

The Nuclear Non-Proliferation Treaty: Where Do We Stand? What's Next?

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I wish to begin with a few words of thanks for the Director of the United Nations University's Office at the UN, Jean-Marc Coicaud, and his staff. I thank them for organizing this event and for selecting such a timely and important subject relating to the future of the Nuclear Non-Proliferation Treaty (NPT).

Since its establishment in 1973, the UNU has been dedicated to the generation and transfer of knowledge, and the strengthening of individual and institutional capacities to further the purposes and principles of the UN Charter. These goals are reflected in the subtitle to its "Strategic Plan" for 2009-2012, which is aptly entitled, "Towards Sustainable Solutions for Global Problems."

Now, the first thing to be said about "global problems" is how diverse they are, and how they have been shaped by the deepening interdependence of nations and the globalization going on all around us—as reflected in the various revolutions underway in international communications, transportation, the globalization of international finance, and the growing dependence of national economies on international trade. We increasingly hear of "global public goods" such as a clean environment, social and economic justice, public health, and more recently nuclear disarmament, which Secretary-General Ban Ki-moon has described as a "global public good of the highest order."

The importance of nuclear disarmament as a global public good is apparent when one considers what would happen if disarmament were not to be achieved. It is widely recognized that the elimination of nuclear weapons is the most effective means to ensure against the use of such weapons. Several international commissions, as well as countless General Assembly resolutions, have endorsed this view, while underscoring the horrific effects of any such use—for humanity, for the world's economies, and for our natural environment.

Of all other alternatives for avoiding nuclear war—such as nuclear deterrence, reliance on export controls, threats of pre-emptive wars, and the "balance of power"—none can deliver the benefits of nuclear disarmament in preventing nuclear war. Unlike arms control, non-proliferation, and anti-terrorist efforts—which have their own qualities as global public goods—disarmament is unique in that it seeks not only to *reduce the risk* that nuclear weapons will be used, but to make any such use *impossible*, through an arrangement of strict controls to enhance verification, irreversibility, and transparency.

A strong argument can be made that the achievement of all the UN's goals—and I do mean all of them—assumes the non-occurrence of a nuclear war, which would jeopardize not just the solemn principles and purposes of the UN Charter, but the very existence of life on this planet. It is precisely for this reason that efforts to eliminate nuclear weapons, to prevent their spread, and to promote and ensure the exclusively peaceful uses of nuclear energy deserve a high priority throughout the world community—and this brings me to the treaty that is currently the focal point of these efforts—the NPT.

The importance of this treaty was recognized from the day it was signed on 1 July 1968. On that day, US President Lyndon Johnson called it "the most important international agreement since the beginning of the nuclear age." The treaty embodies a

“grand bargain” involving the pursuit of the three integrated goals: disarmament, non-proliferation, and peaceful uses.

The States Parties were under no illusions that the mere declaration of such objectives would suffice to ensure their achievement. Using the terms of the treaty and understandings reached after its entry into force, the parties agreed to participate in what is called a “review process”, which culminates every five years in a Review Conference to look back upon the track record of compliance with the treaty, as well as to look ahead to future actions that should be taken to achieve its goals.

If we think for a moment of the fate of nuclear disarmament as being of crucial importance for the future of the entire world, and think of progress in achieving disarmament as crucial to the success of the NPT, we should also think of the NPT review process as crucial in reassuring the world community that genuine progress is being made in achieving its goals. The main purpose of this review process is to ensure accountability among the parties to this treaty, which is achieved through a series of scheduled meetings in which concrete accomplishments are compared against obligations and expressed commitments with respect to each of the key goals of the treaty.

Article VI, for example, requires the States Parties to enter into good faith negotiations on nuclear disarmament. In 1996, the International Court of Justice issued an Advisory Opinion stating that this obligation extended to bringing such negotiations to a conclusion. Article VI also identified the goal of concluding a treaty on “general and complete disarmament under strict and effective international control”, which would ultimately outlaw all weapons of mass destruction and limit conventional arms.

The treaty’s non-proliferation obligations are found in Articles I and II, which deal with the commitments of the five recognized nuclear-weapon States (China, France, the Russian Federation, the United Kingdom, and the United States) and the non-nuclear-weapon States. With respect to peaceful uses, Article IV refers to them as an “inalienable right” and Article III deals with the international safeguards to verify such activities.

