

Keynote Address

**Perspectives for an Increase in Accountability and Transparency  
through International Mechanisms for Non-Proliferation**

By

*Sergio Duarte*

High Representative for Disarmament Affairs  
United Nations



International Seminar

*Nuclear Disarmament and Non-Proliferation: The Future of the NPT*

Centro Brasileiro de Relações Internacionais (CEBRI) and NPS Global Foundation

Rio de Janeiro, Brazil

29 October 2009

Ladies and gentlemen, excellencies, distinguished participants and guests. I wish first of all to thank the Centro Brasileiro de Relações Internacionais (CEBRI) and the NPS Global Foundation for jointly organizing this international seminar. It is a great honour for me to be here with friends and colleagues, in the city of my birth, to address issues that will shape the future of the Nuclear Non-Proliferation Treaty (NPT), one of the world's most important multilateral treaties.

The NPT's importance relates both to the many benefits it offers for strengthening international peace and security, as well as to the dangers that the world community would face if any of the treaty's three great goals of disarmament, non-proliferation, and peaceful uses of nuclear energy fail to be achieved.

I have emphasized this word "any" because these goals have not been called the "three pillars" of the NPT for nothing. Together, they constitute an indivisible whole—they represent the very essence of the treaty. Each goal is as important to the treaty as a heart, brains, and lungs are to a human body—working together, they sustain life. Neglected, they jeopardize life. Removed, they end life. The principle here is not difficult to understand—the future of this treaty will not be determined merely by its effectiveness in halting proliferation, if its other key goals are left to atrophy.

Fortunately, the States parties to the NPT are well aware of the mutually reinforcing nature of its goals. They recognized long ago that the behaviour of States parties must be closely assessed in relation to their commitments under the treaty. This basic idea ultimately derives from Article VIII of the NPT, which provided for a conference of the parties "with a view to assuring that the purposes of the Preamble and the provisions of the treaty are being realized."

The States parties attending the 1995 NPT Review and Extension Conference certainly attached great importance to these review conferences—by adopting Decision 1, for example, they established that such conferences would continue to occur every five years, and that the preparatory committee sessions should "consider principles, objectives and ways in order to promote the full implementation of the Treaty, as well as its universality, and to make recommendations thereon to the Review Conference." Indeed, if there was one central theme of that conference it was captured in the phrase, "permanence with accountability."

The 2000 NPT Review Conference further strengthened this process in significant ways, while also agreeing on thirteen steps for nuclear disarmament—and step number 12 provided for "regular reports" by "all States parties" on the implementation of disarmament responsibilities.

While recognizing that disarmament must proceed “in a way that promotes international stability, and based on the principle of undiminished security for all,” step number 9 provided for “Increased transparency by the nuclear-weapon States with regard to the nuclear weapons capabilities and the implementation of agreements pursuant to article VI.”

I view these various developments relating to reporting and transparency in the disarmament process as both good policy and a fundamental reflection of a sense of fairness and equity among all the States parties. It is important to recall in this context that the treaty’s non-nuclear-weapon states have for many years been confronting more intrusive types of safeguards and persistent difficulties relating to export controls and technology transfers over items required for the peaceful uses of nuclear energy.

In their statements and papers presented in the NPT review process, governments have offered some creative proposals on how the States parties can enhance transparency through the review process. Canada, for example, has proposed standardizing the treaty’s reporting requirements. Germany has in the past proposed a variety of measures to enhance transparency—including a nuclear-weapons register, a global inventory of fissile materials, and reporting by Russia and the United States on the implementation of their 1991/92 Presidential Nuclear Initiatives, which limited deployments of non-strategic nuclear weapons. In 2004, Brazil suggested that it would be useful for the UN Secretariat to maintain a comparative table summarizing the progress the nuclear-weapon states have cited in their interventions at the NPT preparatory committee sessions.

On 24 October 2008, Secretary-General Ban Ki-moon included elements of “accountability and transparency” as the fourth of his five-point nuclear disarmament proposal. He specifically called upon the nuclear-weapon states to circulate descriptions of their achievements in the field of disarmament, and invited them to send such material to the UN Secretariat to encourage their wider dissemination.

I strongly believe that the goal of these various transparency proposals is sound—they were not intended to embarrass the nuclear-weapon states or to bring pressure to bear on them. They instead offer a useful means for the nuclear-weapon states to show in a systematic and credible way what they are actually doing to implement their disarmament commitments under the treaty.

Some, of course, may dispute that there is any need for increased transparency when it comes to the world’s existing nuclear weapons. Perhaps the best indicator of such a need is

offered by the lack of an answer to one simple question: how many nuclear weapons currently exist? Nobody seems to know—or if they know, they are not saying. Instead, the world has to rely upon estimates published by non-governmental experts, based on fragmentary information extracted from official publications. There is a similar problem of opacity with respect to the production and stockpiling of fissile nuclear material, even recognizing that some states have published some data on this.

Let me say here that transparency is not a dispensable option for ensuring accountability under the treaty, both with respect to non-proliferation and disarmament commitments, as well as to peaceful uses. If there is little or no transparency, how are the States parties supposed to assess progress in achieving the goals of the treaty, especially with respect to disarmament? Basic facts about weapon production, stockpiles, and holdings of fissile material are absolutely essential in the establishment of a “base line” from which to assess progress in disarmament.

