

Luncheon Address

Making the 2010 NPT Review Conference a Success

by

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The Nuclear Nonproliferation Treaty at Forty: Addressing Current and Future Challenges
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I would like to begin today by thanking Daryl Kimball and his colleagues at the Arms Control Association for their fine work on some of the toughest problems on the international security agenda. Together, you have earned the respect of your peers in civil society, as well as in governments and international organizations throughout the world. It is therefore a great honour for me to accept your invitation to speak on the prospects for the 2010 NPT Review Conference—a timely issue indeed, as the winds of political change sweep across the globe and open up new possibilities for strengthening this vitally important treaty regime.

As some of you may know, I have been working on various NPT issues for many years, even before the treaty was opened for signature in 1968. I served as a junior member of the Brazilian delegation to the Eighteen Nation Disarmament Committee in Geneva, which deliberated the treaty drafts submitted by the United States and the Soviet Union. Brazil was one of several countries that waited many years—in some cases decades—before deciding to accede. Some believed that the agreed text did not fully satisfy the standards for a non-proliferation treaty set forth in resolution 2028, which the UN General Assembly adopted in 1965. Among these were the principles that the treaty should be “void of any loop-holes,” should “embody an acceptable balance of mutual responsibilities,” and should constitute a step toward nuclear disarmament.

Others felt that the obligations of the treaty weighed heaviest on the shoulders of the non-nuclear-weapon states, while the rights and privileges fell disproportionately to those who possessed such weapons. Many noted that the non-proliferation provisions of the treaty failed to prevent the nuclear-weapon-states from basing their weapons in other countries, nor did it prohibit the further improvement or expansion of existing arsenals. Indeed, throughout the treaty’s first sixteen years, the number of nuclear weapons had grown considerably, new weapons had been developed, and last—but not least—the disarmament clause in Article VI was seen as too weak and subject to conditions that made prospects for real progress in disarmament appear bleak.

Such perspectives on the treaty, of course, were quite different from that offered by US Ambassador Arthur Goldberg, who delivered a long statement to the General Assembly’s First Committee on 26 April 1968 explaining why the treaty would indeed serve its three primary goals of non-proliferation, peaceful uses of nuclear energy, and disarmament.

With respect to the latter, he stated that Article VI contained its own three goals, which he said constituted, in his words, “*a practical order of priorities*”—namely, “cessation of the nuclear arms race at an early date,” proceeding next to “nuclear disarmament,” and finally to “general and complete disarmament under strict and effective international control” as the ultimate goal.

Ambassador Goldberg went on to say that “the permanent viability of this treaty will depend in large measure on our success in further negotiations contemplated in article VI.” During my time as a diplomat, I often made the same point, and I believe it is still very much relevant today.

Forty years later, we can see that there has been some progress in reducing nuclear stockpiles. The numbers are down, support for nuclear disarmament is undoubtedly growing, some nuclear test sites have been closed, a nuclear-test moratorium appears to be holding up, production of fissile material for weapons has reportedly ceased in most if not all of the nuclear-weapon states, and various warheads and delivery vehicles have been retired. These are all very welcome as necessary steps in the implementation of Article VI, but they are of course not sufficient to alter

persisting concerns—from several quarters—that the treaty is facing a double crisis relating to both its effectiveness and its legitimacy.

Concerns over the treaty's effectiveness have been raised with reference to each of the treaty's three pillars. Various states parties have not fully complied with their non-proliferation and safeguards commitments, as seen historically in the cases of Iraq, Libya, and the DPRK—and as reflected in concerns over Iran's past non-compliance with its safeguards commitments and its refusal to comply with Security Council resolutions concerning its fuel cycle. Many non-nuclear-weapon states—including some that have openly expressed regret that the NPT was extended indefinitely in 1995—complain of ever-increasing conditions or new demands for more stringent controls on the peaceful uses of nuclear energy, with no comparable improvements in overseeing the process of disarmament.

While it is true that the global nuclear stockpile fell substantially from its peak Cold-War level in the mid-1980s, the reduction relative to when the NPT was signed is far less impressive. According to an estimate by the Natural Resources Defense Council, the global nuclear stockpile in 2006 was still over two-thirds the level reported in 1968—there had been a net reduction of about 12,000 warheads from around 38,000 to 26,000. Meanwhile, various weapon improvements have taken place, the reductions that have occurred have only been declaratory and not internationally verified, there is still very little transparency of the size and composition of the world's nuclear weapon arsenals, several hundred nuclear weapons reportedly remain deployed on foreign soil, new nuclear-weapon missions and doctrines have evolved, new delivery systems have been created, and there are long-term plans to modernize both warheads and delivery systems.

