



How Should the Regime Be Adjusted in a World Where Nine States Possess Nuclear Weapons?

Andrew K. Semmel, Principal Deputy Assistant Secretary of State for Nuclear Nonproliferation

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I thank the organizers for the opportunity to make a presentation and for arranging this conference. It is less than five months before the RevCon convenes, and this is a timely opportunity to exchange views on an informal basis.

I would be remiss if I failed to note at the outset that Washington is in a mild state of flux. The beginning of a new U.S. presidential administration, even when there is no change in the presidency, means transition and much of that lies ahead. That said, I anticipate overall continuity in the U.S. approach to the RevCon.

I have been asked to address a daunting question: "How should the regime be adjusted in a world in which nine states possess nuclear weapons?" Not surprisingly, I will not offer any overarching theory to address this question. For my part, I believe we need to adjust to today's challenges by improving existing tools and creating new ones. However, I believe the greatest need is for stronger political will, a greater commitment to action, and open minds about confronting nuclear proliferation in the 21st century.

The P-5 +

Let me review where we are. We live in a world in which at least eight states possess or claim to possess nuclear weapons. We have the five NPT-defined nuclear weapons states. India and Pakistan have tested and publicly asserted that they have nuclear arsenals. The DPRK asserted its intention to withdraw from the NPT in January 2003 and claims to have a nuclear deterrent. Beyond these cases there is Israel, which has also chosen to remain outside the Treaty and operates a largely unsafeguarded nuclear program. Finally, we have Iran, which, although it is a non-nuclear-weapon state party to the NPT, has acted in a way that betrays an aim to acquire nuclear weapons.

Notwithstanding the status of these states, it could be much, much worse. Only three states have not joined the NPT. The vast majority of NPT parties comply with all of their NPT obligations. The NPT is the most widely accepted Treaty controlling nuclear weapons. There are 35 to 40 NPT non-nuclear-weapon states with the capability to pursue nuclear weapons but have chosen not to. Why? There are different reasons but ultimately they have decided that their security and other needs are better served by their commitment to a strong NPT regime than by the pursuit of nuclear weapons. But what happens when states do not comply with the Treaty?

It's clear that Asian security is diminished because of North Korea's bellicose nuclear posturing, its violations of the NPT, and its announced intention to withdraw from the Treaty. What more might happen if North Korea conducts a nuclear test or announces the deployment of a nuclear-armed missile? Iran's NPT violations and pursuit of enrichment and reprocessing capabilities have added a new element of danger to the Middle East. Its neighbors have to contemplate a possible breakout of the Treaty by an Iranian regime already in possession of weapons-grade uranium from an enrichment plant that Iran says it will never abandon. Both nuclear programs have serious ramifications far beyond their immediate regions. The global consequences of a nuclear weapons breakout by either state could be staggering.

These observations demonstrate the urgency of the situation that we now confront. However you slice it, the challenge posed by non-nuclear weapon state noncompliance with nonproliferation obligations is the gravest challenge to the Treaty today. It strikes at the heart of the Treaty's central benefit and purpose: and that is security. We must vigorously pursue diplomatic efforts to get Iran and the DPRK to abandon their nuclear weapon programs. We have no choice on this. This should be priority number one. The recent case of Libya demonstrates that it is feasible for a country like Iran to conclude that it should abandon pursuit of nuclear weapons. And South Africa demonstrates that even after acquiring nuclear weapons, as may be the case in the DPRK, it still is possible for a country to become non-nuclear.

Iran and North Korea

This makes it all the more imperative for parties not to underestimate the gravity of the challenge posed by Iran's nuclear program and respond to it appropriately. For nearly twenty years, Iran claimed fidelity to the Treaty and benefited from its NPT adherence, but it has repeatedly and purposefully violated its NPT obligations in a way that betrays a purpose to produce nuclear weapons.

