

Keynote Address

by

Sergio Duarte
High Representative for Disarmament Affairs



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I would like to begin by thanking Ambassador José Botafogo Gonçalves, President of the Centro Brasileiro de Relações Internacionais, for inviting me address this timely Symposium on the Peaceful Uses of Nuclear Energy. I am grateful not just for this lucky excuse to return to my native city of Rio, but also for the specific opportunity to visit this Centre, one of Brazil's leading research establishments. It was not at all surprising, given the expertise available here, that one of your Vice Presidents -- my friend and colleague, Ambassador Marcos Castrioto de Azambuja – was appointed a member of the Weapons of Mass Destruction Commission chaired by Hans Blix, which just completed its work last year. It is truly an honour for me to address you today.

Needless to say, the character of contemporary international relations has changed a lot since I began my diplomatic career over four decades ago, and there has arguably never been a greater need for focused, dispassionate research and scholarship in this field – precisely the type of work that you undertake here. While this is not the first time in history that the nations of the world have carried on their relations in conditions of great interdependence, the sheer rate of exchanges these days across borders – whether measured in flows of information, finance, trade, or travel – is extraordinary by any definition.

These webs of interdependence may well serve to bring the world together out of a deep sense of common interest. Yet the same webs have also fostered new risks and dangers that the entire world community must address. This duality of risks and benefits is nowhere more apparent than in the opportunities and challenges associated with the peaceful uses of the atom.

Though I am going to speak today about some broader issues, I would like to confess briefly the pride I feel for many initiatives that have been championed by Brazil over the years to advance the twin causes of nuclear disarmament and non-proliferation. With Mexico, Brazil was a leading advocate of the creation of a nuclear-weapon-free zone in Latin America and the Caribbean, which has since served as a model for regional nuclear-weapon-free zones in the South Pacific, Southeast Asia, Africa, and Central Asia. Starting in 1980, bilateral cooperation between Brazil and Argentina in the peaceful uses of nuclear energy led in 1985 to the Joint Declaration on Nuclear Policy of Foz do Iguacu, which was followed by several other joint declarations over the years. This cooperation involved not just words, but deeds, including the establishment in 1991 of the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials (ABACC), a pioneering confidence-building measure in nuclear verification. In 1998, Brazil joined the Nuclear Non-Proliferation Treaty (NPT) and was also a founding member of the seven-nation “New Agenda Coalition”, which has promoted specific practical measures to achieve a world free of nuclear weapons.

Brazil may not be the only country to have appreciated that security will not be found in the acquisition of nuclear weapons, but it has been one of the leaders in making this an integral part of its public policy and in advancing this view in multilateral arenas around the world. This is a proud legacy indeed. Yet legacies are not really worthwhile if they are only viewed, so to speak, through a rear-view mirror – we must draw inspiration from such legacies to guide our work in the future, and this requires me to address some broader themes.

Ironically, the *divisibility of the atom* has resulted in a growing recognition of the *indivisibility of our world*. We can split atoms to generate electricity, to produce radioisotopes for medical or agricultural uses, or to destroy whole cities. But we cannot legitimately split -- country-by-country -- the benefits that flow from exclusively peaceful uses of nuclear energy. Nor is it anything but a fantasy to imagine that our current division of nuclear-weapon and non-nuclear-weapon states will last forever. The international community acknowledged this long ago and embraced the objectives of eliminating all nuclear weapons, while ensuring that nuclear energy would only be used for peaceful purposes.

This vision lies at the heart of the most important international legal instrument in this field – the NPT, which rests on three pillars: non-proliferation, peaceful uses, and nuclear disarmament. It is often forgotten that the NPT is the only multilateral treaty committing its five recognized nuclear-weapon states to nuclear disarmament, including the United States and the Russian Federation, which have by far the largest nuclear-weapon stockpiles.

This goal, however, is actually much older than the NPT. The UN General Assembly's first resolution, which was adopted in January 1946, identified the goal of the elimination of nuclear weapons and all other weapons "adaptable to mass destruction." Literally hundreds of resolutions have echoed this theme over the last six decades. While numerous multilateral treaties refer in their preambles to the goals of general and complete disarmament – or specifically to nuclear disarmament – Article VI of the NPT elevated these aims to the status of a binding obligation.

