

**Closing WMD Proliferation Gaps:
The United Nations Challenge and the Asian
Perspective**

By

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I am pleased to be back at the Weatherhead Center for International Affairs where I stayed as an international fellow from 1986 to 87. My wife and I still keep a very fond memory of our stay at this Harvard center. It was a very rewarding experience for me to have engaged in intensive, informal and thought-provoking discussions almost every day at Harvard. My wife took advantage of her stay here to audit courses including some fine art courses and a special course on Iranian carpets. We ended up buying a few carpets from the teacher.

Today I am addressing WMD proliferation gaps, their challenges to the United Nations and the Asian Perspective. I do not think I need to elaborate at length the threat of WMD proliferation in the world today. In the general debate at a senior level of the U.N. General Assembly this fall, a significant number of world leaders spoke about their concerns over terrorism and WMD.

Within the limited time for my initial presentation today, let me choose a few critical gaps concerning WMD proliferation.

First, in South Asia we have two de facto nuclear weapon states competing openly to build up their nuclear arsenals and delivery systems. This a gap created by non-adherents to the NPT. When they were censured by the world community after they tested their nuclear devises in 1998, they said they broke no treaty. That is true. What can we do about them beyond adopting the U.N. General Assembly resolutions calling upon them to join the NPT as non-nuclear weapon states?

Second, there is a gap created by the withdrawal of North Korea, or DPRK, from the NPT. The North Korean refusal and expulsion of the IAEA inspectors was reported to the U.N. Security Council. But so far the Council has not been able to take any action on this. This is a gap created by wilful violation of the NPT and the IAEA safeguards

followed by withdrawal from the Treaty itself. The NPT does not prescribe what to do in such a case but to provide for a 3 month quick withdrawal process.

The third is the rising concern about the terrorist nexus with WMD. The September 11 attack raised the fear of what will happen if next time around terrorist used WMD. Japan has already witnessed non-state actors can manufacture and use WMD, i.e. sarin gas in a Tokyo subway. This concern recently led to the adoption by the Security Council of resolution 1540 obligating all U.N. Member States to take actions to prevent spread of WMD to terrorist and other non-state actors. It was not an easy process to adopt the resolution. Much now needs to be done to implement the resolution.

The fourth gap may be called nuclear fuel cycle gap. In recent years we are finding out that surreptitious nuclear aspirants build up their nuclear-weapon production capability under the cover of civilian nuclear fuel cycle construction. In fact, the technology and the facility necessary for production of low enriched uranium for civilian use is not so much different from those for high enriched uranium production for weapons. Some say it is more a matter of intention. When the NPT was drafted production of weapon fissile material took advanced industrial infrastructure and large scale industrial facility. Today, technology and material have become far easier to obtain as we have witnessed in the Dr. Kahn's black market. What can you do to close this gap?

Finally, there is the verification gap. The IAEA "Additional Protocol" was devised after the revelation of the Iraqi clandestine nuclear weapon program to enable the IAEA to verify not only the nuclear facilities reported by countries to the IAEA but related facilities and ultimately unreported sites. The protocol, however, still remains optional or voluntary even though the existing IAEA safeguard arrangement has proven to be insufficient.

There are, unfortunately, serious problems in each of these areas. It is undeniable that some States parties to the NPT have not fully complied with their non-proliferation obligations -- including the DPRK, Iran, Iraq, and Libya. Given the close and inseparable link between non-proliferation and disarmament in the NPT, such non-compliance cannot help but worsen prospects for significant new progress in achieving disarmament goals. One does not have to be a cynical practitioner of *realpolitik* to recognize that a world of more and more countries seeking nuclear weapons is hardly conducive to advancing the shared goal of eliminating such weapons. Progress in non-proliferation and disarmament thus go hand in hand, and this is one reason why so many States in Asia have fought so vigorously for these objectives for so many years.

There are, unfortunately, additional problems that remain largely unsolved. Export controls, for example, are just another way that States use to ensure that they are living up to their non-proliferation commitments. Yet compliance with export controls can be hard to verify and violations can be very hard to detect. Consider for a moment the notorious A. Q. Khan affair -- in which Pakistan's most senior nuclear scientist was at the centre of a transcontinental ring of illicit nuclear deals that reached as far as Southeast Asia. Even Pakistan's own government claims that it was totally unaware of the nature and scope of the activities of this network.