Currently, Iran has agreed with the EU-3 to a full suspension of all enrichment-related and reprocessing activities. Without a vote, the Board of Governors took note of that agreement on November 29. The United States made clear its reservations about the Board's approach to this issue and about Iran's good faith and intentions, and I do not need to list those reservations here. The IAEA must continue its investigation into Iran's safeguards implementation to verify whether it is meeting its latest suspension pledges and whether it has finally come clean to the IAEA about the full breadth of its covert programs. Director General ElBaradei must report if Iran fails to sustain full suspension or impedes IAEA verification efforts. Should this happen, the Board will have no choice but to refer Iran to the Security Council. The United States continues to hold that Iran's violations should long ago have been brought to the Security Council.

Finally, we must continue an intensive effort to bring the DPRK back into compliance with the Treaty. North Korea has committed to a nuclear-weapons-free Korean peninsula, and the international community must bring pressure on the DPRK to live by that commitment. North Korea's violations of the NPT are the most serious ever committed by an NPT party. All nations must make clear to the DPRK that this cannot stand. In the Six Party Talks, the U.S. has proposed a permanent, thorough and transparent dismantlement process that would result in a complete, verifiable, and irreversible end to the DPRK's nuclear program.

I took time to talk about Iran and DPRK because we are at a critical juncture in the history of the NPT and these countries are test cases on which road we will be taking. When Alice (Lewis Carroll's fable) came to a fork in the road and was undecided on which road to take, she asked the Cheshire Cat standing there: "Which road should I take?" The Cheshire Cat responded by asking "Where are You going?" and Alice answered "I don't know," to which the Cheshire Cat said "Then it doesn't matter which road you take." We, however, know full well where we must go: toward strict compliance with the

NPT and real enforcement of nonproliferation norms. This is the only road that can ensure our security and the continued effectiveness of the NPT.

Beyond resolving the current challenges from North Korea and Iran, we must put into place strengthened barriers to future NPT violations. Let me briefly turn to this.

The NPT and the Noncompliance Challenge

What policies should be pursued to meet the challenge of noncompliance with the NPT's nonproliferation undertakings? This should not be a mystery. Simply put, we must strengthen the regime and promote its universality. This requires action at all levels: the international or Treaty level, the more narrowly defined functional and/or regional group level, and the national level. Next May's NPT Review Conference offers parties the opportunity to assess the regime and to support areas that require strengthening, in particular the parties' compliance with their NPT nonproliferation obligations.

The RevCon should take a close look at Article II and insist on a rigorous interpretation and high standard of compliance. On Article III, the RevCon should strongly urge the conclusion of safeguards agreements by the 42 non-nuclear-weapon states that have yet to fulfill that Treaty obligation. The RevCon should also endorse universal acceptance of the Additional Protocol. The Additional Protocol should become a condition for nuclear supply by the end of 2005.

The RevCon should endorse efforts under way in other fora to address the challenge of NPT noncompliance. For example, it should encourage the IAEA Board of Governors to create a special committee of the Board to strengthen compliance with safeguards agreements. The Nuclear Suppliers Group should limit the further spread of enrichment and reprocessing technology, while ensuring access to nuclear fuel at a reasonable price.

As in most sports, you need a strong offense and a strong defense to be successful. And you need to have a full playbook of options and strategies, and not rely on one play, one serve, one kick, one pitch or one player.

The RevCon should endorse the Proliferation Security Initiative (PSI) which promotes cooperation among intelligence, law enforcement, policy and military organizations to shut down those who engage in illicit proliferation-related trafficking. The RevCon should affirm and reinforce implementation of UN Security Council Resolution 1540, which requires all states to adopt and enforce national laws and regulations of the highest nonproliferation standards. Each of these proposals or "adjustments" would make it more difficult and less probable that more states will defy their NPT obligations. But there is no silver bullet or panacea. As I have been suggesting, we need a multi-layered and comprehensive approach to effective nonproliferation.

