

Reversing the Spread of Nuclear Weapons: The Future of the Non-Proliferation Regime

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Strategies and Theologies for Hope:
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I wish to begin by thanking the Council—Pierce Corden in particular—for having invited me, on your behalf, to address this distinguished gathering. I respect the work that this association has undertaken over many years in the service of international peace and security. Your deep interest in non-proliferation and disarmament issues, and your dedicated efforts to explore religious and ethical dimensions of security, will together ease my burden of discussing this difficult challenge of reversing the proliferation of nuclear weapons.

Allow me first of all to clarify that I view the term “proliferation” as covering both the geographical spread of such weapons and the improvement or expansion of existing arsenals. Arms control professionals respectively call these activities horizontal and vertical proliferation, though this in some ways implies that the two are separate and distinct. My job tonight is to convince you that they are actually more closely related than many might think. The task of “reversing proliferation” therefore involves a lot more than just stopping additional countries or terrorists from acquiring nuclear weapons. I also believe that the task of “disarmament” involves much more than simply taking apart and destroying nuclear weapons, however indispensable such activities might be.

Needless to say, the world community is not likely to solve these great and complex problems overnight. Such challenges will not be met successfully by the actions of any one nation, or even the combined activities of the most devout adherents to a particular religious faith. While Christians everywhere have a natural interest in achieving disarmament goals, so do virtually all the world’s religions. Among these religions, support for disarmament is about as broad and deep as is support for the basic “golden rule”, which prescribes what we should all do unto others. Real progress in both disarmament and non-proliferation will require extensive cooperation among all nations—given the horrific dangers that nuclear weapons, by their very existence, pose to humanity and its natural environment. Even after disarmament is achieved, great vigilance will be needed to ensure both against the reconstruction of a dismantled weapons programme or the creation of new ones by additional countries or by non-state actors.

As the UN’s High Representative for Disarmament Affairs, I have been pleasantly surprised at the enormous diversity of the groups that support disarmament issues in our world today. I have witnessed an outpouring of support for disarmament by groups dedicated to protecting the environment, advancing gender equality, promoting human rights, as well as by professional groups of educators, doctors, lawyers, and scientists, and of course, groups focused on exploring how religion can itself contribute in advancing disarmament and non-proliferation as what many are now recognizing as global public goods.

It does not at all surprise me that a Council dedicated to “disarmament and defense” would demonstrate its interest in disarmament and non-proliferation, for both are vitally important means of advancing defense and security interests, both national and international. The states parties attending the 2000 NPT Review Conference declared that the elimination of nuclear weapons offered the best guarantee for ensuring that such weapons would never again be used. It is not easy

to achieve a consensus at such gatherings, so such declarations are quite significant indeed. They are part of a wider process of creating and reinforcing global norms.

While I am encouraged by the outpouring of new interest in disarmament and non-proliferation issues around the world, I remain deeply concerned about the future of the global nuclear non-proliferation regime, based largely on the NPT. There are many dynamic forces at work that could well jeopardize the future of that regime. The good news is that the regime still has overwhelming support among virtually all states. The NPT has almost as many states parties as the UN Charter—only India, Israel, and Pakistan remain outside the treaty and the DPRK has announced its withdrawal.

In addition, while compliance concerns persist both with respect to disarmament and non-proliferation commitments under the treaty, the overwhelming majority of states has shown no interest in acquiring nuclear weapons. The predominant view, even in our unstable and dissatisfied world today, is that there already exists what many have called a “taboo” against the use of such weapons. Not surprisingly, countries that view such weapons as taboo to use are also inclined to view them as taboo to possess. A judge on the International Court of Justice once referred to them as the “ultimate evil” because of their widespread and indiscriminate effects and their inconsistency with some of the most fundamental tenets of international humanitarian law.

Yet today the only legal ban on possession derives from commitments by the NPT non-nuclear-weapon states—there is still no multilateral treaty to outlaw nuclear weapons nor even negotiations to adopt such a treaty, despite the many years that this issue has been on the agenda of the Conference on Disarmament in Geneva. Costa Rica and Malaysia have circulated a working draft of a nuclear weapons convention, but to some observers, it just always seems to be “premature” seriously to consider the idea.

I have noticed in recent years that some officials and non-governmental commentators are treating the terms “non-proliferation” and “disarmament” as though they were ordered steps in a sequence, rather than mutually reinforcing goals to be pursued together. Some say the world should “put non-proliferation first” and leave disarmament for later, or vice versa. Others go as far as to suggest that non-proliferation is a condition for disarmament. Yet it is clear from both the actual words of the NPT, and the many decades of their interpretation at the treaty’s review conferences—as well as from debates in the UN General Assembly’s First Committee and in other international arenas—that parallel progress in both areas is essential for international peace and security, a theme strongly emphasized by Secretary-General Ban Ki-moon and his predecessors.

