

An Effective and Legitimate Strategy for Nuclear Non-Proliferation

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Public Discussion

Nuclear Non-Proliferation: Time for Critical Decisions

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I am grateful indeed for this opportunity to visit this great city—the home of Rousseau, Voltaire, and the Geneva Centre for Security Policy. As some of you may know, I had the privilege of serving as a junior member of the Brazilian delegation to the Eighteen Nation Disarmament Committee, when it was considering—some say negotiating—the NPT over four decades ago in this city. I wish to thank the Centre for inviting me back to Geneva to discuss where non-proliferation efforts stand today and where they may be heading in the years ahead.

The title for our event today boldly declares that nuclear non-proliferation has reached a time for critical decisions. This is no doubt true, and critical times demand critical thinking. The world community, and in particular the States Parties to the NPT, should indeed take a close look at the adequacy and effectiveness of their efforts to achieve the key aims of the global nuclear non-proliferation regime—which include disarmament, non-proliferation, and the peaceful uses of nuclear energy. Together these constitute the NPT’s “grand bargain.”

Fortunately, the states parties have long acknowledged the need to reflect back upon what has been accomplished and to consider what remains to be achieved in fulfilling this grand bargain. This is the key function of the NPT review process, which is rapidly advancing toward the treaty’s next Review Conference in 2010. Its Preparatory Committee will be convening early next month at the United Nations for what is likely to be its final session before that event.

A key goal of the Preparatory Committee is to adopt a provisional agenda for the Review Conference—and I think it is indeed appropriate to identify this as one of the most immediate “critical decisions” facing the states parties. As the president of the 2005 Review Conference, I saw first hand how lack of a timely agreement on an agenda can ruin prospects for success and I deeply hope that this problem can be avoided this year.

Of course, I also hope that the parties will be able to agree on some substantive recommendations to the Review Conference and to finalize the relevant procedural arrangements.

It is very significant that the history of the NPT shows a far greater agreement amongst its parties on the treaty’s fundamental goals than on the means to achieve

them. These goals—their permanence and interdependence—provide the foundation upon which the whole treaty regime rests. Yet despite the stability of these fundamental aims, it is quite apparent that the treaty is facing many challenges—with some originating outside the treaty, and some others relating to matters between the states parties.

The external challenges are numerous, but surely include the difficulties ahead in achieving universal membership, as three states have never joined the treaty and one has announced its withdrawal. There are persisting concerns over nuclear activities in all four of these states—concerns that, if not addressed, could increase the risk of regional nuclear arms races that could eventually jeopardize the NPT regime.

I would like to underscore the importance of some demonstrable efforts to pursue the establishment of a nuclear-weapon-free zone in the Middle East in accordance with the Middle East resolution, which was part of the package deal that led to the indefinite extension of the NPT in 1995. The lack of such efforts has contributed to the disappointing outcome of the 2005 Review Conference and will likely influence the outcome of the conference in 2010.

A related external challenge also concerns relationships between parties and non-parties, especially if the latter receive special political or economic benefits, while parties are subjected to ever-increasing controls. It is conceivable that such practices could lead some states parties to re-assess the costs and benefits of treaty membership.

While I accept that this is a risk, I do not believe that any such exodus is imminent or that the regime is on the brink of collapse. Overall support for the treaty remains quite strong worldwide, as very few states have demonstrated any interest whatsoever in acquiring nuclear weapons. Nevertheless, the danger remains that a non-state actor will one day acquire, manufacture, use, or credibly threaten to use a nuclear weapon.

Yet another external challenge is technological in nature and relates to the fact that more states are acquiring the capability to produce fissile nuclear material—specifically, enriched uranium and separated plutonium. Despite longstanding efforts by many NPT member states and the IAEA to explore the establishment of various types of multinational fuel cycle facilities or fuel supply guarantees, the world

community has still not reached a consensus on any of these schemes, with most NPT states supporting a literal interpretation of Article IV of the treaty—namely, that the inalienable right to peaceful uses includes all phases of the fuel cycle.

So I would say that at least three “critical decisions” facing states parties to the NPT relate to these external conditions—How will universal membership in the NPT be achieved? What rules or norms will govern relations with non-parties or in responding to nuclear threats from non-state actors? And how will the world community address growing physical security and proliferation risks from the nuclear fuel cycle?

The NPT is also facing several internal challenges. Many parties would like to see some improvements in the treaty’s review process. Some do not believe that the nuclear-weapon states have gone far enough in implementing their disarmament commitments, and that such states have maintained a cloak of secrecy over the size and disposition of their respective nuclear arsenals. The nuclear-weapon states continue to resist any formal or obligatory reporting requirements, in contrast to the highly intrusive controls over the activities of non-nuclear-weapon states. They also continue to develop new warheads or their delivery vehicles, and defend the need to perpetuate the internationally contagious doctrine of nuclear deterrence.