Articles IV and VI

The RevCon will also review Article IV and assess how best to pursue its effective implementation. It is important to document actions that show how NPT parties in compliance with the Treaty have benefited over the years in gaining access to peaceful nuclear cooperation. The RevCon should make clear that NPT parties in compliance with the Treaty have no reason to expect any disruption in ongoing nuclear supply arrangements based on nonproliferation factors.

At the same time, we must recognize that the NPT does not mandate peaceful nuclear cooperation, and that any party in noncompliance with its nonproliferation obligations should not expect to receive nuclear assistance. Iran would have you believe that Article IV guarantees it the right to build a nuclear facility that was at the center of its violations of the Treaty. To the contrary, Article IV recognizes that, by joining the Treaty, parties have agreed to exercise their peaceful use right in conformity with the Treaty's nonproliferation obligations. It is an affront to the law-abiding members of the NPT for Iran to claim that Article IV somehow shields it from the consequences of its violations.

On Article VI, parties should take stock of their collective commitment to nuclear disarmament and general and complete disarmament. The United States will document its comprehensive record of compliance with Article VI. We are each entitled to our own opinion, but we are not entitled to our own facts. The United States has put enormous resources into removing the nuclear legacy of the Cold War over the past 15 years. President Bush has expanded on this downward trend through unilateral reductions of deployed strategic nuclear weapons and by adopting policies designed to expand nonnuclear means for enhancing deterrence. The President has also championed the Global Partnership which was adopted by the G-8 in 2002. This multinational partnership has expanded to 21 countries and contributes greatly to both nonproliferation and disarmament goals.

Addressing Withdrawal/Institutional Deficit?

North Korea's withdrawal notification has raised concerns about the most effective response to such actions, including to ensure that withdrawal not become a means to elude the consequences of any violations. Parties should be cautious in generalizing from the North Korean example when proposing ideas for how to respond to future withdrawal notifications. Proposals have included automatic referral to the Security Council of notice of intent to withdraw, use of the three-month waiting period to dissuade the party from its intent to withdraw, amending Article X, and creating new institutions. We have serious reservations about prescriptive approaches to this issue, and believe Treaty amendment is out of the question. NPT parties should demonstrate sufficient political will to deal with North Korea's withdrawal notification through existing structures.

The January 10, 2003, DPRK notification served the purpose of notifying the UN Security Council and all NPT parties of the DPRK's intention. Many parties responded promptly and attempted to persuade the DPRK to reconsider. However, the Security Council failed to act. The problem was not with the Treaty; the necessary mechanism was in place. Even after the IAEA Board of Governors reported further DPRK safeguards violations to the Security Council in February 2003, nothing was done. The problem was lack of will by the Security Council, particularly among the P-5. It was not until August 2003 that a truly multilateral approach to addressing the North Korean nuclear program in the form of the six-party talks was begun.

There are some notional principles or procedures that could be considered in response to NPT withdrawal. It is clear that withdrawal should not be viewed as erasing violations a nation committed as an NPT party. NPT parties should make clear their determination to seek remedy of these violations even after the party's withdrawal. Nuclear supplier states should reinforce the Treaty through supply agreements with other parties. These agreements should make clear that cooperation is conditioned on a party's compliance with and adherence to the NPT and its safeguards agreements. Other possible actions include a meeting of the Depositary Governments, which could call a caucus of NPT parties to decide on a response to a notice of withdrawal. In no event, however, must the RevCon do anything that takes away from the responsibility of the Security Council and, where appropriate, the IAEA Board of Governors to fulfill their obligations in the event an NPT state provides a notification of withdrawal.

Universality

The RevCon must continue to uphold NPT universality as our ultimate goal and call upon India, Israel and Pakistan to adhere as non-nuclear weapon states; all this, while continuing to work toward creating the environment necessary to achieve their adherence to the NPT. There can be no significant

nuclear supply to NPT non-adherents, and the benefits due compliant NPT parties must be reserved solely for compliant NPT parties. There should be no amending of the Treaty to recognize in any way states outside the Treaty that possess nuclear weapons as nuclear weapon states.. The Treaty recognizes five states as nuclear weapon states and it should never recognize more.