Why is this? I think the main reason is one of basic legitimacy. The NPT represents a bargain in which non-nuclear-weapon states pledge not to acquire nuclear weapons while the nuclear-weapon states make a good faith effort to seek their elimination—the words “good faith” are actually in the treaty itself. The common goal of global nuclear disarmament is undisputed in the world today, even among non-parties to the NPT. Both in the General Assembly and in NPT

arenas, the agreed “ultimate goal” is “general and complete disarmament” or GCD, which seeks to eliminate all weapons of mass destruction while limiting conventional arms to specific defensive needs and peacekeeping missions. In other words, nuclear disarmament is not itself an “ultimate goal”, but a means to achieving this more comprehensive objective of GCD.

I say this because those who subscribe to the sequential view continue to describe nuclear disarmament as the ultimate goal—not recognizing perhaps what the non-nuclear-weapon states know all too well, namely, that dictionaries define “ultimate” as “last to be accomplished”. This is not at all what the vast majority of parties to the NPT have in mind—to them, good faith efforts in the field of disarmament are one of the key pillars of the treaty and the regime that has grown around it. Abandoning or postponing efforts to achieve disarmament risks abandoning the treaty, it is as simple as that.

It is always useful to remember that at the 2005 NPT Review Conference, some significant non-aligned parties specifically stated that they “regretted” having agreed to the indefinite extension of the treaty in 1995 without having extracted stronger commitments to nuclear disarmament from the five nuclear-weapon states parties.

To be sure, advocates of the “non-proliferation first” point of view—actually it has now become almost a doctrine in itself—offer an elaborate toolkit of options to achieve their goal, typically involving a mix of sticks and carrots. Export controls and sanctions—as well as establishing restrictions on the development of nuclear energy in non-nuclear-weapon states—play prominent roles in the effort to reverse proliferation, by seeking to raise its cost or visibility and by stigmatizing it politically. A heavy emphasis is placed on improving intelligence information, so that would-be proliferators—whether states or non-state actors—can be identified enough in advance to allow for diplomatic or military responses. At the same time, the role of nuclear weapons in defence doctrines is still being justified as an “insurance policy” or as needed for “deterrence”, which are supposed to have been instrumental in keeping peace in the world.

It is sometimes forgotten—notably by those who preach that “nuclear weapons cannot be dis-invented”—how many states have actually given up the possession of nuclear weapons or programmes that might have led to producing them. The former Soviet republics, Kazakhstan, Ukraine, and Belarus gave up the nuclear weapons on their soil and joined the NPT as non-nuclear-weapon states—as did South Africa in abandoning its own indigenous nuclear-weapon programme, and Libya as well. One recent study identified no less than 36 states that had at one time or another pursued a “nuclear weapons capability” and virtually all abandoned that goal.¹ That study found that they did so for both normative and utilitarian reasons, as opposed to other possible explanations emphasizing threats and denial strategies.

¹ Harald Mueller and Andreas Schmidt, “The Little Known Story of De-Proliferation: Why States Give Up Nuclear Weapons,” paper presented at International Studies Association Convention, San Francisco, California, 26 March-29 March 2008, p. 3.

In particular, the study stressed the importance of democratic governance as a means to neutralize domestic political and bureaucratic advocates of pursuing nuclear-weapons options. This recent scholarship also found no evidence of any irreversible historic law that inexorably leads to proliferation. Instead, it concluded by stressing "... how precious the NPT is," adding cautiously, "If the norm is shattered by too many member states cheating or by the nuclear weapon states ignoring their obligations under Art. VI, the impressive effectiveness of the norm may unravel as well."

Much of the writing and policy initiatives these days stress the need for firm and vigilant action against the proliferation of weapons of mass destruction to additional states or non-state actors, the dual aims of the Security Council's Resolution 1540, adopted in 2004. The term, "counter-proliferation" has come into vogue in the last decade, and it stands for a rich array of means from diplomatic dissuasion to the use of force for purposes of pre-emption or interdiction. Even the most ardent supporters of this approach, however, do not go so far as to argue that the world can "counter-proliferate" its way to a nuclear-weapon-free world. It is true that the Charter protects the right of self-defense and the Security Council has authority to authorize the use of force to preserve international peace and security. However, the effects from the use of force are often unpredictable and can involve significant human and economic costs, as the case of Iraq well demonstrates.

It is in this light that disarmament emerges as a serious and respectable approach to international peace and security. Disarmament was never intended to occur in a vacuum—states cannot realistically be induced to give up their weapon capabilities if they are convinced that doing so will undermine rather than enhance their security. Since its first special session on disarmament in 1978, the UN General Assembly has recognized the principle of "undiminished security at the lowest possible level of armaments and military forces." What makes disarmament so powerful as a means of enhancing security interests is the ensemble of activities that accompany it—namely, the intrusive verification measures, the means to enhance transparency of military programmes and activities, the undertaking of weapons destruction activities that are irreversible, and the locking in of these activities into binding legal obligations and credible national institutions and programmes. Political support for this network of activities is supplied by individuals, groups, legislators, and other leaders in civil society. Potentially, the "stake-holders" in disarmament are far more numerous than the material beneficiaries of perpetual arms races.