Export controls also suffer from the fact that the specific standards they encompass simply do not have universal respect. Frankly speaking, we simply do not have universal agreement on what commodities should be controlled, what specifications should be used to control specific items, or what information should be made public or shared with international organizations. We do have coalitions of the willing -- or various informal groupings of states that are trying to harmonize their export control activities. These include the Nuclear Suppliers Group, the Australia Group, and the Missile Technology Control Regime -- but these groups lack universal membership, their rules are not binding, they lack means of enforcement, and they have only met with partial success in the sharing of information about export controls, even among the members of these groups.

International nuclear safeguards also have their limitations. In fact, the history of improvements in nuclear safeguards over the years has, to a large extent, followed in reaction to crises. Iraq's near successful effort to acquire nuclear weapons while it was a non-nuclear-weapon State party to the NPT did eventually serve as a catalyst leading to significant improvements in IAEA safeguards. Yet serious challenges remain for safeguards, particularly with respect to security concerns connected with the potential for misuse of the nuclear fuel cycle.

Nuclear weapons require one of two strategic nuclear materials -- plutonium or highly-enriched uranium. Plutonium is produced as a by-product of the operation of uranium-fuelled reactors, while some countries continue to use research reactors that have highly-enriched uranium fuel. Other countries use highly-enriched uranium for purposes of naval or submarine propulsion, or may one day seek such capabilities. Though producing such materials remains an extremely difficult technical challenge, it is clear that more and more countries are acquiring -- or seeking to acquire -- the means that would enable them to produce both materials. As more and more of such materials are produced, used, stored, or transported around the world, it follows that security risks from such activities would only grow as a result. These risks relate not just to the illicit use of such materials by a State acting in violation of its non-proliferation commitments, but also to the theft of such materials (or other radioactive or toxic materials) by non-State actors.

These are not trivial problems by any means. A tiny speck of plutonium -- literally a billionth of a gram -- can cause a lung cancer, and the IAEA's figure for a "significant quantity" of plutonium needed to make a nuclear weapon is only 8 kilograms. As for highly-enriched uranium, if a sufficient amount of this material is acquired -- the IAEA's "significant quantity" here is 25 kilograms -- it would not be difficult even for a terrorist group to engineer a device that could produce a nuclear yield from this material. Remember that the designers of the uranium bomb that was dropped over Hiroshima were entirely confident that the device would detonate even though it had

never been tested -- and that was a reality over a half century ago. So I am not dealing with hypothetical concerns -- these threats are genuine, they qualify as “clear and present dangers.”

As good as current nuclear safeguards and physical security controls may be, they too have their limitations, particularly as the quantities of these dangerous materials grow as a result of commercial uses or increasing amounts of materials being recovered as a result of the slow process of nuclear disarmament. The IAEA is not an Agency with unlimited funding nor does it have the staff resources it needs to meet these large and growing needs. It is easier for the Agency to undertake its inspections in some countries than in others. Many countries have not yet agreed to sign the Additional Protocol -- indeed, many States parties to the NPT have not yet even concluded a safeguards agreement with the Agency, as required by the Treaty. Meanwhile, physical security controls -- a critical line of defence against sabotage and theft of nuclear materials -- remains an exclusive responsibility of individual governments, as the world community continues to lack binding, multilateral legal controls in this area.

The world, of course, has not been oblivious to these concerns. Some states -- acting perhaps out of a combination of a perceived need to protect their own interests while defending a global norm -- have launched their own various initiatives to deal with these proliferation and emerging terrorist threats. The “Proliferation Security Initiative” is the most prominent example of this -- it is what we call a “plurilateral” effort involving a group of countries that seek to coordinate their efforts to interdict or prevent illicit transfers of WMD-related materials. Similarly, the leaders of the G8 countries have repeatedly recognized the dangers arising from WMD proliferation threats -- at their Kananaskis summit in 2002, for example, they did not only talk about this problem, but jointly committed their countries to invest \$20 billion over the next decade to address such threats. In December 2003, the heads of state of the European Union agreed to a common EU Strategy Against Proliferation of Weapons of Mass Destruction. These are just a few of the more noteworthy initiatives that are underway to reduce WMD proliferation risks.

The specific risk that non-state actors will acquire WMD has long been a concern in the world community, not just in Asia. Last April, the Security Council adopted Resolution 1540 -- a very significant initiative that is binding on all Member States. Recognizing the serious gap that exists in international law with respect to WMD terrorism, the Council decided that all Member States shall take specific measures to keep non-state actors from acquiring such weapons, and that they shall also adopt measures needed to halt the global proliferation of WMD and their delivery vehicles. Given that under Article 25 of the UN Charter, all Member States are obliged to "accept and carry out the decisions of the Security Council," this resolution could well be one of the most significant developments in the global campaign against the proliferation of WMD in modern history -- provided, of course, that States follow through with their responsibilities.

