THE NUCLEAR NON-PROLIFERATION REGIME:
Debilitation and Risk of Collapse

By

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NUCLEAR WEAPONS –
THE GREATEST PERIL TO CIVILIZATION

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Earlier this month, I had the pleasure of speaking with former President Ernesto Zedillo, this Center’s distinguished director, and accepted immediately his invitation for me to address this important conference on the abolition of nuclear weapons. Before proceeding, however, I must congratulate Yale University for recognizing the need to devote a center to the study of globalization, a process that has shaken the practice of international relations to its very roots and that has touched the lives of every person on this planet – sometimes for the better, sometimes for the worse. In my own country of Brazil, I have seen both effects.

Globalization has of course received a lot of attention at the United Nations. Former Secretary-General Kofi Annan often discussed “problems without passports” – challenges that transcend the agreed boundaries of state and nation, and that cannot be fully overcome by any country acting alone. Our current Secretary-General Ban Ki-moon has recently identified the securing of “global public goods” as one of the most important functions of the United Nations. Without question, the challenges of maximizing the benefits of globalization – and their equitable distribution – while minimizing its hazards, is one of the heaviest responsibilities facing any leader, whether of a government or an international organization.

I find it especially fitting that a Center with the particular mandate of studying globalization would choose to organize a conference specifically to consider issues relating to nuclear weapons. Let us consider just for a minute the global scope of the challenges posed by nuclear weapons. There are threats from the thousands of such weapons that remain in existing arsenals, many of which remain ready to launch with little advance notice. There are the threats from the acquisition of such weapons by additional states. And there are growing concerns over the risk that these weapons may one day be acquired by non-state actors. All of these concerns relate to the unique heat, blast, and radiation effects from the use of even a single nuclear weapon. These effects – regardless of whose hands unleash them – show no tendency to respect national boundaries, nor are such effects imposed exclusively upon military targets. Many of the radiation effects can persist for several generations, even millennia.

We know from unfortunate historical experience that technology, equipment, and materials to make such weapons can be purchased from a wide variety of sellers or their intermediaries around the world – the most recent being Dr. A.Q. Khan’s illicit nuclear supplier network, which spanned three continents. And as the world reaches out for energy technologies – especially those that do not aggravate the problem of global warming – more states will be tempted to turn to nuclear power, which will lead to an increase in the demand both for nuclear fuel and the means to produce it. As more and more enriched uranium or separated plutonium is produced, there will be new dangers of lost or stolen fissile material.

Then there is the issue of opportunity cost. Ten years ago, the Brookings Institution estimated the total historical costs of just one nuclear-weapon-state – specifically the United States – at $5.8 trillion. Here is how Brookings tried to bring this figure down to earth –

Represented as bricks of new $1 bills stacked on top of one another, $5,821,027,000,000 would stretch 459,361 miles (739,117 kilometers), to the Moon and nearly back. If $1 was counted off every second, it would take almost 184,579 years to tally the actual and anticipated costs of nuclear weapons.
This is a staggering amount of money, only a small fraction of which would go far indeed in meeting the UN’s Millennium Development Goals. One can only imagine what the total global figure of such expenditures would be, along with the additional expenses incurred in the decade following that study.

We are fortunate indeed that there is a multilateral treaty that offers a course for escaping these various nuclear nightmares. The Nuclear Non-Proliferation Treaty – or NPT – was signed forty years ago and has since become one of the world’s most universal multilateral instruments, almost rivalling the Charter itself in membership. Only India, Israel, and Pakistan have not joined – and the Democratic People’s Republic of Korea (DPRK) has announced its withdrawal.

The durability of this treaty, however, is not just a function of the number of its states parties. Perhaps its most important asset is the treaty’s legitimacy in the world community. The NPT represents a grand bargain among its diverse states parties. The bargain involves the simultaneous pursuit of the treaty’s three key goals: non-proliferation, disarmament, and peaceful uses of nuclear energy. The joint pursuit of these aims helps to lessen the discrimination that lies at the heart of the treaty – namely, its distinction between nuclear-weapon and non-nuclear-weapon states. Both the treaty’s preamble and its Article VI make it clear, as do the Final Documents agreed at various NPT review conferences, that the treaty includes global nuclear disarmament as one of its key goals. In fact, the NPT represents the only multilateral treaty commitment by the recognized nuclear-weapon states – Britain, China, France, Russia, and the United States – to nuclear disarmament.

Closely related to this criterion of legitimacy is effectiveness, and I would like to outline some of my concerns over the future of this treaty based largely on these two issues.