NPT Enforcement in the 21st Century

As important as it is to pursue these measures, NPT parties will fail the Treaty if we do not create the necessary consensus in support of concrete action to strengthen compliance. Too often, we have heard in NPT discussions that support for strong enforcement action against Iran, for example, is in part affected by perceptions of how well Article VI is being implemented. This attitude is unfortunate, misguided, and counterproductive in my judgment. Whatever questions you may have about Article VI, every NPT party has an enormous stake in preserving the security benefits for all of compliance with Articles I, II and III.

For a variety of reasons, much of our collective experience in the NPT review process during the first 25 years of the Treaty was dominated by concern directed at nuclear weapon states. But where are we today? The facts are that the U.S.-USSR nuclear arms race is over, the U.S. and Russia have transformed their relationship and both states are reducing and dismantling nuclear weapons as we speak. Whatever some may say about the pace of this already significant progress, the trend is unmistakably downward. At the same time -- since the end of the Cold War -- four NPT parties have been caught violating the Treaty in search of nuclear weapons and two non-NPT parties have declared themselves nuclear powers. Nuclear technology is now spreading through non-state actors outside the reach of national governments. It would be folly to ignore the need for strengthening international measures against this threat.

Should NPT parties ignore Article VI and focus on Article II and III? No. We cannot ignore any part of the Treaty. The U.S. has addressed all parts of the Treaty throughout the PrepCom process. Those who claim otherwise have not been listening. As always, we are prepared to provide answers to questions on Article VI. Will our answers be satisfactory in all cases to all parties? Probably not. But regardless of what you think, reaching the goals of the NPT demand no less concern about Iran's compliance with Articles II and III than about U.S. compliance with Article VI.

We also hear warnings that the nuclear suppliers, in addressing the need for measures to strengthen the NPT, are jeopardizing the benefits of Article IV. We understand that some have this concern, but is it rooted in reality? Has any non-nuclear-weapon state in compliance with its NPT obligations recently sought and been refused assistance for its peaceful nuclear program on proliferation grounds? Does any measure on the table threaten their peaceful nuclear program?

We must recognize that clandestine efforts to acquire enrichment or reprocessing are responsible for four NPT states violating the Treaty over the past 15 years. Moreover, the continuing spread of ENR technology is a serious problem that is confronting nonproliferation in the early 21st century. President Bush has called attention to this problem, as have other leaders including Director-General ElBaradei. We remain confident that an approach can be found that does not prevent any state in compliance with the NPT from pursuing a peaceful nuclear program. We ask the broad majority of compliant NPT parties to recognize that this is not an effort to deny them benefits under the Treaty, but rather one to advance the core nonproliferation principles of the NPT from which every State Party derives critical security benefits. Quite clearly, our intention is to make it more difficult for NPT states bent on acquiring nuclear weapons to obtain enrichment or reprocessing facilities. That should be a goal we can all support.

Conclusion

Let me conclude this lengthy presentation. In less than five months, NPT parties will convene to review the Treaty's operation and look forward. It promises to be one of the most difficult and one of the most important in NPT history. The RevCon ordinarily is not a decision-making body and it does not have enforcement powers, but it does help shape how parties see the Treaty and how much political support they extend to activities undertaken elsewhere to strengthen the Treaty. We should seize this opportunity to strengthen the Treaty and the regime in the face of grave challenges. First and foremost, we must address noncompliance with nonproliferation obligations and strengthen the Treaty and the regime to prevent future noncompliance. The Treaty co-mingles obligations and benefits, but noncompliance with nonproliferation obligations threatens the Treaty's fundamental benefit, security. We can and must do this in the context of a comprehensive review of all Treaty articles, because none of us gains if we pit various Articles of the Treaty against each other. Compliance with all Articles of the Treaty is essential if the Treaty is to meet all its goals. All parties must commit to using the RevCon to strengthen the Treaty. We owe our collective security and ourselves nothing less.

Thank you.

 [BACK TO TOP](#)