

Nuclear Nonproliferation Priorities: 2010¹

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- I. **Introduction:** It is an honor and a pleasure to speak to this important conference convened by the United Nations and the Republic of Korea. I am particularly pleased to address the issue of nonproliferation priorities on this panel at a time when there again appears to be new currents of thinking internationally about nuclear disarmament and nonproliferation. However, before I identify my list of nonproliferation priorities—especially as they pertain to the NPT Review Process—it is useful to compare much recent commentary about looming proliferation dangers with the actual nonproliferation ledger. Such a comparison may place in better perspective the very real proliferation challenges we face and the opportunities we have to ameliorate these threats.

- II. **The Recent Past:** To be sure, the past decade has not been kind to the nuclear nonproliferation regime. Indeed, since the NPT was extended indefinitely in 1995 the treaty has been subjected to a series of body blows, which have led many nonproliferation experts, policy makers, and media pundits to prophesize an impending cascade or chain of nuclear weapons spread, as well as the possible demise of the NPT as we currently know it. A review of this commentary generates a long list of challenges that emanate both from outside the treaty and from within it. Among the challenges often noted of an external nature are:

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- The rise of non-state actors as nuclear suppliers, middlemen, and end-users and the tendency on the part of many states to assume that the threat of nuclear terrorism is someone else's problem.
- The inadequacy of fissile material protection, control, and accounting in many states, and corresponding deficiencies in nonproliferation export controls.
- A nuclear arms race in South Asia and the general disinclination by and/or inability of the international community to do anything to redress the situation.
- Defection from the NPT by North Korea.
- Iranian nuclear brinkmanship.
- Perceived rewards to non-NPT states parties and nuclear weapons possessors (most prominently in the form of the exemption granted to India by the NSG).
- Continued reliance on nuclear weapons by all nuclear weapons possessors.
- Subordination by NPT States Parties of global nonproliferation objectives to other domestic and regional economic and political considerations.
- An uncritical embrace of nuclear power by most states without adequate attention to the full range of economic, safety, terrorism, and opportunity costs; and
- Complacency and ignorance about issues of disarmament and nonproliferation on the part of otherwise well educated citizens and their elected officials.

In addition, one can identify another long list of internal challenges stemming from the nature of the NPT itself. They include such dangers as:

- Treaty inattentiveness to non-state actors.
- Inadequate adherence to and implementation of NPT provisions by States Parties compounded by the absence of an effective enforcement mechanism.
- The conflict between the inalienable right to peaceful nuclear use and the prudent exercise of that right.
- Failure by most nuclear weapons states (NWS) to address the demand of many non-nuclear weapon states (NNWS) for negative security assurances.
- The near impossibility of amending the treaty to correct flaws or to take account of new conditions.
- The weakness of the strengthened review process, including the difficulty of policy innovation due to reliance on decision making by consensus.

- Lack of treaty universality.
- Disavowal of and/or disregard for key elements of the 1995 NPT Review and Extension Conference package of decisions and the Final Document of the 2000 NPT Review Conference by both NWS and NNWS; and
- Re-evaluation by a number of NPT States Parties of the value of the NPT for their security, raising the prospect of additional NPT defections.

Most, if not all of these challenges to the nonproliferation regime are real and merit serious attention and corrective action. To enumerate them without also taking note of countervailing positive nonproliferation developments, however, is to convey a sense of doom that is misplaced.

First, it is important to recognize that the pace of proliferation has been relatively slow since the United States first tested a nuclear explosive in 1945. The number of nuclear weapons possessors today also is far less than anticipated by many prognoses made in the 1950s-1970s. The 1957 U.S. National Intelligence Estimate, for example, identified a list of ten leading nuclear weapons candidates, including Canada, Japan, and Sweden, the latter of which was predicted as “likely to produce its first weapons in about 1961,” while Japan was estimated to “probably seek to develop weapons production programs with the next decade.”³ Similar faulty forecasts that the nonproliferation sky was falling have been repeated routinely since then by government analysts, media pundits, and many scholars.

