



Universal Compliance with Nuclear Nonproliferation

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Condolences

Let me begin by expressing my deepest condolence to Indonesia, our host, and to so many of the nations represented in this room today. The loss of life, the degree of human suffering, and the scope of physical destruction and dislocation that your nations experienced in the recent tsunami are simply staggering. This disaster is a testament not only to the power of nature, but also to the will of the people of this region to survive, to cooperate and to overcome. I have been impressed by Secretary Powell's awe at the gravity of this crisis, with his words to Indonesian Foreign Minister Wirajuda on January 4th: "We will do everything we can to help you.... [T]his is not just a one-time humanitarian relief effort or rescue effort; this has to be a long-term reconstruction and rehabilitation effort to rebuild homes and to rebuild families and rebuild lives. And you can count on the United States being with you for this longer rebuilding period."

Introduction

I appreciate our host's resolve to convene this NPT workshop despite this great tragedy that hangs over this meeting. I note the objectives that Indonesia has outlined for this workshop: disseminating information and encouraging discussion on the dangers of proliferation, identifying issues for deliberation at the RevCon, and facilitating consultations to prepare for the RevCon. This workshop once again reflects the leading role Indonesia has taken in nonproliferation matters generally and in the 2005 NPT review process specifically. I appreciate sharing the podium with our PrepCom III chair, Amb. Sudjadnan, and note how much I look forward to working with him in his role as Main Committee I chair, as well as with all of you.

More than one observer has noted that when nuclear weapon states talk about compliance problems, they talk about non-nuclear-weapon state activities. And when non-nuclear-weapon states talk about compliance problems, they talk about nuclear-weapon state activities. It is self-defeating for both nuclear-weapon states and non-nuclear weapon states to focus solely on the compliance concerns of the other. What we need, if the NPT is to advance the security interests of all its parties, is a focus on compliance by all parties, that is, "Universal Compliance with the NPT," the phrase embedded in the title of my remarks that I have been asked to address today.

Article VI

Let me start by talking about U.S. compliance with the obligations that it assumed under Article VI of the NPT. I am convinced that no state has devoted more time, effort, and financial resources to nuclear arms control and disarmament of weapons of mass destruction and relevant missiles than the United States. And we will continue to undertake this effort because of its importance to the security of all and because of our obligations under Article VI.

Let me mention a few examples. Since 1988, the United States has dismantled more than 13,000 nuclear weapons. We are reducing our operationally-deployed strategic nuclear warheads to between 1,700 and 2,200, roughly one-third of our 2002 level. By 2012, we will have reduced our deployed strategic nuclear warheads by about 80 percent when compared to 1991 levels. We have eliminated nearly 90 percent of our non-strategic "tactical" nuclear weapons when compared to 1991 levels. By 2012, the U.S. nuclear stockpile will be reduced by nearly one-half, resulting in the smallest nuclear stockpile in decades. We do not target any country with nuclear weapons. We have not produced fissile material for nuclear weapons since 1988, and since that time we have permanently removed over 225 tons of fissile material from our weapons stockpile.

One would be hard-pressed to identify another historical period in which disarmament proceeded so rapidly and so broadly as that which has been taking place in the past decade or so.

Beyond our Article VI obligations, I also note that the United States has not produced any new nuclear weapons since the Cold War. We are not developing any new nuclear weapons. We have no plans to resume nuclear testing.

I do not know the exact costs in expenditures of U.S. nuclear disarmament activities, but it is surely in billions of dollars. Beyond this, we have not provided about \$6.8 billion and expertise between 1992 and 2002 to Russia and other Eurasian countries to help them dismantle, destroy, and secure WMD and prevent proliferation of weapons, related materials, and expertise. In 2002, President Bush pledged to provide up to \$10 billion between 2002 and 2012 under the G-8 Global Partnership for continuing assistance to this area, part of the \$20 billion pledged by the G-8 at the 2002 Kananaskis Summit. The United States has already committed \$2.3 billion to this goal. In addition, the President has also led an expansion of the Global Partnership to include 13 additional donor countries.

It is little wonder that the two U.S. Senators who developed the program of cooperative threat reduction – the precursor of the Global Partnership – in the former Soviet Union, and now beyond, have been nominated for the Nobel Peace Prize for several years.

I reiterate: no state has devoted more time, effort, and resources to nuclear arms control and disarmament of weapons of mass destruction and relevant missiles than the United States. Whatever some may claim about the pace of this already significant progress, the trend is unmistakably downward. I am not arguing that parties ignore Article VI at the RevCon. Quite the contrary. We encourage and expect a full debate on Article VI at the RevCon.

