

40 Years of NPT Implementation: A UN Point of View

by

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I would like to begin my brief remarks today by thanking Ambassador Fred Tanner, the Director of the Geneva Centre for Security Policy (GCSP), and his staff for inviting me to address one of my favourite issues – the NPT – in, I must add, one of my favourite cities.

Without doubt, we who work in the United Nations on disarmament issues have much in common with your work here at the Geneva Centre. I understand that you were established in 1995 under Swiss law to "promote the building and maintenance of peace, security and stability." These parallel very closely the goals of the United Nations.

I also note that two former Under-Secretaries-General for Disarmament Affairs – Nobuyasu Abe and Jayantha Dhanapala – are members of your distinguished Advisory Board, and that another member – Adam Daniel Rotfeld – is currently chairman of the Secretary-General's Advisory Board on Disarmament Matters. I am very grateful for the interest you have all shown in both disarmament and non-proliferation issues, and I and my staff in the Office for Disarmament Affairs look forward to working with you in the years ahead.

I have been asked to present a "UN point of view" on the state of the NPT, in the fortieth year since it was opened for signature. My views are surely only "a" UN view, since we have 192 member states in the United Nations that have their own points of view on this treaty. So I will do my best to offer some personal comments based on my own experience both as an observer and a practitioner of NPT diplomacy.

The NPT is one of the most important multilateral treaties in history, in terms of the sweeping scope of objectives. It remains to this day the only multilateral instrument that legally commits the five internationally recognized nuclear-weapon-states to pursue global nuclear disarmament. It also obliges its 190 states parties – or 189 depending upon how one views the treaty status of the Democratic People's Republic of Korea – not to assist or to engage in the proliferation of nuclear weapons. It affirms the "inalienable right" of its states parties to – as the treaty says – "develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II of this treaty." And in terms of universality, its membership is just short of the total number of UN member states.

When one considers the political, economic, environmental, and humanitarian consequences from the use of only a single nuclear weapon, the magnitude and importance of these goals becomes immediately clear. Not surprisingly, these goals have figured prominently in the work of all the key institutions of what is called the "UN disarmament machinery," in particular the UN Disarmament Commission, the First Committee of the General Assembly, and the Conference on Disarmament. They have been persistently promoted by UN Secretaries-General well before the NPT entered into force. Even the very first UN General Assembly resolution in 1946 identified the goal of eliminating all weapons "adaptable to mass destruction".

In short, it has long been the job of the UN to promote the development, implementation, and adaptation of multilateral norms for disarmament and arms regulation. We seek the elimination of all weapons of mass destruction, and the limitation of other types of conventional armaments – all in accordance with the UN Charter, the mandates we receive from resolutions and multilateral treaties, and other instruments that register the wishes of our member states.

I am providing this context to underscore that the NPT is not an end in itself, but a means chosen by an overwhelming majority of states to advance their common interests in disarmament, non-proliferation, and the peaceful uses of nuclear energy. As the High Representative for Disarmament Affairs, I support the NPT precisely because it strengthens international peace and security – the most fundamental aim of the United Nations – through advancing these specific goals.

One can of course debate the extent of compliance with the fundamental obligations of the treaty. Some states have voiced their gravest concerns over indications of non-compliance with non-proliferation commitments, such as the nuclear-weapons-related activities undertaken by Iraq, Libya, and the DPRK despite their status as NPT non-nuclear-weapon states. Other concerns have arisen with respect to Iran and we are all familiar with the many Security Council resolutions that have been adopted to require Iran to suspend its sensitive fuel-cycle activities.

In terms of the global proliferation threat, the Council addressed this issue at the level of heads of state and government at a meeting in January 1992, and issued a presidential statement describing the proliferation of such weapons to be a threat to international peace and security. The same statement also underlined “the need for all Member States to fulfil their obligations in relation to arms control and disarmament”. In 2004, the Council adopted Resolution 1540, which required all states to adopt effective measures to prevent the proliferation or terrorist acquisition of weapons of mass destruction. These are only some of the ways that the UN has been seeking to strengthen the global norm of non-proliferation – I have omitted numerous General Assembly resolutions, publications, lectures, and deliberations throughout the UN disarmament machinery.

Unfortunately, what gets far less attention is the overwhelming pattern of day-to-day compliance with the treaty. Newspapers and television broadcasters care little about that subject, especially when there is some “breaking news” to report on some new weapons allegation. This is just one of those unpleasant facts of life when it comes to the NPT, and the best that those who work on disarmament issues can do is to try to educate the public about the many ways that the treaty continues to serve the interests of all states.

Other NPT critics, of course, point to the weak track record of complying with nuclear disarmament commitments. In this regard, two points stand out in my mind as most significant. First, neither I nor anybody else seems to know for sure exactly how many nuclear weapons exist in the world, and this alone speaks volumes for the lack of transparency over existing nuclear arsenals. When it comes to reductions of existing stockpiles, we hear only of *declared* reductions in *deployed* weapons. Furthermore, these declared reductions by some nuclear-weapon states – and we have no reason to doubt such claims – have customarily been made without specific reference to their obligations under the NPT.