Trite as it may seem, it also is important to recall that proliferation is neither inevitable nor irreversible. Many countries with the technical capability to acquire nuclear weapons and which previously were regarded by intelligence analysts and

³ “Weapons Production in Fourth Countries: Likelihood and Consequences” National intelligence Estimate, No. 100-6-57 (Washington, D.C.: National Security Archive, June 18, 1957).

scholars as prime candidates for proliferation chose to forego that option, and four countries that either indigenously developed nuclear weapons (South Africa) or inherited them (Belarus, Kazakhstan, and Ukraine) subsequently eliminated their nuclear arsenals and joined the NPT as non-nuclear weapons states. Moreover, most countries that embarked on peaceful nuclear energy programs also, at one time or another, seriously contemplated military programs, and a number actively engaged in nuclear weapons research and/or development.⁴ The overwhelming majority of these states, however, chose to abandon these military pursuits well before they yielded a nuclear weapon.

Although the NPT can be faulted for not having universal membership, it remains the most widely subscribed to international accord in existence with only four outliers—India, Israel, Pakistan, and the DPRK. To be sure, two of these states are very populous, but they also represent a distinct minority of the international community. Significantly, States Parties to the NPT agreed voluntarily in 1995 to extend the treaty indefinitely—a clear indication at the time of the value states attached to the treaty.

Finally, I would note that one also could place a number of developments in the positive column of a nonproliferation ledger. They include: the steady growth of Nuclear-Weapon-Free-Zones (NWFZs), which now cover the entire Southern Hemisphere, and also extend beyond it; deep reductions over the past ten years in

⁴ Harald Mueller and Andreas Schmidt calculate that 36 states have had “nuclear weapons activities since the beginning of the nuclear age.” See Mueller and Schmidt, “The Little Known Story of De-Proliferation: Why States Give Up Nuclear Weapon Activities,” in William C. Potter, ed. (with Gaukhar Mukhatzhanova), *Forecasting Nuclear Proliferation: The Role of Theory* (Stanford University Press, Forthcoming, 2010).

the size of the nuclear arsenals of the two largest NWS; adoption by many NPT members of strengthened IAEA safeguards in the form of the Model Additional Protocol; adoption of United Nations Security Council Resolution 1540; and new momentum on nuclear disarmament as a consequence of the “Road to Zero” Initiative by George Shultz, William Perry, Henry Kissinger, and Sam Nunn, as well as the embrace—at least at the rhetorical level—of this initiative by the Obama administration.

These positive nonproliferation developments should not obscure the pressing proliferation challenges the world faces today. They are a useful corrective, however, to the notion that the international nonproliferation regime is on its last legs and that all that is required to topple it completely is a further NPT defection (read Iran), which in fact would only be the second in the treaty’s histories.

III. Nonproliferation Priorities as They Relate to the 2010 NPT Review

Conference: Just as it is important not to exaggerate the dire straits in which the NPT finds itself, complacency also must be avoided if the nonproliferation regime is to play a meaningful role in reinforcing nuclear restraint. The remainder of my remarks will focus on four proliferation challenges, which if not addressed, have the potential to render the NPT irrelevant if not impotent.

1. Bridging the Divide: One of the main factors contributing to the relative success of the 2000 NPT Review Conference was the ability of the New Agenda Coalition to serve as a bridge between the NWS and the NNWS. Another major contributor to the successful negotiation in 2000 was the flexibility displayed by both key NWS

and some leading members of NAM. Today, in contrast, the positions of a number of key States parties have hardened, NAC is in decline and nearly defunct, the Norwegian-led Seven Country Initiative is wary of speaking in an NPT forum, and there are no obvious new political groupings to bridge the enormous gulf that separates many NWS and NNWS (and especially NAM) on the most important issues related to nuclear disarmament, nonproliferation, peaceful use, and combating nuclear terrorism. As such, one of the highest priorities as we approach the 2010 NPT is to find common ground among the NWS and the NNWS.

Ironically, unlike the past, Main Committee 1 disarmament issues actually may prove to be the least controversial and contentious, especially if the United States and Russia succeed in concluding a START follow-on treaty. Far more problems are apt to arise in Main Committees 2 and 3 where one will have to tackle difficult regional issues as well as those related to peaceful use. In this regard, although the September 24th Security Council Resolution produced a unanimous vote on such issues as the Additional Protocol, Multinational Fuel Arrangements, and strengthened withdrawal provisions from the NPT, it is almost beyond the realm of the possible to believe these initiatives will have similar success in the larger NPT Review Conference forum in which a few NAM states not on the Security Council can block consensus.