The specific contribution of disarmament measures to reversing proliferation is especially clear with respect to fissile materials. Neither additional states nor non-state actors can make nuclear weapons without a supply of such materials, which remain extremely difficult to produce and are still hard to acquire in large quantity on the black market. The focus of the IAEA safeguards system remains oriented to the problem of stopping proliferation, yet, over time, the process of disarmament will very likely lead to a significant expansion of its function of safeguarding nuclear material, including material recovered during the process of disarmament. The future of nuclear non-proliferation is therefore directly and intimately connected with the future of disarmament.

The same confidence-building and verification measures that enable disarmament to occur will also make proliferation and nuclear terrorism more difficult to occur—far more so than if non-proliferation measures were used alone. Progress in disarmament can facilitate and revitalize non-proliferation efforts—by making weapon-usable fissile materials harder to acquire, by tightening controls over nuclear-weapon design information, by devising sophisticated measures to detect cheating, and more generally, by promoting cooperation and mutual understanding.

These are just some of the reasons why disarmament and non-proliferation must be pursued together. Doing so helps to maintain the fairness and basic legitimacy of the NPT bargain, while opening up a path to the fully universal pursuit of a common goal for nuclear weapons—including even the states that are not parties to the treaty.

One serious problem facing the world community in advancing these goals is the uneven and imperfect development of the rule of law in these fields. The world clearly needs to outlaw explosive tests of nuclear weapons, yet the Comprehensive Nuclear-Test-Ban Treaty has still not entered into force, a dozen years after it was opened for signature. The fact that some states are maintaining various voluntary moratoria on tests provides at least some evidence of the emergence of a new global norm against such tests. The time has come to make this a legal norm, global in scope. Any resumption of nuclear tests would be a recipe for fast-forwarding proliferation, both vertical and horizontal, and putting disarmament back into reverse.

Since everybody knows that one needs fissile material to make nuclear weapons, the next logical step would of course be to conclude a multilateral fissile material treaty to cut-off the production of such material for use in weapons or, in some more ambitious formulations, to outlaw production or storage of weapon-usable nuclear materials per se. The basic idea of concluding such a treaty is almost a half-century old, yet such a treaty still does not exist, despite broad support within the Conference on Disarmament in Geneva to commence negotiations on such a treaty. There is also considerable support in that body to commence substantive discussions on nuclear disarmament, but again, we have seen no progress on a nuclear weapons convention, while there are still no multilateral treaties for missiles and other delivery systems for nuclear weapons, and no treaty in force to prevent an arms race in outer space.

The other “rule of law” challenge in this field concerns the lack of universal membership in the key treaties comprising the global nuclear non-proliferation regime. This applies first of all to the three states that have decided not to join the NPT, and the refusal of the DPRK to renounce its past announcement of withdrawal from the treaty. Concerns have also been voiced about the implications of commencing nuclear cooperation with states that are outside the NPT. There is a danger that efforts to pursue a truly global nuclear non-proliferation regime will be quietly displaced by ad hoc arrangements and special deals based on economic and commercial interests.

Another area that needs some improvement concerns the enforcement of non-proliferation commitments—while the IAEA remains the authoritative body responsible for monitoring

compliance with non-proliferation commitments with respect to nuclear materials, it does not have global authority to enforce non-proliferation commitments, an authority that by default has fallen to the Security Council—and when it is divided, multilateral enforcement quickly evolves into self-help actions and coalitions of the willing, which lack both the international legitimacy and effectiveness of a truly multilateral response to compliance issues.

All of these considerations relate very much to the work of your own Council, for I believe you have an important role to play in educating the public and in building support for new efforts to eliminate some of the world's deadliest weapons. As we move closer to the opening of the 2010 NPT Review Conference, real progress in the years ahead will require appeals to reason, human fairness and sensibility, the experience and knowledge of government officials and military experts, understanding of key issues by the public at large, and a stubborn persistence in striving for a cause that is just. Given the diverse backgrounds of your membership, this Council is well equipped to rise to this challenge.

In conclusion, I would like to recall that the title of this conference is “Strategies and Theologies for Hope”. This is an important message indeed, because in any serious discussion of weapons of mass destruction, “hope” is all too often driven out by appeals to fears. The secret strength of disarmament and non-proliferation efforts is not that their case rests entirely on nightmares, but that they offer a vision of a better world, with concrete practical measures for achieving it. And when these measures are compared against their alternatives of self help and reliance on the threat and use of force, the foundation for hope becomes all the stronger. I commend you all for doing what you can to keep this hope alive.