These crude indicators suggest only one logical conclusion. While there is much talk of disarmament in the air, there is still a shortage of disarmament facts on the ground. The longer this perception persists, the greater will be the concerns over the basic legitimacy and ultimate efficacy of this treaty. I am encouraged that some of the nuclear-weapon states have in recent years been making an effort to report on their efforts in the field of disarmament and I hope to see additional—and more comprehensive—efforts in this area in the years ahead.

This brings me to an important question for discussion as we contemplate the 2010 Review Conference: What will the states parties be using as their standard for measuring success in achieving disarmament and non-proliferation goals? People of course have different views on this but I think most would like to see the progress registered not so much in lofty words about future visions and ideals, as in down-to-earth results. After all, forty years have lapsed since the NPT was signed. The time for invoking lofty ideals is obviously over and real results are past due.

As regards disarmament, I believe that most observers would applaud the following future actions by the nuclear-weapon states as contributing to a good faith effort to realize the treaty's aims. These would include the launching of operational plans for achieving security without nuclear weapons. We see today concrete plans for the indefinite retention of nuclear arsenals, but no specific plans for their elimination, no timetables, and no national benchmarks for assessing progress. There has lately been considerable academic attention paid to questions related to the shape of a world without nuclear weapons. There is still, however, a lack of thought, let alone action, on any national institutional infrastructure for implementing nuclear disarmament—and by this, I would include national agencies that have specific disarmament mandates, specialized

laboratories that are moving out of the nuclear weapon business into disarmament activities, military research and training programmes for security in a nuclear-weapon-free world, and legislative committees for overseeing the fulfillment of national disarmament commitments. The world is familiar with the military-industrial complex, but sees no comparably elaborate institutional complex for disarmament. Institutions for disarmament, however, are not all—there is also a need to see strong evidence of support for disarmament in national budgets, legislation, and policy priorities.

Under Security Council Resolution 1540, all states are already obligated to adopt internal control measures against the proliferation of weapons of mass destruction to additional states or non-state actors. Is it really that much to ask those states that have made international treaty commitments to nuclear disarmament to ensure that their own domestic laws and institutions are fully consistent with those commitments?

This brings me to the question of the standards for measuring progress in fulfilling disarmament obligations. Both in the NPT and in the UN General Assembly, states have repeatedly stressed the importance of fulfilling certain criteria for disarmament. These include irreversibility—namely, measures to ensure that materials from dismantled warheads will not find their way into new weapons. They include verification—to enhance confidence in full compliance and to reduce the risk of strategic surprises or efforts to violate commitments. They include transparency—a criterion needed so that the world can measure progress in achieving disarmament: it does not make a lot of sense to have yardsticks with nothing to measure. They also include what might be called the criterion of bindingness—while it is possible to make progress in disarmament through unilateral efforts, disarmament requires a degree of stability and permanence that can best be achieved within the rule of law.

Though these criteria are most often cited in discussions about disarmament, surely irreversibility, verification, transparency, and bindingness are also good standards to apply to non-proliferation as well.

Both disarmament and non-proliferation objectives would be well served by progress in bringing the Comprehensive Nuclear-Test-Ban Treaty into force and negotiations to begin, at long last, on a treaty to prohibit the production of fissile material for use in weapons. I am sure that the international community would like to see nuclear weapons taken off high-alert status. Repeated calls to that effect have been made by several responsible voices in many countries, including within the nuclear-weapon states—an initiative that would undoubtedly remove some of the incentive to proliferate by those who perceive threats. There is little doubt that the non-nuclear-weapon states want stronger security guarantees against the threat and use of nuclear weapons.

Then there is the issue of a nuclear-weapons convention—Malaysia and Costa Rica circulated this year in the UN a text that had been drafted by experts as a useful tool for developing such a treaty. I hope that states with nuclear weapons will be thinking about such a convention, discussing it amongst themselves, and laying a foundation for future negotiations. Some may say that this is premature—I would respond that it is never too soon to think or talk when it comes to disarmament.

Accompanying these steps in disarmament, NPT states parties must also make some progress in the field of non-proliferation. These would include significantly expanding the number of NPT states parties that have concluded comprehensive safeguards agreements with the IAEA. As a practical matter, I believe that demonstrable progress in the field of disarmament will make it easier for states to strengthen their safeguards commitments further by adopting the Additional Protocol—seeking to tighten safeguards without commensurate progress in disarmament will, I fear, only aggravate perceptions that the NPT is a discriminatory and unbalanced treaty. I hope there will be a robust international dialog on the risks and potential benefits of the nuclear fuel cycle, with virtually no option left off the table that can command an international consensus—ranging from national facilities under safeguards at one extreme, to full multilateral ownership with enhanced safeguards at the other. Only two options should be excluded with respect to the fuel cycle: an unconstrained international free-for-all, or any other option that would adversely affect prospects for achieving global nuclear disarmament.