What is clearly missing here are the standards of irreversibility, transparency, and verification that the international community has repeatedly stressed are vital for disarmament. Second, these NPT critics can justifiably point to the obvious performance gap between the “at an early date” language in the NPT’s Article VI and the most common estimates that something

on the order of 26,000 nuclear weapons remain in this world, *four decades* after the treaty was opened for signature.

Still other NPT critics stress that their “inalienable right” to peaceful uses of nuclear energy has been eroded over the years, in the face of increasingly intrusive inspections, growing demands for transparency, denials of sensitive nuclear technology, and nuclear cooperation criteria that either embody double standards, or actually accord certain benefits to non-parties to the treaty. As Jayantha Dhanapala once warned, the states parties must be careful to ensure that the NPT’s “grand bargain” does not deteriorate into a swindle.

I fully understand the frustrations of those who wish to see a better track record of compliance with all the major substantive obligations under the treaty. I share many of those concerns myself. It is not constructive, however, to vent such frustrations by pressing absolute, one-sided, and non-negotiable demands in the various meetings that constitute the NPT review process. As President of the disappointing 2005 Review Conference, I saw first hand how a dark atmosphere of mistrust and suspicion among the states parties can prevent the achievement of a consensus.

In his recent remarks to the UN Disarmament Commission, Secretary-General Ban Ki-moon offered an alternative approach, urging states not to pursue maximalist goals, and his advice would apply to the NPT as well. “It is not a defeat,” he said, “to move forward today on those issues where progress is possible, and to pursue other goals tomorrow. There is no shame or loss of pride in acting according to the laws of reason.”

Unfortunately, the NPT is now facing two converging challenges, both relating to how the treaty is being implemented. First, some states parties continue to voice their dissatisfaction with the performance of other states parties of their respective obligations under the treaty – and this applies to all three of the treaty’s main goals of disarmament, non-proliferation, and peaceful uses. This has fostered a crisis of confidence over the basic effectiveness of the treaty in achieving its stated aims – literally, all of them.

A second and related challenge relates to what could well become a crisis of legitimacy. There are perceptions by many states parties that the treaty, as it has been implemented over the years, is simply unfair. At the 2005 NPT Review Conference, representatives from several states clearly expressed their regret that the treaty was extended indefinitely in 1995, on the grounds that the non-nuclear-weapon states might have more leverage over the nuclear-weapon states if the treaty faced the prospect of expiring.

I do not have a solution to these great challenges, but I do know that there will have to be some reduction in the prevailing climate of mistrust that has frustrated efforts to strengthen the treaty’s review process for so many years. At the very least, the solution will have to involve a significant improvement in both the areas of transparency and accountability. I have by no means given up hopes that such improvements are possible.

Many specific initiatives could serve as constructive steps in rebuilding this trust and confidence. There is an urgent need for the states with the two largest nuclear arsenals – the

Russian Federation and the United States – to proceed with a new agreement to reduce sharply their own stockpiles in a verifiable, transparent, and irreversible way.

In addition, all of the NPT nuclear-weapon states could take additional steps to reduce their nuclear stockpiles, place military fissile material under safeguards, adjust their nuclear doctrines to incorporate unambiguous negative security assurances, and limit or halt outright tests of new delivery systems. They could also develop operational military plans for security in a nuclear-weapon-free world, along with the laws, policies, technology, and relevant institutions needed to achieve such a goal.

I think the entry into force of the Comprehensive Nuclear-Test-Ban Treaty and a fissile material treaty would also move this process forward, as would new steps forward in establishing multilateral norms for missiles and against space weapons.

Progress, of course, is needed not only in the field of disarmament. The non-nuclear-weapon states parties will no doubt be under greater pressure either to refrain from acquiring their own nuclear fuel cycles or to agree to ever-increasing international controls over the use of the most sensitive nuclear technology. Their readiness to agree to such measures will in large measure be determined by the corresponding progress there is to show both in the field of disarmament and in the promotion of peaceful uses of nuclear energy. There is a process of give and take at work in the NPT right now that can well lead to a result of mutual gain, while the alternative of a take-only approach will surely only result in the erosion and eventual collapse of this historic treaty.

With respect to non-proliferation, “full compliance” specifically means the duty of the nuclear-weapon-states “not in any way to assist, encourage or induce” the proliferation of nuclear weapon, as well as the duties of the non-nuclear-weapon states “not to receive” the transfer of nuclear weapons or control over such weapons, and neither “to manufacture or otherwise acquire” nor “to seek or receive any assistance” in manufacturing them.

The overall importance of non-proliferation was very succinctly stated in the “Principles and Objectives for Nuclear Non-Proliferation and Disarmament” adopted at the 1995 NPT Review and Extension Conference, which declared that “The proliferation of nuclear weapons would seriously increase the danger of nuclear war.”

I have only been able today to identify some of the initiatives that would help in responding to the twin crises of effectiveness and legitimacy that are now facing the treaty. The fate of the treaty is where it has always been, in the hands of its states parties. As for the United Nations, we will do all we can in the Secretariat to assist the NPT’s states parties and to promote the full implementation and universality of the treaty. I would welcome any ideas from the Geneva Centre for Security Policy on how we can do more, and I invite your support for efforts to advance the goals of disarmament, non-proliferation, and the peaceful uses of nuclear energy that lie at the heart of the treaty.

Let us work together to ensure that the NPT will take us all to a new dawn of international peace and security, and not the alternative of humanity’s last sunset.