Universality of Membership

The topic of "universal compliance with the NPT" also raised the issue of NPT universality. Let me affirm the U.S. position: non-parties should adhere to the NPT and the associated regime as non-nuclear-weapon states and place all their nuclear facilities under international safeguards. Clearly, there will have to be major changes in the security situations in the Middle East and in South Asia before this will happen. We must all work to encourage these

changes and then to encourage the non-parties to take the necessary steps to adhere to the NPT as non-nuclear-weapon states. There are encouraging signs in both regions that lend themselves to the easing of tensions. In the meantime, however, NPT parties must refrain from any meaningful nuclear cooperation with any non-party. Certain benefits are reserved only to NPT parties, and then only to those that are in compliance with their obligations.

Neither the wish that disarmament were progressing faster nor the fact that the NPT has not yet become universal can be an excuse for parties' noncompliance with the NPT. Neither should be used as a rationale for delay or indifference in addressing promptly and firmly the noncompliance of others. And neither should be used to justify failure to move forward on strengthening the Treaty and the regime. All NPT parties have a stake in strengthening the Treaty and reinforcing compliance with it. Parties should use the 2005 RevCon to affirm ways that they can do this. The United States made a series of recommendations to the last session of the Preparatory Committee on actions parties might take at the RevCon. I commend these to you and highlight some of them for our further discussion.

The World Has Changed

First, parties must take an honest, hard look at the past five years and recognize that the international security environment has changed fundamentally. Mass terrorist attacks, particularly those of September 11, 2001; glaring examples of non-nuclear-weapon state noncompliance with nonproliferation obligations; the widespread reach of a covert network supplying sensitive nuclear technology; and terrorist interest in nuclear materials and know-how all evidence that change. The RevCon must address it. Parties can begin by reaffirming the NPT as the foundation of the nuclear nonproliferation regime, the importance of nonproliferation to international security, and the threat posed by noncompliance with nonproliferation obligations to the security of all parties. There is a universal stake in strengthening compliance.

Compliance Begins at Home

In response to this change environment, parties must carefully consider their own compliance with their NPT nonproliferation obligations. The RevCon should call on parties to hold themselves to the highest standard of NPT compliance. It should affirm the need for parties to have in place and effectively enforce the legal and regulatory infrastructure necessary to implement their Article I, II, and III commitments. The RevCon should stress the need for parties to criminalize and act to prevent any non-state actor involvement in proliferation on their territories. UN Security Council Resolution 1540 shows the way ahead here, and it is mandatory. Likewise, the RevCon can point to 1540's guidance on export and transshipment, border, and physical protection controls as a roadmap to countering the use of parties' territories for proliferation activities.

The RevCon should also stress the need for universal acceptance under the NPT for all parties to sign, ratify, and implement their Article III safeguards agreements. It should provide needed support to the Additional Protocol. It should make clear that the Additional Protocol is the next logical step in the evolution of safeguards and that its long-term benefits in terms of increased security far outweigh any burdens it might otherwise impose. It should affirm the Additional Protocol as part of the safeguards standard and call for signature of the Protocol as a condition of nuclear supply by the end of 2005.

Compliance is Everybody's Business

Compliance not only begins at home, but parties must also insist on compliance by all other parties. Over the past two decades, there have been four serious cases of noncompliance by non-nuclear-weapon states with nonproliferation obligations. Two of these cases, Iraq and Libya, have now been resolved. Two remain outstanding cases, the DPRK and Iran. Noncompliance with nonproliferation obligations gravely threatens the Treaty and its prime benefit, security. If left unchallenged and unresolved, noncompliance will, over time, erode the Treaty, its benefits, and faith in it.

NPT parties cannot wring their hands or turn a blind eye to noncompliance by others, particularly grievous cases of noncompliance. It may be a truism but it is worth repeating: the NPT is only as strong as the will of its parties to insist on others' compliance. It can be no stronger than its weakest link. Parties must use the RevCon to demonstrate resolve and insist on compliance by others, particularly in the face of the dangerous trend in noncompliance with nonproliferation obligations. Parties must use the RevCon to highlight and provide support for firm measures that should be taken in case of noncompliance with nonproliferation obligations.

The RevCon should urge parties to provide IAEA with the necessary economic, technological and political support to ensure that the safeguards system is effective and adaptive to changing needs. The Agency in turn needs to report fully promptly to the Board of Governors any evidence of noncompliance with safeguards agreements, and the Board needs to act on this information. Should the Board find that noncompliant actions have occurred, the Board must report to the Security Council. The Council should then address the matter.