At NPT Review Conferences over the years, the nuclear-weapon States have made various commitments concerning nuclear disarmament. In 1995, they agreed to undertake “systematic and progressive efforts” to achieve this goal. At the 2000 Review Conference, they agreed on a thirteen “practical steps” to implement Article VI. And at the most recent 2010 Review Conference, the States Parties agreed on 22 Actions to advance nuclear disarmament. While the 2010 Review Conference left many issues unresolved, it did break some new ground in at least five areas.

First, the official Review noted that a majority of States Parties wished to see agreement on specific timelines for the achievement of nuclear disarmament.

Second, both the Review and the agreed Action Plan included references to the Secretary-General’s five-point nuclear disarmament proposal, which includes a call for work on a nuclear weapons convention or an alternative framework of mutually-reinforcing instruments with the same goal. The Secretary-General’s proposal of 2008 seeks to bring the “rule of law” to disarmament, through legal commitments to reduce and eliminate

nuclear weapons, to achieve full ratification of the Protocols to treaties establishing regional nuclear-weapon free zones, to bring the Comprehensive Nuclear-Test-Ban Treaty into force, to negotiate a fissile materials treaty, and to develop additional legal norms for missiles, conventional arms, and space weapons.

In the third area where some new ground was broken, the Review Conference expressed its “deep concern” over the humanitarian consequences of any use of nuclear weapons and reaffirmed the need for all States at all times to comply with applicable international law, including international humanitarian law. In effect, this language reflects a view shared throughout the world community that nuclear weapons simply cannot be used without egregiously violating fundamental standards of international humanitarian law, especially the rule of discrimination in the protection of civilians.

Fourth, the agreed Action Plan recognized the “legitimate interests” of the non-nuclear-weapon States in achieving progress in constraining the qualitative improvement of nuclear weapons, in reducing the operational status of such weapons, and in receiving unequivocal, legally binding security assurances against the use of nuclear weapons.

Fifth, the States Parties agreed to the convening of a conference in 2012 on the establishment of a WMD-free zone in the Middle East, a goal dating back to 1974, when the General Assembly first endorsed the creation of a nuclear-weapon-free zone in the region. The 2012 Conference will address ways to implement the Resolution on the Middle East, which was adopted at the 1995 NPT Review and Extension Conference. In consultation with the States of the region, the Secretary-General and the three co-sponsors of the 1995 Resolution (Russian Federation, United Kingdom, and United States) were given mandates to organize that event, to designate a facilitator, and to choose a venue for the conference.

The Review Conference also agreed to call for greater transparency on the part of the nuclear-weapon States with respect to their nuclear capabilities and progress in achieving disarmament goals. In particular, the nuclear-weapon States were urged to report their undertakings in these areas to the treaty’s Preparatory Committee in 2014, after which the 2015 Review Conference would “take stock and consider the next steps for the full implementation of article VI.”

In addition, the Review Conference identified 42 Actions for progress on non-proliferation and peaceful uses. These included a heavy stress on the vital role of safeguards implemented by the International Atomic Energy Agency, including the need to apply such safeguards over the entire nuclear activities in the non-nuclear-weapon States, and to expand the number of countries implementing the strengthened safeguards in the Additional Protocol. There were also Actions to encourage all States Parties to implement international standards to protect the physical security of nuclear material, as well as the safety and security of such material in use, storage, and transportation. The Actions also encouraged assistance to developing countries in peaceful uses of nuclear energy.

More generally, the Review Conference also urged further efforts to achieve universal membership in the treaty. Only India, Israel, and Pakistan are non-parties and the Democratic People’s Republic of Korea has announced its withdrawal from the treaty.

The small number of non-parties shows how far the Treaty has come toward achieving this goal of universal membership—by this indicator alone, the “non-proliferation norm” appears to be quite well established indeed.

Yet there is another way to consider the strength of this norm. One need only ask: how many countries are actively seeking to acquire such weapons today? The answer is most generously described as an extremely small minority, relative to the overwhelming majority of States that not only have shown no interest whatsoever in obtaining such weapons, but in fact abhor them and want them abolished. Unfortunately, both weapons experts and the media alike have tended to focus on the rare and isolated cases of possible non-compliance with the treaty’s non-proliferation obligations, rather than the impressive overall record of compliance with those commitments.

This brings me to a question in the subtitle of the title of my remarks today—“what’s next?” The answer will be determined largely by what transpires in the next NPT review process, which will start with the first meeting next year of the Preparatory Committee and conclude with the Review Conference in 2015.