When the treaty was extended indefinitely in 1995, its states parties did not do so unconditionally. To the contrary, the decision was part of a "package deal" that included a set of principles and objectives for non-proliferation and disarmament, as well as measures to strengthen the treaty review process and thereby improve accountability. This package deal also included a resolution endorsing the goal of establishing a Middle East zone free of all weapons of mass destruction. I can say categorically that the treaty would not have been extended indefinitely without a vote if the extension decision had not been coupled with these other understandings – and that any extension based on a divided vote would probably have done the treaty more damage than benefit.

The 2000 NPT Review Conference strongly affirmed and reinforced the disarmament goal of this treaty, through the inclusion in its Final Document of thirteen "practical steps" for systematic and progressive efforts for nuclear disarmament. One of these steps included an "unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament".

It is clear that the future of the NPT rests upon full compliance by all of its parties with all of the most fundamental goals of that treaty, particularly with respect to these three pillars. For this treaty – or any treaty for that matter – to be sustainable, it must be *effective* in producing its intended results and it must pass the closely-related test of *fairness*. Moreover, its parties must be satisfied that belonging to the treaty is to their advantage. Now, how are these standards met?

While national policies and practices are key, the treaty review process provides a common forum in which the states parties collectively assess their compliance and address emerging challenges the treaty might face. This is also an occasion for states parties to consider questions that might arise relating to the basic equity of the various obligations and responsibilities under the treaty. With the effective achievement of the indispensable, inseparable, and interdependent aims of the NPT – namely, non-proliferation, peaceful uses, and disarmament – the parties will be far more likely to believe it is to their advantage to remain bound by the treaty. Yet if these are not achieved, it would not be at all surprising to see the value of the treaty increasingly called into question.

The importance of fairness cannot be overstated, for in the long run, unfair treaties will not likely prove to be effective. At the close of the 1995 NPT Review and Extension Conference, the conference's President, Jayantha Dhanapala, emphasized that "The permanence of the Treaty does not represent a permanence of unbalanced obligations, nor does it represent the permanence of nuclear apartheid between nuclear haves and have-nots." He added that "non-proliferation and disarmament can be pursued only jointly, not at each other's expense". Speaking later as the UN's Under-Secretary-General for Disarmament Affairs, he predicted that "The house of the NPT will survive and prosper only if it ceases to be a theatre for playing out an 'upstairs/downstairs' drama."

In this light, the inability of the 2005 NPT Review Conference to agree on a substantive final document -- and the failure later that year of the World Summit to address in its Outcome Document any issues relating to weapons of mass destruction -- were both symptoms of an evolving crisis of confidence in the global nuclear regime based on the NPT. Additional warning signs appear in the deeply divided votes in the General Assembly's First Committee on nuclear-weapon-related issues, a voting pattern that continued this year. Elsewhere, the Conference on Disarmament has just completed another year, and despite some signs of progress, it was once again unable to achieve the consensus needed to commence negotiations on the many important issues on its agenda, including nuclear disarmament.

Meanwhile, international efforts are continuing to address concerns over certain nuclear activities in Iran and the Democratic People's Republic of Korea, which announced its withdrawal from the NPT and later conducted a nuclear test in October 2006. There are also persisting worries about illicit transfers of various nuclear materials and dual-use commodities, a problem illustrated by – but by no means limited to – the inter-continental illicit network of suppliers led by Dr. Abdul Qadeer Khan.

This crisis of confidence, however, does not extend only to non-proliferation and disarmament issues, but also applies to certain subjects relating to the peaceful uses of nuclear energy. In arenas like the NPT review process and the First Committee of the General Assembly, representatives of many non-nuclear-weapon states are increasingly voicing their concerns not just over the lack of significant progress on disarmament, but also over proposals to establish new non-proliferation restrictions and barriers to peaceful uses of nuclear energy.

For many such states, the global nuclear regime is evolving in a lop-sided, even discriminatory manner. In effect, they see the NPT's various obligations on a balance-scale

with, on one side, ever-increasing controls over the transfer of equipment, materials, and technology relating to nuclear power, while on the other side, little or no comparable advancements in terms of disarmament. For many years now, the world community has recognized that the achievement of nuclear disarmament will require *binding commitments* -- to ensure permanence; *irreversibility*, to prevent strategic nuclear surprises; *transparency*, to enhance confidence-building; and *verification*, to confirm the implementation of disarmament and to prevent cheating.