The NPT’s legitimacy rests first and foremost upon the basic fairness of the standards set by the treaty. It aspires to a world in which no state has nuclear weapons – that is, disarmament. It envisions a world in which no state seeks to acquire such weapons – that is, non-proliferation. And it reaffirms a world in which all states have the inalienable right to the peaceful uses of nuclear energy – that is, non-discriminatory uses of nuclear energy for peaceful purposes. These standards emerged through a process of consensus-building, one that allows and continues to allow for the participation and representation of the views of all states parties.

What many have described as the “crisis of the NPT” essentially concerns divergent views over the basic legitimacy and effectiveness of the treaty, especially with respect to Article VI relating to disarmament, Articles I and II relating to non-proliferation, and Article IV relating to peaceful uses of nuclear energy. We can see in examining these issues how this crisis – if one may concede for the sake of argument that one exists – actually involves an accumulation of issues that continue to trouble many of its states parties. The persistence, or worsening of such concerns, could well lead to the “debilitation and risk of collapse” cited in the title of my talk today.

Disarmament. In the eyes of many non-nuclear-weapon states, the nuclear-weapon states have not made sufficient progress in achieving global nuclear disarmament. Indeed, the rate of deductions of nuclear forces has proceeded very slowly since the treaty was signed. According to an estimate published
by the Natural Resources Defense Council – which I will use today because official figures are still not published by all the nuclear-weapon states – the total number of nuclear weapons in the world in 1968 was 38,974, while the total number widely estimated to exist today is on the order of 26,000. This represents, in short, a reduction of about 13,000 weapons over 40 years – or, in other words, an average reduction of some 324 weapons a year. At that rate, it will take at least another 80 years to finally reach zero, just in time for the 120th anniversary of the NPT – hardly the “early date” envisioned in Article VI for the accomplishment of nuclear disarmament. This also does not address the nuclear arsenals held by states outside the treaty, of which we also lack any reliable figures.

Nuclear disarmament, of course, does not only concern numbers of weapons. It also concerns specific concrete steps to achieve this goal, based on a firm resolve to achieve it. A serious commitment to nuclear disarmament would manifest itself in many ways – including in policy statements, in domestic laws and regulations, in national institutions dedicated to achieving that goal, in budget allocations, and in votes on disarmament initiatives in international arenas, including the UN General Assembly. This is what would give substance and credibility to the often-repeated cliché of “political will”.

Today, however, the world does not see much evidence that these steps are underway, certainly not relative to the ample evidence of very long-term plans to retain or improve these weapons or their delivery vehicles. Much more is still being spent on nuclear weapons than on getting rid of them. We see nuclear-weapons complexes, not institutional disarmament complexes. We see nuclear-weapons stewardship programmes, but see no comparable, elaborated operational plans for the stewardship of disarmament commitments. We see repeated public declarations of reductions in deployments of nuclear weapons, but such claims are difficult to assess given persisting problems of lack of transparency, verification, and proof that non-deployed weapons are being irreversibly destroyed.

Also, to the extent that reductions have occurred, they are rarely if ever explained as having been undertaken to fulfil any treaty commitment, a rationale that would help to strengthen the basic legitimacy of the treaty. Reductions are surely welcome, but cuts only in deployments do not necessarily equate to progress in disarmament – as seen, for example, in the retirement of obsolete weapons to make way for newer models, or the movement of non-deployed warheads to reserve status.

We are undoubtedly witnessing today a “revolution in military affairs”, but see only fragmentary signs of interest in developing the verification technology needed to sustain a comparable “revolution in disarmament affairs”. To its credit, the United Kingdom is trying to address this last problem, by undertaking serious technical studies of the challenge of verifying disarmament commitments – last month in Geneva, the UK proposed to host a technical meeting of the nuclear-weapon states to examine this problem collectively. This proposal was widely welcomed throughout the world community.

All the other nuclear-weapon states have at least done something that is consistent with the goal of disarmament. While these steps differ by country, some or all of these states have issued declarations of reduced deployments, avoided nuclear tests and shut down test sites, stopped production of fissile material for weapons, declared (in the case of China) a no-first-use nuclear doctrine, reduced the level of readiness to launch (often called “de-alerting”), eliminated certain types of delivery vehicles, and announced other actions that the world has also welcomed.
The real question, however, is whether the progress achieved is sufficient to alleviate persisting concerns shared by many countries about intentions of the nuclear-weapon states to fulfil their disarmament commitments. At their five-year review conferences the NPT states parties adopted some standards for gauging progress in disarmament. In 1995, these helped to permit the indefinite extension of the treaty, along with other commitments to strengthen the review process and to pursue a Middle East zone free of nuclear weapons and other weapons of mass destruction. In 2000, the parties agreed to “thirteen steps” leading to nuclear disarmament. Among these standards was a commitment to transparency, irreversible reductions, binding commitments, and verification.