Other internal concerns have related to the failure of several parties to conclude comprehensive nuclear safeguards agreements with the IAEA or voluntarily to adopt enhanced safeguards under the Additional Protocol. There remains little agreement on the specific terms for exercising the right of withdrawal from the treaty. And there are differences amongst the parties on whether the NPT needs greater institutional support.

In terms of these internal challenges, the critical decisions ahead are reflected in the following questions—Will the nuclear-weapon states ever agree to formal reporting requirements concerning their disarmament commitments under Article VI? Can the states parties reach a consensus on means to discourage or to establish conditions over the exercise of the right of withdrawal? What are the prospects for gaining universal agreement to the Additional Protocol, especially if there is little demonstrable progress in achieving disarmament?

These are all difficult issues. But I believe that the gravest challenges facing the NPT would arise as a result of any future efforts that would seek to renegotiate the grand bargain. While any such attempt could take many forms, perhaps one of the most dangerous would be any effort to convert this grand bargain from a harmonic whole into a sequential path, as would be the case if nuclear disarmament were cast as merely a distant “ultimate goal,” subject to achievement only after the world community had first reduced to zero the risk of proliferation, increased to infinity the controls governing the peaceful uses of nuclear energy, resolved all regional disputes, eliminated permanently the threat or possibility of war, and essentially established a nirvana on Earth. This type of approach would not simply be a recipe for establishing conditionality in the achievement of nuclear disarmament—it would be a virtual death sentence both for disarmament and the NPT itself.

The goal must be to implement the grand bargain, not to renegotiate it.

Of course, nobody is claiming that global nuclear disarmament can occur overnight, nor is anyone arguing that it can be achieved without the prior achievement of some other things. The world community has long recognized that nuclear disarmament will occur only when states are confident that its achievement will serve their legitimate security interests.

This is one reason why the General Assembly and NPT states parties have been stressing for so many years the need for progress in disarmament to satisfy certain criteria. These include the need for verification, for controls to ensure irreversibility, for measures to assure transparency, and for commitments to be legally binding. These criteria are intended not just to reassure the nuclear-weapon states that their interests are protected during the process of disarmament, but also to reassure the other states parties that disarmament is in fact occurring.

As human beings, we all require functioning brains, hearts, and lungs—we cannot choose to sacrifice one in the interest of the other, or to maintain the use of one such organ while ignoring the deteriorating health of the others. The same logic applies to the NPT, which—as a living organic treaty system—requires the effective functioning of all of its component parts.

What I find striking is the persistence of the great ends of the NPT—as embodied in its grand bargain, and as reaffirmed and elaborated in the key Decisions at the 1995 NPT Review and Extension Conference and in the Final Document of the 2000 Review Conference. I have seen no evidence of any cascade of states seeking to acquire nuclear weapons. To the contrary, we have all been witnessing a cascade of new disarmament proposals throughout the world, and expectations are high that the United States and Russian Federation will agree this year on an agreement to replace the START-I and will continue their efforts to conclude a separate accord to reduce further their nuclear arsenals.

I was quite impressed with the joint statement issued on 1 April by Presidents Obama and Medvedev, especially their agreement that future nuclear reductions would be pursuant to a legal obligation in Article VI of the NPT. This is a very welcome development indeed, as were the indications that the Obama Administration will be seeking Senate approval to ratify the Comprehensive Nuclear-Test-Ban Treaty, as well as the negotiation of a fissile material treaty with verification.

As I recall the past successes and emerging challenges facing the NPT, I cannot avoid the conclusion that the global strategy of achieving nuclear non-proliferation involves a lot more than simply preventing the spread of nuclear weapons. The strategy of non-proliferation is inextricably connected with the process of global nuclear disarmament—without this linkage, the strategy amounts to little more than a hopeless effort to preserve indefinitely the division of our world into nuclear-weapon have's and have not's.

Disarmament is what gives non-proliferation its legitimacy in the eyes of most of the world, for disarmament represents a universal, non-discriminatory standard. Disarmament also offers the greatest protection against any future use of nuclear weapons, a point recognized explicitly in the Final Document of the 2000 NPT Review Conference. So disarmament is what gives non-proliferation both its moral foundation and its practicality: it is the right thing to do, and it works better in preventing use than any other approach. The strategy of achieving disarmament—with its clear goal and its internationally agreed criteria of implementation—is the only defensible and potentially successful strategy of non-proliferation.

It is not at all inconceivable that this beautiful city where the NPT was born will one day host a historic gathering that will produce a convention or framework of agreements to eliminate nuclear weapons, as Secretary-General Ban Ki-moon and many others have proposed. My great hope is that this achievement comes sooner rather than later, for later may be too late, given the many risks inherent in the very existence of such weapons—in anyone’s hands.

So I will conclude by recalling that the title of this Public Discussion is, “Nuclear Non-proliferation: Time for Critical Decisions.” The most critical of all these decisions, is the decision to proceed with global nuclear disarmament.

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