On the regional level, I would hope that the treaties establishing nuclear-weapon-free zones in Africa and Central Asia would have entered into force by 2010 and that all the nuclear-weapon states would have adhered to all of the relevant protocols to all such treaties, without placing reservations or interpretations that weaken the aims of those treaties. Nuclear-weapon states might also heed the calls to review the reservations they have placed in adhering to existing protocols to such treaties. I urge all nuclear-weapon-states to support the proposal for a nuclear-weapon-free southern hemisphere. Most important, however, will be some sign of serious effort on every side to pursue the implementation of the Middle East Resolution, which was adopted at the 1995 NPT Review and Extension Conference. That resolution was an inherent part of the package deal leading to the indefinite extension of the treaty and I think it is indeed fair to say that another two years of inaction on this would not bode well for a happy outcome in 2010.

As the president of the 2005 NPT Review Conference, I must caution against blaming a review conference for failing to reach a consensus on a final substantive document. Doing this is a little like blaming a barometer for the existence of stormy weather. Review conferences are essentially complex instruments that are meant to tell states parties something about the health of their treaty. Internal procedural arrangements have never been solely responsible for the inability of past review conferences to reach a consensus. To the contrary, I would argue that intractable procedural problems are mere symptoms of deeper political and substantive disagreements among the states parties—resolve those differences, and the procedural difficulties will by and large solve themselves.

Next year's important third session of the Preparatory Committee will make every effort to adopt a consensus report containing substantive recommendations to the Review Conference. It will also seek to finalize procedural arrangements for the Review Conference, including the all-important adoption of an agenda. Chances for success in 2010 will of course grow with some real progress at the third Prep Com, especially the adoption of an agenda. Having witnessed first hand in 2005 what procedural disputes can do to a review conference, I would place a heavy emphasis on the importance of reaching agreement on the agenda. We have now two important precedents—an asterisk in 2005 and a footnote in 2007. These could help us to avoid wasting over half of the time over procedural disputes. But again, I feel that the prospects for reaching early agreement on an agenda for 2010 will be profoundly influenced by perceptions among the states parties that the

treaty is truly making progress in achieving its stated goals, along with the complementary goals and political commitments that were agreed at the various review conferences.

The mistrust, mutual suspicions, intransigence, and perceptions of bad faith that have handicapped past NPT gatherings could of course resurface in 2009 and 2010. Yet I believe that the closer that the states parties consider how this could recur, the more likely they will recognize the most effective antidote—namely, the importance of the overall track record of compliance by all the parties with all of their commitments, coupled with well-founded perceptions of hope for new progress in the years ahead.

Non-proliferation, peaceful uses of nuclear energy, and disarmament are as important to the treaty as the heart, lungs, and brain are to the human body. We don't have the luxury of choosing between which we wish to retain—they are all vital, they are all functionally interdependent, and they all must be kept in good health.

The United States—the country that introduced the first comprehensive nuclear disarmament proposal in the United Nations in 1946, and with the Soviet Union introduced the first detailed proposal for general and complete disarmament in the United Nations in 1961—has a tremendously important role to play in this entire process. It is not an exaggeration to say that this country performs a leadership role, whatever it does. If it voices its intention indefinitely to hold onto nuclear deterrence and perhaps a smaller nuclear arsenal, there are real possibilities that others will follow suit, as indeed they have done before. Yet if it voices its intention to pursue a nuclear-weapon-free world and backs up such words with concrete deeds, I truly believe the world will welcome this approach and will follow on this constructive course.

Other states can of course advance this process, especially groups of like-minded countries like the New Agenda Coalition and the Norwegian initiative. I am pleased that there are several creative ideas for promoting disarmament emerging from some of the states that possess nuclear weapons—most recently, these would include the proposal by the United Kingdom for a technical conference on verifying nuclear disarmament. Yet interesting, creative ideas and political influence certainly do not come only from states.

The Arms Control Association is but one non-governmental organization that is working to promote the full implementation of this important international treaty. Worldwide, countless other arms control NGOs, mayors, legislators, religious leaders, women's groups, environmental activists, scholars, scientists, journalists, and other such groups are working for the same goals. I cannot overstate the importance of their work. I wish them the best in all their efforts, and offer my willingness to work with them in achieving one of humanity's most ambitious goals—a nuclear-weapon-free world.

With states and members of civil society working together toward this goal, we will truly have our best chance for making the 2010 NPT Review Conference a success.