Yet it is unfortunately true that nuclear-weapons agreements have historically fallen short in precisely these four areas. Indeed, to date no strategic arms control treaty has yet required the elimination of a single nuclear weapon, let alone subject such a reduction to international verification. In the eyes of many non-nuclear-weapon states, these criteria are being applied exclusively to themselves. It is plainly evident that these states are neither in favour of nuclear weapons proliferation nor are they actively seeking to relax controls in this area. The overwhelming majority of states throughout the world have staunchly supported efforts to strengthen non-proliferation controls, as seen in their efforts to implement their non-proliferation responsibilities under the NPT, regional nuclear-weapon-free zone treaties, UN Security Council Resolution 1540, and many have supported the enhanced IAEA safeguards that have evolved since the revelations about Iraq's illicit nuclear programme in the 1990s.

Yet many non-nuclear-weapon states see a progression of ever-increasing, intrusive controls undertaken to advance the goal of non-proliferation, with no parallel advancements in nuclear disarmament, especially with respect to binding commitments, transparency, irreversibility, and verification. It is not at all uncommon to hear representatives of many non-nuclear-weapon states voice in multilateral arenas their "regret" that the NPT was indefinitely extended – the indefinite extension, they argue, has resulted in a significant loss of leverage for achieving disarmament goals. To these states, peaceful uses of nuclear energy are increasingly being encumbered by new and costly controls, while nuclear disarmament proceeds at a snail's pace, and – at best – on a declaratory rather than a transparent and verified basis. Some states even fear the process of nuclear disarmament has even been reversed, amid reports of research and development of new nuclear weapons, intended for new missions, or of weapons designed to remain operational for decades to come.

Once again, I do not believe these non-nuclear-weapon states are adopting such views in order to oppose non-proliferation or to open up their own nuclear-weapons options. Their concerns relate instead to some basic principles of equity in the global nuclear regime and the need to restore some fairness and balance in the distribution of responsibilities of states that participate in this regime. Genuine progress in nuclear disarmament – registered in results that are binding, transparent, verifiable, and irreversible – would help enormously in a complementary strengthening of non-proliferation controls. Strengthening non-proliferation alone, however, will increasingly become a source of dissent in the years to come, due to this basic question of fairness. If this trend continues, I fear that *declaratory disarmament* will only beget *declaratory non-proliferation* – and when the world reaches this stage, it will join a "race to the bottom" in the erosion of longstanding international norms of disarmament and non-proliferation.

In short, the crisis of confidence facing the NPT regime will simply not be solved exclusively by tightening non-proliferation controls. Overcoming this crisis will also require significant progress both in disarmament and in overcoming obstacles to the peaceful uses of nuclear energy.

Progress will of course continue to be quite difficult with respect to the nuclear fuel cycle, given the inherently dual-use nature of the technology to separate plutonium or to enrich uranium. Lest we forget, highly-enriched uranium was the fissile material used in the nuclear weapon dropped on Hiroshima, and plutonium was used in the bomb dropped on Nagasaki – and both of these materials have actual or potential civilian uses, hence the dilemmas of control. Today, over six decades after the United Nations considered the world's first proposal for international ownership of sensitive parts of the nuclear fuel cycle, there is still no international consensus on how to proceed in controlling nuclear reprocessing and uranium enrichment activities. Great disagreements remain over certain difficult issues.

Should these activities be undertaken only by a few select states – acting either individually or in an organized oligopoly -- with the rest of the world destined to remain eternally dependent upon foreign sources of supply or subject to the vagaries of the political situation as seen by a handful of powerful possessors? Should such activities only be undertaken in multinational facilities, and if so, would these facilities themselves not also face their own physical security, terrorist, insider-threat, and proliferation risks – not to mention again political interference – both in their daily operation and as a result of the storage and transportation of weapon-usable fissile materials? Should every state have its own nuclear fuel cycle facilities if it so wishes? Or will the combined demands of disarmament, non-proliferation, and efforts against nuclear terrorism ultimately require a halt to all production, by anyone, of fissile material that could be directly used in nuclear weapons? If so, how could a universal agreement along these lines ever be negotiated? And if such materials continue to be produced and stored, what impact will this have on prospects for achieving nuclear disarmament, especially in terms of irreversibility and the risk of clandestine production of nuclear weapons?