It is an interesting irony -- in our current age of globalization -- that genuine multilateral cooperation in alleviating WMD proliferation threats may well require the actual strengthening of the powers of individual nation states. I do not, however, view this as in any way inconsistent with the need for multilateral approaches to international peace and security issues, nor does this imply any weakening of the important role for binding international obligations. To the contrary, we need efficient and effective initiatives at both the national and multilateral levels if we stand any hope for significant progress in the years ahead.

I have already addressed several important gaps in the global effort against the proliferation of WMD -- yet there are a few other areas I would like to identify that also deserve close attention. First, the world simply does not have any multilateral legal norms covering WMD delivery systems. I suspect that many of the States parties to the NPT are not even aware that the 11th preambular paragraph of that historic treaty identifies the goal of eliminating from national stockpiles of the means of delivering nuclear weapons. We have had some resolutions in the General Assembly in recent years dealing with the issue of missiles and, as a result, we have witnessed the creation of some

groups of governmental experts to examine this question. We have seen some progress in the field of arms control -- primarily as illustrated by the Hague Code of Conduct Against the Proliferation of Ballistic Missiles -- though we still have a long way to go before addressing either the challenge of negotiating binding multilateral legal commitments governing missiles or of adopting commitments in the field of missile disarmament. Meanwhile, additional countries are seeking the means to launch their own satellites for peaceful purposes -- using technology that could easily be adapted for purposes of developing long-range missiles.

Needless to say, as long as nuclear weapons and ICBM's can be made using technology intended originally exclusively for peaceful purposes -- and that technology is readily available -- we will not have any real security anywhere. This places an overwhelming burden on those who favour the peaceful uses of such technology to prove beyond doubt that it will not in fact be used for illicit purposes. Hence, when Article IV of the NPT provides -- on the one hand -- that the States parties shall have an "inalienable right" to the peaceful uses of nuclear energy, this right is clearly subordinate to the primary obligation of the treaty with respect to non-proliferation. It is equally correct, however, that the fate of this primary non-proliferation obligation will depend on the overall legitimacy of the NPT in the eyes of its many States parties -- and this implies significant gains from the treaty in both the fields of nuclear disarmament and the peaceful uses of nuclear energy.

I believe it will indeed be possible to bridge many of the gaps I have identified today. In all honesty, nobody knows how to solve the vexing problem of the nuclear fuel cycle -- the IAEA Director General has proposed that such activities should be undertaken only in facilities under multilateral control, while other have simply tried to restrict the number of states that can have a complete nuclear fuel cycle. Though the ideal approach would be to halt all production of plutonium and highly-enriched uranium -- because bombs cannot be made from materials that do not exist -- if it ultimately proves not to be possible to place all these activities under multilateral control, it may be time to re-visit the old proposal of establishing regional centres to handle such sensitive

activities. This would only work, however, if physical security could be guaranteed, if iron-clad controls were in place to ensure against the illicit transfer of sensitive nuclear technology, and if the controls were implemented with a broader, over-arching multilateral framework to establish their legitimacy. If these criteria cannot be met, regional centres could even make the problem worse.

I have addressed many issues today, but wish to close by acknowledging that the greatest gap to bridge is between concerned leaders and their publics. It was no accident that the first three words of the UN Charter read, "We the peoples." I believe that bold and enlightened initiatives for multilateral cooperation -- especially in the field of WMD non-proliferation -- absolutely must have a strong base of support among the general public. It is the public, after all, that must pay the taxes to support the needed initiatives, just as it is the public that would likely be the victims of the next use of such weapons, if and when such a tragic day arises.

If non-proliferation initiatives are widely viewed as based on conjecture, inspired by political as opposed to genuine security motivations, or described in such highly-technical language that the average human being cannot understand -- I fear that the future of efforts in this field will be not only limited, but outright bleak. Yet I remain optimistic for progress in the years ahead in most all of these areas. Through its words and deeds, I hope that Asia will lead the way in building bridges over many of the gaps I have identified -- and through its educational programmes, I hope that great universities like Harvard will continue its own efforts to bring into this world new leaders and citizens to carry on this great and noble effort.

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