Without such facts, how is the whole “confidence-building” function of transparency to be achieved? If states are to rely exclusively upon discretionary reporting on progress in disarmament, on what grounds can a stricter standard be applied to assess compliance in non-proliferation? Any treaty that applies a full-transparency standard for *most* of its parties—without corresponding requirements for *some* of them—will inevitably encounter difficulties.

One might therefore ask—as does the title of this seminar—what can be done to address and eliminate such difficulties? The answer is clear—all States parties must build on what they have already agreed.

The nuclear-weapon states have already agreed at the 2000 NPT Review Conference to “increased transparency” with regard to their weapons capabilities and this offers more than an adequate basis for making public fundamental statistics about the aggregate size of their arsenals and holdings of fissile material. These states should also avoid referring to nuclear weapons as essential or a vital necessity, or extolling the virtues of nuclear deterrence, for such references have already been copied by too many states. As the Secretary-General stated on 24 October last year, that doctrine “has proven to be contagious.” Postures that convey the impression that the nuclear-weapon States intend to maintain their arsenals for an indefinite period of time also contribute to foster mistrust and delay effective non-proliferation and disarmament measures.

I am also concerned that the practice of itemizing preconditions for future progress in nuclear disarmament will only invite a predictable response from the non-nuclear-weapon states:

parallel lists of preconditions for fulfilling non-proliferation commitments. This is a very old game—as Alva Myrdal once said—with no winners.

Of course, when I say States parties should build on what they have already agreed, I also mean that they should build on recent constructive initiatives by leaders of governments at the highest level around the world—including the nuclear-weapon states. These leaders have reaffirmed their commitments to pursue a world free of nuclear weapons, a stance they have taken in unilateral statements, bilateral joint statements, and most recently, in resolution 1887, which was adopted at this year’s historic summit of the Security Council.

The next steps for nuclear disarmament are fairly clear: they will involve additional cuts in the largest nuclear arsenals, held by the largest Russian Federation and the United States, pursuant to their negotiations on a treaty to replace the START treaty, which expires later this year. Other nuclear-weapon states have their own constructive roles to play by limiting their own capabilities and eventually joining disarmament negotiations, as required under Article VI.

Other progress that would strengthen the international “rule of law” for disarmament would certainly include the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty and the commencement of negotiations on a fissile material treaty when the Conference on Disarmament opens its new session next year. Improvement in the existing instruments dealing with negative security assurances would also be a very significant interim measure.

In terms of confidence building, and in addition to the need for enhanced transparency, I think it would be enormously important for the nuclear-weapon states to establish some domestic structures and organizations, laws, regulations, and budgetary allocations devoted specifically to the achievement of disarmament goals. By adopting Resolution 1540, the Security Council required all states to have domestic laws and regulations against the proliferation of nuclear weapons and other weapons of mass destruction or their acquisition by non-state actors. It hardly seems unreasonable to expect that a similar commitment to nuclear disarmament would also be reflected in domestic laws and institutions.

For their part, the non-nuclear-weapon states also have to do more in support of this treaty. Many such states have still not concluded their NPT safeguards agreements with the IAEA. Reporting under the Treaty is still very incomplete. A strong case has been made that the Additional Protocol should become the global safeguards standard. Real signs of progress both in disarmament and in upholding the inalienable right to peaceful uses of nuclear energy would certainly be a powerful stimulus in that direction.

Also, while the non-nuclear-weapon states have raised concerns over compliance with the disarmament parts of the treaty, they should also work individually and collectively to resolve proliferation concerns among the States parties. Proliferation should be opposed not simply because of where it might occur, but because it is fundamentally inconsistent with the aim of eliminating such weapons everywhere.

The greatest task ahead for the States parties will be to restore and strengthen a universal perception of balance among the key objectives of the treaty. Transparency and accountability will inevitably be crucial to achieving this goal, by building confidence that all States parties are fully living up to their commitments. With this balance restored—assisted by transparency and accountability—will come an important additional benefit: namely, a much-needed strengthening of the credibility of the treaty, in terms of both its effectiveness and its basic fairness or legitimacy.

The real litmus test for accountability and transparency will come in May 2010, at the next NPT Review Conference. It will be a test to see how well the whole review process is working. This event will offer an excellent opportunity for both nuclear-weapon states and non-nuclear-weapon states to document what they have done to fulfil their obligations under the treaty, and to consider what additional steps will be needed to achieve its three great goals.

I will conclude my remarks on a note of cautious optimism. Support for disarmament is unquestionably growing worldwide, along with the widespread opposition to the proliferation of nuclear weapons. Right now, we are witnessing an almost ideal configuration of factors pointing to progress in the years ahead. The future in this treaty will be bright indeed if it is guided by enlightened leadership from the nuclear-weapon states, a groundswell of support from the general public, and persistent efforts by the non-nuclear-weapon states throughout the world.

Just as the NPT has three legal pillars, I would view these additional factors as constituting the three political pillars of the treaty. With its balance and credibility fully restored, the NPT will be able to make its greatest contributions in strengthening international peace and security. Let us resolve, all of us, to support this noble goal.