the physical destruction of a single warhead or delivery system. From the perspective of the other NPT States parties, there is virtually no transparency in these reductions -- and certainly no independent verification. The nuclear-weapon States, meanwhile, continue to resist efforts by some states -- notably Canada and Germany -- to address the transparency problem through improved reporting requirements. Many countries are also noting the lack of substantial progress in fulfilling most of the other thirteen steps for nuclear disarmament.

Another great challenge facing the treaty relates to questions that have arisen in the context of the recent war in Iraq, particularly with respect to enforcement. While enforcement concerns existed long before the war, the inability of the Security Council to reach a consensus on a common approach to enforce disarmament norms in Iraq has profound implications for the NPT - if not the rule of law in general. Will the war serve as a deterrent to future proliferation or will it only encourage states to seek nuclear weapons? How has the war affected the future of multilateral inspections as a means to eliminate proliferation risks? What is the future of multilateral sanctions, up to and including the use of force, if the Council is divided? Clearly, how these questions are eventually answered will have a profound effect upon the future of the NPT.

The Treaty Tomorrow

The treaty undoubtedly faces many very serious challenges in the years ahead. One of the most serious relates to the basic legitimacy or fairness of the treaty -- there is a persisting, widespread perception amongst many States parties that the fundamental NPT bargain is discriminatory, as many of its critics have long maintained. If the States parties are ever going to exorcise the ghost of "nuclear apartheid" from this treaty, this can only be achieved through the full implementation of the 1995 package and the nuclear disarmament commitments made at the 2000 NPT Review Conference. This will also require some substantial progress in establishing highly-credible and legally-binding security assurances. The road ahead for this treaty will be influenced greatly by the road behind.

The road traveled thus far has, regrettably, not included much by way of internal institutional reform of the NPT system. While the treaty has demonstrated its resilience in responding to new challenges, I have long advocated the establishment of an NPT Executive Council to assist the States parties between the various plenary meetings, to monitor relevant developments, and more generally to strengthen the treaty's institutional memory.

This of course requires a great deal of progress in international cooperation - for just as the spirit of multilateralism allowed the NPT to be extended indefinitely in 1995, so too is that spirit needed today to guide the efforts of the world community in the disarmament and non-proliferation fields in the years ahead. There is, in fact, no alternative path to a more peaceful and secure world.

It is a truism to say that accomplishing the total elimination of nuclear weapons will not be an easy task, yet I find it hard to believe that the people of the world are willing to rush to the currently available alternatives as a basis for world security. Neither the endless pursuit of unilateral defensive measures nor the perpetual drive for military superiority can produce a world free of nuclear weapons -- such steps are more likely to produce a world full of nuclear weapons. The more the horrible flaws in such strategies are critically examined, the more attractive nuclear disarmament becomes as a practical and effective alternative.

With respect to the need to strengthen non-proliferation controls in the future, I can think of no better single initiative than to make the IAEA's Additional Protocol mandatory as a condition for cooperation in the peaceful use of nuclear energy. The existence of this Protocol is living proof that the IAEA safeguards system is capable of learning from its experiences. Reinforced by a multilateral ban on the production of weapons-usable nuclear material, these enhanced safeguards would in the years ahead strengthen substantially the peaceful-use and non-proliferation norms in the treaty.

These initiatives will also help significantly in addressing the growing dangers of nuclear material and expertise being acquired by terrorist groups - illustrating once again the variety of ways the NPT contributes to international peace and security.

No discussion of the future of the NPT would be complete without mention of Article VII, dealing with the right of any group of States to create a regional nuclear-weapon-free zone. Given that such zones now cover virtually the entire Southern Hemisphere, there is great merit in extending this concept north of the Equator. I have been working for many years to assist the five Central Asian states to establish such a zone. Last September, these states reached a consensus in Samarkand on the text of treaty to achieve this goal. Its signature, however, has been delayed for several months due to consultations with the nuclear-weapon States. If these consultations are carried on in a cooperative spirit, I am confident they will succeed - if not, they could result in a de facto veto. All NPT States parties -- especially the nuclear-weapon States -- should support the early creation of this zone as a urgent priority.

The future of the treaty will also be shaped in extremely important ways by the support it receives from civil society. This applies particularly to the younger generation, and strongly underscores the importance of disarmament and non-proliferation education. I have valued for many years the persistent efforts of non-governmental organizations in furthering the goals of the Treaty -- not just in 1995 or 2000, but throughout the NPT's existence. How appropriate it is

that here in Geneva -- once home to Jean-Jacques Rousseau -- we would be reaffirming the role of civil society in promoting collective interests. He would have recognized the 1995 package -- if not the NPT itself -- as a form of "social contract" intended to serve the general will -- something far more than just the sum of the particular wills of the members of international society. He would have appreciated Secretary-General Kofi Annan's repeated references to civil society as "the new superpower" -- for even as the power of states continues to grow, so too do the underlying forces of popular sovereignty that provide the foundation for all political authority.

It is an historical fact that the Final Document of the 2000 NPT Review Conference reaffirmed that "the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons." I believe that an informed, united, and determined public offers the only absolute guarantee of actually achieving this goal. Where does the future of the NPT lie? It lies most of all in the support it enjoys among the people and its leaders.

In closing, allow me to call upon the words of another great citizen associated with the city of Geneva -- Voltaire -- whose character, *Candide*, called us all to "cultivate our garden." The destiny of the NPT is not foreordained -- it will be cultivated by human effort and shaped by the forces of political will. I welcome the support you have shown in this important cause and wish you well in your efforts in the years ahead.