Clear progress in all these areas will be needed for the lingering dispute over compliance with Article VI to be resolved. I believe the time has come for the nuclear-weapon states to commence substantive discussions on what a “nuclear-weapon convention” would have to contain. A group of non-governmental organizations has already drafted a text that could serve as a basis for such discussions. This would be an excellent way to send a positive message about their Article VI commitments – continuing to postpone or to avoid such discussions only sends the opposite signal.

Turning now to non-proliferation, I see several additional challenges ahead for the NPT. All relate in one way or another to the twin themes of legitimacy and effectiveness.

The importance of a high standard of compliance clearly applies both to non-proliferation and disarmament – compliance builds confidence, while non-compliance has a corrosive effect. It is obviously not going to be possible to achieve global nuclear disarmament in a world in which additional states are seeking nuclear weapons – this is just a simple contradiction in terms, as “disarmament” means zero nuclear weapons everywhere. This is not to say, however, that the permanent solution to all proliferation threats must be a precondition for the success of disarmament – that would simply be a formula for the indefinite postponement of disarmament. We must recognize that some proliferation risks will persist even after the achievement of global nuclear disarmament – these include the clandestine development of weapons by a state or non-state actor, or a withdrawal from the disarmament treaty. This is a good reason for working for effective non-proliferation controls – it is not a good reason to postpone progress on disarmament.

The great international lawyer, Louis Henkin, once wrote that “. . . almost all nations observe almost all principles of international law and almost all of their obligations almost all of the time.” This point is especially true with respect to the non-proliferation commitments of the NPT parties. The overwhelming tendency is toward compliance, with very rare exceptions, including confirmed past treaty violations by Iraq, the DPRK, and Libya. Indeed, very few states have shown any interest whatsoever in acquiring nuclear weapons and the overwhelming majority of non-nuclear-weapon states parties to the NPT have faithfully upheld their commitments not to proliferate. No suspicions of non-compliance have been raised regarding the behaviour of this overwhelming majority.

If international negotiations are successful in permanently closing down the DPRK’s nuclear-weapon programme and in resolving the ongoing dispute over nuclear capabilities of Iran, this would help enormously in restoring some confidence in the effectiveness of non-proliferation controls undertaken
pursuant to the treaty. Another useful step would be for the non-nuclear-weapon states parties that have not yet concluded their NPT comprehensive safeguards agreements to do so without further delay. Prospects for gaining additional adherents to even stronger safeguards, such as those contained in the Additional Protocol, would also help in this area. We know, however, that as a political reality achieving that goal – or achieving universality of the Protocol for that matter – will likely require parallel efforts to pick up the pace of nuclear disarmament.

One of the great dangers to the treaty comes from an unlikely source: some of its friends, who continue to insist that the treaty is on the brink of overwhelmed by a new wave of proliferation. Writing just two years before the NPT was signed, nuclear analyst Leonard Beaton once warned that “The greatest incentive to a wide spread of these weapons is the conviction that it is inevitable.” This caution against engaging in self-fulfilling prophecies remains quite timely today, amid dire warnings of cascades and waves of proliferation. It is useful indeed to consider worst-case scenarios for this treaty and any other instrument addressing sensitive issues of national security. But it is not useful to leap from the prudent analysis of such risks to predictions of their actual occurrence. This type of argument only further undercuts perceptions of the effectiveness of the regime – unfairly in my mind – and only makes the worst-case outcomes more likely to occur.

One worst-case scenario would arise if there is no progress whatsoever in implementing the Middle East Resolution adopted at the 1995 NPT Review and Extension Conference, which specifically called for “practical steps” toward the establishment of a WMD-free zone in the region, one that included delivery systems. This issue figured prominently in the inability of the 2005 NPT Review Conference to reach a consensus and I believe that the 2010 Review Conference could well face a similar unfortunate outcome based largely on the same issue. The goal of establishing such a zone has long been accepted by all UN member states – it has been the subject of over 30 resolutions on the subject, and was crucial for the agreement in 1995 to extend the treaty indefinitely. Sometime before 2010, I hope to see at least some exploratory discussions among the states of the region and the nuclear-weapon states on this important subject – the fate of the next Review Conference may well be at stake.