2. **The Door is Open, Who is Prepared to Walk Through:** One of the lessons that I derive from attending the 2009 NPT Prep Com is that the old designations of disarmament and nonproliferation leaders are misplaced. Indeed, I would venture that if a visitor from outer space were to have observed the last Prep Com but didn't

know who was saying what, he almost certainly would have confused the United States as the leader of NAC and NAM, while assuming that South Africa, Norway, Sweden, and Germany—to name a few—were if not NWS, at least sympathizers with them. This can be understood both in terms of the forward looking positions on disarmament put forward by the United States, but also in terms of “we are in a listening mode” adopted by many NNWS who in the past led the charge on disarmament issues. What is required, I would argue, is: (1) a more accommodating stance on disarmament issues by some NWS who in the recent past were able to hide behind the nay-saying of the Bush administration but now seem unprepared for the about face by the new leadership in Washington, and (2) the readiness of more NNWS to challenge those who are stuck in tired rhetoric and unprepared to seize the opportunity created by the major shift in U.S. orientation. Unless they adjust their ultra-cautious behavior to new circumstances and show more flexibility they will bear much of the blame for failing to dash through the door which has suddenly cracked open but may slam shut again at any moment.

3. **Begin to Implement the ME Resolution:** My guess is that the most difficult issue to grapple with and the one most likely to affect the outcome of the Rev Con will be progress (or lack thereof on the Middle East—the touchstone for a consensus document as far as Egypt and many other Arab states are concerned). In this respect, it is important to note that Egypt is chair of both NAM and NAC this year. In fact, probably relatively little is required to demonstrate some headway in implementing the 1995 Middle East Resolution—and the Russian proposal made at the 2009 Prep Con is a good starting point—but the less than stellar manner in

which this issue was dealt with on the Security Council in September is not encouraging. Finally with respect to the Middle East, I would note that a great deal will depend on what does or does not happen regarding Iran.

4. **Consensus “Light”:** I believe it is fair to say that in recent years members of the international community have set the bar so low for success in the NPT review process that we now run the risk of making the so called “strengthened review process” irrelevant to the real challenges we face with respect to nuclear proliferation, disarmament, and peaceful use. In particular, I worry that the mistaken tendency to equate achievement of a consensus final document with a successful review outcome means shunting aside the most serious proliferation challenges, including but not limited to DPRK and Iranian nuclear brinkmanship, the Indian and Pakistani nuclear arms race, the threat of non-state actors and nuclear terrorism, and the continuing emphasis given to nuclear weapons in the security postures of the NWS. Although it is difficult to devise a practical way around the perceived tradition of consensus, one should not confuse precedent with prescription or preference may well become paralysis. One possible way around this dilemma is to distinguish between the Review Conference’s retrospective review of the treaty and its look to the future. Although there may be good reasons for retaining a consensus-based approach in negotiating possibly new nonproliferation and disarmament objectives, the review process might be well served by a less rigid approach for assessing past behavior.

IV. Conclusion: I have had the opportunity to observe a number of memorable moments during three prior NPT Review Conferences and nine Preparatory

Committees, including President Dhanapala's quick gavel in May 1995, the final adoption of the 2000 Final Document, and Henrik Salander's musical rendition of the Chair's Factual Summary in 2002. Perhaps the most eloquent statement I heard, however, was made by Secretary General Kofi Annan at the start of the 2005 Review Conference. In an effort to jolt delegates to action for the purpose of avoiding the ultimate, potential negative consequences of a failed conference—the greater likelihood that a catastrophe will occur be it by accident, terrorist design, or state aggression he asked: “How did it come to this? Is my conscience clear? Could I have done more to reduce the risk by strengthening the regime designed to do so? As we know, his appeal fell on deaf ears. It remains to be seen if delegates to the 2010 Review Conference will be more attentive to these probing questions than their predecessors.