Iran

The RevCon should take a closer look at Iran's activities. For nearly two decades, Iran covertly engaged in activities that violated its commitments under Article III of the NPT. At the same time, it professed fidelity to the Treaty and benefited from its alleged adherence to the Treaty. The United States is convinced that Iran's covert nuclear activities, as well as the assistance it has sought and received in furtherance of these activities, are a violation of Article II of the NPT.

Iran's activities threaten all our security and the viability of the NPT and require a response by all parties. We must all insist that it live up to its Treaty obligations. The IAEA must continue to investigate Iran's implementation of its NPT, safeguards and suspension commitments and parties must support the IAEA in these efforts. Director General Elbaradei must report to the Board of Governors if Iran acts in any way contrary to these commitments. Should the Board receive such a report, it must refer Iran's case to the UN Security Council for appropriate response. The United States has long believed that Iran's violations should be reported to the Security Council. The Agency has done and will continue to do its job, but it is now past time for the Security Council to do its job.

The Security Council has the international legal and political authority that may be necessary to address the threat posed by Iran's nuclear program and the authority to bring this issue to a successful resolution. The Security Council has the legal authority to require Iran to take all necessary corrective measures, many of which it has still failed to take. The Security Council has the authority to require Iran maintain fully its suspension of enrichment-related and reprocessing activities. Finally, the Security Council can lend its weight to the international demand that Iran fully cooperate with the IAEA's on-going investigations so that the IAEA can provide the necessary assurances about Iran's nuclear program.

We cannot allow Iranian dissembling, its false declarations, and feigned compliance to distract us from protecting the security benefits that the NPT is meant to provide. Iran's violations already strike at the very heart of the Treaty and harm all of our security.

Article II

Parties should also use the RevCon to take a close look at Article II of the Treaty. NPT parties should insist on a high standard of compliance with Article II and should consider what constitutes a violation of Article II. Parties cannot wait until a non-nuclear-weapon state has finished assembling a nuclear weapon to cry foul and enforce Article II's prohibitions. There are activities that demonstrate a purpose or intent to acquire nuclear weapons, such as clandestine programs for reprocessing and enrichment, which only make sense in the context of a nuclear weapon program. A covert peaceful nuclear program, particularly one that violates the NPT, simply is not credible.

Even if there is no evidence that a component of a nuclear weapon has been manufactured, parties cannot be complacent. The RevCon can note that the totality of certain nuclear and nuclear-related activities in a non-nuclear-weapon state could point toward a violation of Article II either by manufacturing a nuclear weapon or by seeking or receiving assistance in manufacture of a nuclear weapon. Activities such as clandestine efforts to acquire fuel cycle facilities of direct relevance to nuclear weapons, or failure to report such activities or facilities to the IAEA where required, or the use of denial and deception tactics if these activities are exposed should be enough to establish a violation of Article II. Some may argue that such evidence is circumstantial, but strongly supported circumstantial evidence often speaks to the truth.

Article IV

As the RevCon considers Article II, it should also consider Article IV, particularly the rights and benefits implied by Article IV. Parties should use the RevCon to affirm that a peaceful nuclear program, as reference in Article IV, must conform to Articles II and III of the Treaty. Parties have a right to pursue peaceful nuclear programs, but by adhering to the Treaty non-nuclear weapons states pledge that their nuclear programs will conform to Articles II and III of the Treaty. Parties should use the RevCon to affirm that there is no absolute right to peaceful nuclear cooperation under Article IV is conditioned on a state's behavior in fulfilling its nonproliferation obligations under the Treaty.

Moreover, parties should declare that those who are in noncompliance with their NPT nonproliferation obligations are simply not entitled to the same benefits under Article IV as those that are in compliance with these obligations. Such noncompliance, or even serious unresolved questions about noncompliance, should lead, at a minimum, to a suspension of nuclear cooperation with the state in question.

Conclusion

Again I want to thank the organizers for the opportunity to participate in this workshop and address this important topic. Universal compliance with the NPT must be our goal. Parties must comply with their own obligations, hold others to their obligations, continue to strengthen the regime in response to evolving threats. We can debate endlessly and to little purpose achievement of these aims depends more on nuclear weapon state or non-nuclear-weapon state action. It is a sterile debate that only leads to impasse. Many of us in this room have participated in it. We should move beyond this. I hope we can all agree that disarmament will not be achieved if non-nuclear-weapon states do not comply with Article II, nor will it be achieved if nuclear weapon states do not comply with Article VI. For my part, I am convinced that the United States is complying with Article VI, as I have laid out in my remarks. I am equally convinced that Iran is not complying with Article II.

Thank you.