The third great goal of the NPT is to promote the peaceful uses of nuclear energy. Not all states want or need nuclear energy. Of those that do, not all want to produce their own nuclear fuels, whether in the form of enriched uranium or plutonium. Yet the NPT’s strong affirmation of the “inalienable right” to such peaceful uses, without proliferation, qualifies it as one of the vital pillars that sustains the treaty. Discrimination in the exercise of this right can do the treaty some great damage indeed.

One concern raised by many non-nuclear-weapon states is that the nuclear-weapon states and their friends and allies in the Nuclear Suppliers Group, have sought to restrict the export of fuel-cycle technologies – uranium enrichment and nuclear reprocessing in particular – while promoting their own roles as suppliers of fuel services. To some, this looks like a “have/have-not” relationship that is quite similar to the treaty’s distinction between nuclear-weapon and non-nuclear-weapon states. To be a fuel-cycle “have-not” state, in this view, is to remain forever dependent upon external sources of supply for a commodity that may well be vital to a national economy. The IAEA has studied this issue of international “assurances of supply” for literally decades and, while it has developed many interesting ideas on how states can be reassured, there are still many practical problems of implementation that have to be resolved.
The problem here appears to be a tension between the desire of one set of states for absolutely ironclad guarantees of supply – or in some cases doubts that such guarantees can ever be made ironclad – and a desire of another group of states to maintain some flexibility to withhold supplies, to suit their own particular interests (political, economic or strategic). Other problems will arise if non-parties to the NPT are granted special benefits and privileges that are denied even to NPT members of good standing. The standard of full-scope or comprehensive safeguards is an especially important norm to maintain.

The negotiation of a fissile-material treaty would result in benefits relating to all three NPT areas: disarmament, non-proliferation and peaceful uses. It would offer at least one step forward here by shutting off one major source of supply of such material for use in making nuclear weapons. Another, somewhat more ambitious, step would be to pursue a universal ban on the production of all weaponusable fissile material – specifically, highly-enriched uranium or separated plutonium. This, coupled with multilateral centres devoted to producing low-level enriched uranium, and to the long-term storage of spent fuel, offers a path forward for significantly expanding the peaceful uses of nuclear energy without aggravating proliferation or terrorist risks. The obstacles, of course, are political and economic: states that possess such technologies will not easily accept significant new limits on their freedom of action. If the IAEA safeguards budget is not significantly expanded, along with its safeguards mandates, then we may well see a rise at least in the risks of proliferation, if not its actual occurrence.

I have not mentioned many other national or multilateral measures that would help to reinforce the treaty – including the need for the entry into force of the Comprehensive Nuclear-Test-Ban Treaty, full adherence to and implementation of the nuclear-weapon-free zone treaties, the need for multilateral norms governing missiles and other nuclear-weapon delivery systems, international support for the non-proliferation and counter-terrorism standards of Security Council Resolution 1540, the establishment of “registers” of nuclear weapons and fissile materials, and the need to prevent an arms race in outer space. Many more ideas have been proposed in recent years – in General Assembly resolutions, expert reports like the one issued by the WMD Commission chaired by Hans Blix, and the Hoover Plan authored by George Shultz, William Perry, Henry Kissinger, and Sam Nunn. All merit careful consideration, for they contain ideas that would help to put the states parties to the NPT back on track for full implementation of all the provisions of the treaty.

I would like to conclude today by underscoring that I do not believe the NPT is in danger of imminent collapse. It is being sustained not by mindless habit, but by perceptions of the treaty’s fundamental legitimacy and effectiveness in serving the interests of its states parties. As long as this perception persists, it will also continue to serve the interests of international peace and security as a whole. A world with the NPT still encounters nuclear risks, but those risks pale by comparison to those that would exist in a world without the NPT. The NPT still offers the most viable available step – pending negotiation of a nuclear-weapons convention – to a safer world for all.

For the first time in many, many years there are some signs of hope that the world may, once again, finally be taking the subject of global nuclear disarmament seriously. Time will tell whether this is merely wishful thinking or part of a historic, evolving process leading humanity to a more civilized world without the bomb, a theme suggested in the title of this conference. If such a process is indeed now
unfolding, it will owe its existence to the hard work of citizens everywhere who appreciate the importance of this work. I congratulate you for organizing this conference today, for in doing so, you have already indicated your own willingness to contribute in meeting this great challenge.