These are very difficult questions indeed and there are no easy answers. It is clear that the NPT itself does not supply such answers. The treaty clearly refers to the “inalienable right” to the peaceful uses of nuclear energy. Yet it also ties such uses to satisfaction of the non-proliferation and safeguards requirements of the treaty. Even if the NPT states parties are eventually able to reach an agreement on a common interpretative statement concerning the nuclear fuel cycle, this will still leave open the problem of fuel cycle activities by states that are not parties to the NPT. There is, meanwhile, no consensus whatsoever that the NPT could – or even should – be amended to allow the formal expansion of the club of “nuclear-weapon states”. If Article VI has any meaning at all, it seeks the disappearance of that club, not its expansion.

The future of the fuel cycle is by no means a trivial, academic problem. In various ways, it may well affect virtually every nation on earth as well as future generations, recognizing that the half-life of plutonium is some 24,000 years. If the much-anticipated nuclear renaissance proceeds, thousands of tons of new fissile material will likely add to the thousands of tons of such material that already exists. Even states that do not possess such material will be affected,

including as a result of transport of nuclear materials and waste through their regions, or the cross-border migration of radioactive contaminants.

Do all of these considerations points to the need for a comprehensive “new deal” for nuclear energy? Do we need to start at the beginning to engineer an entirely new regime, as though the tools of the past had totally outlived their usefulness? I do not think so. Let us not under-estimate the value of our existing legal and institutional arrangements and policy commitments. What the world must do now is to focus its efforts upon implementing existing promises and obligations – including those made during the NPT review conferences. In a word, we must focus on the wider meaning of the word “compliance”. We need nothing less than to promote *the further development, articulation, and implementation of the “rule of law” for disarmament and non-proliferation.*

While many initiatives – national, regional, and global – are needed to advance this goal, five specific steps seem to me to be most urgently needed.

First, the states parties need to strongly re-affirm the entire package deal that led to the indefinite extension of the NPT in 1995, as well as the language agreed at the 2000 NPT Review Conference, notably including the thirteen steps for nuclear disarmament.

Second, the states parties to all of the key multilateral treaties dealing with weapons of mass destruction should expand their efforts to promote the universal membership in those treaties, as well as universal compliance with all of their disarmament, non-proliferation, and peaceful use commitments.

Third, the international community should actively participate in the international dialogue being promoted by Mohamed ElBaradei, the Director General of the International Atomic Energy Agency, on the future of the nuclear fuel cycle, with a view to forging a new consensus that is both effective and fair – but above all, that will advance the goals of nuclear disarmament and non-proliferation.

Fourth, the world needs to attend to the various “loose ends” concerning the various regional nuclear-weapon-free zones. I am referring here to the adoption and implementation by the nuclear-weapon-states of all the Protocols of the relevant treaties, as well as the long-delayed entry into force of the Pelindaba Treaty, and the exploration of new regions or sub-regions where such zones might one day be created.

Fifth, all states should ensure that their domestic laws and policies are fully consistent with international disarmament and non-proliferation commitments.

At a time when some observers are dismissing the importance of international law, institutions like the Centro Brasileiro de Relações Internacionais and countless other research groups around the world have a special contribution to make in pointing out how the “rule of law” applies not only to order in domestic societies, but will also have a profound influence in determining the kind of world in which we and our grandchildren will live.

You can show how compliance with international legal obligations can advance “hard” national security interests – indeed, how they are indispensable in achieving this goal. You can show how binding legal commitments relating to disarmament and non-proliferation must be both effective and fair, if they are to be sustainable. You can educate the public about how efforts to eliminate weapons of mass destruction advance tangible domestic interests, not just abstract global ideals – and how those interests are in fact not exclusively domestic, but shared by all countries.

In his message this year on the occasion of the 50th anniversary of the Pugwash Conferences, Secretary-General Ban Ki-moon appealed to this diverse international community of scientists and scholars to “identify specific contributions that the international community and the United Nations can make towards advancing the goal of eliminating the world’s most deadly and indiscriminate weapons.”

Today, I appeal to all of you to join in this great collaborative exercise. I am here not just to encourage your support for disarmament and non-proliferation, but to seek your advice and good counsel on specific practical measures that can be undertaken to address these great challenges. Let us not forget past disappointments, but learn from them and move forward with more effective and fair responses. Please accept my best wishes in all of your important work that lies ahead.