I used the word “largely” because there are many other developments that will be very important to watch in the years ahead—developments that will demonstrate the determination and sincerity of the nuclear-weapon States to implement their commitments in the field of disarmament, where progress is most needed. It is also crucial for non-nuclear-weapon States to leave no doubt regarding their compliance with their own non-proliferation commitments under the treaty.

The best hope for progress is due to the fact that just about everybody recognizes that—together—nuclear disarmament and the prevention of the further spread of nuclear weapons are an effective means to strengthen international peace and security. Yet it is also clear that progress in achieving these goals should not be taken for granted.

Most certainly, disarmament will only be achieved through very deliberate actions, first of all by States—and by this I include both States with nuclear weapons and those without them. With respect to the nuclear-weapon States, I cannot see how real progress in disarmament can be achieved without the assistance of what might be called a “disarmament infrastructure” on both national and international levels.

Nationally, this would include the establishment of governmental agencies with specific mandates to implement disarmament policies. It would also include the enactment of relevant legislation and regulations, as well as funds from national budgets to support disarmament activities such as the verification of destruction of nuclear weapons, the disposition of fissile materials, and the destruction of delivery systems.

Globally, this infrastructure would include new mandates for international organizations—including the International Atomic Energy Agency and the United Nations—to assist in the achievement of nuclear disarmament on a truly global scale. At present, scholars and diplomats have been citing what they call the NPT’s “institutional deficit”, which stems from the fact that the NPT lacks an official secretariat. Yet this deficit also

exists at the national level—in this context, it is worth recalling that to this day, New Zealand is the only State that has a disarmament minister.

My friends, if we truly wish to achieve what the UNU has described as “Sustainable Solutions for Global Problems” in disarmament, it’s clear that sustainability will depend upon such an infrastructure worldwide. This will require enlightened leadership from the States with the largest nuclear arsenals—namely the Russian Federation and the United States—but it will also require active support from other countries in the international diplomatic community, as well as from individuals and groups in civil society.

I think progress in disarmament will be increasing urgent in the years ahead, because without such progress, non-proliferation will ultimately be impossible to achieve, and this could hardly help in promoting peaceful uses. The key is to de-legitimize not just the spread or use of nuclear weapons—but the weapons themselves. And this won’t be easy.

If it is allegedly permissible in law for States to use nuclear weapons—and if the possession of such weapons are essential for the maintenance of the national security of States that possess them—then why would it not also be permissible for other States to acquire and use such weapons, using the same rationales? Under the NPT, a State Party may withdraw from the treaty with only 90 days advance notice. In these circumstances, what is accomplished by arguing for the legality of use of nuclear weapons, or by touting security benefits that are allegedly gained from their possession?

The entire world should, and must, be united on nuclear disarmament. The whole case against nuclear proliferation or terrorism rests on the recognition that any use of a nuclear weapon would be catastrophic for humanity. If a nuclear weapon is ever used again, it will matter little to the victims if such a weapon is deployed by an existing nuclear-weapons State, an additional State, or a non-State actor.

I would therefore like to conclude my remarks today by appealing to this audience to support nuclear disarmament as essential both in strengthening international peace and security and in contributing to an international environment conducive to the achievement of all the Charter’s great goals. Nuclear disarmament is clearly both a practical necessity and a moral imperative. It works better than any of its alternatives in strengthening security against nuclear threats, and it is the right thing to do. It is a goal that deserves support not only from the peace groups, but from all groups in civil society who appreciate its benefits in terms of advancing their own goals—as seen not only in freedom from the threat of nuclear war, but in the availability of resources to meet urgent social and economic needs.

So, in terms of my twin subjects today, *where do we stand?* Let’s stand for nuclear disarmament. And *what’s next?* Let’s finish the job of achieving it. Let’s support efforts by the Russian Federation and the United States to reduce their arsenals and to implement their disarmament commitments, and encourage them to work together to achieve deeper and verified reductions involving the destruction of weapons. Let’s support efforts by other States that are working to eliminate all nuclear weapons. Let’s honour that vast multitude of States that voluntarily gave up their nuclear weapons options and joined the NPT as

non-nuclear-weapon States. And let's welcome the many efforts by our brothers and sisters in civil society who are working to achieve a nuclear-weapon-free world.

As Dag Hammarskjold once said, nuclear disarmament has been a "hardy perennial" at the United Nations. As always, it is up to all of us to help this perennial grow.