



Meeting Nonproliferation Challenges: UNSCR 1540 and the 2005 NPT Review Conference

Mark Fitzpatrick, Acting Deputy Assistant Secretary

Remarks at the Meeting of the Organization of American States Committee on Hemispheric Security
Washington, DC
March 17, 2005

Today's Nonproliferation Challenges

This month marks the 35th anniversary of the entry into force of the Treaty on the Non-Proliferation of Nuclear Weapons, the NPT. At its inception, the NPT reflected the understanding that the spread of nuclear weapons to more states was contrary to the promotion of international peace and security. Today, that norm and the Treaty embodying it are nearly universal. With the Treaty as a cornerstone, states committed to stemming proliferation have constructed the nuclear nonproliferation regime, a mutually reinforcing network of national actions, multilateral arrangements, and international treaty obligations, aimed at preventing the spread of nuclear weapons to more states. As the threat posed by nuclear proliferation has evolved, parties to the regime have responded by strengthening the nonproliferation framework and adding to the tools available to combat this threat in all its dimensions.

Our experience of the past five years shows that the danger of nuclear proliferation will continue to grow and evolve. If we underestimate proliferators and fail to address this threat vigilantly and creatively, not only nonproliferation, but international peace and security will suffer. September 11th, 2001 made abundantly clear that the terrorist desire to cause death and destruction knows no limit. Subsequent investigation has shown terrorist interest in acquiring weapons of mass destruction, including nuclear weapons, to achieve these aims. This realization was made all the more grave by the discovery of A.Q. Khan's clandestine nuclear trafficking network. The network exemplified the potential for non-state actor involvement in proliferation and non-state actor access to nuclear equipment and technology once thought only to be within the interest and reach of national actors.

The challenge, however, comes not only from non-state actors. A.Q. Khan's list of customers and contacts plus evidence uncovered by the International Atomic Energy Agency make clear that there are states that continue to pursue nuclear weapons despite pledges to the contrary. These states work, not solely through diversion from peaceful nuclear programs, but also through the construction of parallel, clandestine nuclear weapons programs. The exposure of the Khan network led to the exposure of Libya's nuclear weapons program; a program Libya has since verifiably dismantled as part of its strategic decision to return to full compliance with the nonproliferation regime.

But two other states that have pursued nuclear weapons, North Korea and Iran, have failed to follow Libya's example in renouncing them. For the past two years, Iran has responded with denial, deception, and delay to the international community's calls to comply with its obligations. North Korea went so far as to eject International Atomic Energy Agency inspectors from its territory, to withdraw from the NPT, and to announce that it has developed nuclear weapons.

Terrorism, illicit nuclear trafficking, and noncompliance with nonproliferation obligations threaten all of us. The impact of terrorism, a world-wide scourge, is not confined to the targeted state. Like terrorism, illicit nuclear trafficking seeks opportunities where they are to be found, regardless of a state's commitment to nuclear nonproliferation. Finally, all of our security is diminished, especially the security of NPT non-nuclear-weapon states, when NPT parties fail to honor their nonproliferation obligations and other parties fail to hold them accountable.

As NPT parties and states committed to preserving and enhancing international peace and security, we, the members of the OAS, must respond to these threats. There are actions that we all can and must take to strengthen the nuclear nonproliferation regime at the various levels on which it operates. I would like to highlight two of them this afternoon: at the national level, implementing UN Security Council Resolution 1540, and, at the treaty level, working together to strengthen the NPT at the upcoming 2005 NPT Review Conference.

UNSCR 1540

UNSCR 1540 has its roots in the Security Council's 1992 Presidential statement whereby the Council first recognized that the proliferation of weapons of mass destruction constitutes a threat to international peace and security. In the fall of 2003, recognizing the potential nexus between non-state actors, terrorism and proliferation, President Bush called for a UN Security Council resolution calling on all states to criminalize WMD proliferation, to enact and enforce strict export controls, and to secure sensitive materials within their borders. He renewed that call in February 2004, and in April of last year the Council unanimously adopted resolution 1540 under Chapter VII of the UN Charter. Resolution 1540 represents international recognition that comprehensive and effective control and enforcement measures against the proliferation of weapons of mass destruction are a requirement, not an option, for UN member states.

Resolution 1540 requires states to ensure that they have the infrastructure in place to address the threat posed by non-state actor involvement in any aspect of WMD proliferation. It decides that states shall in no way support non-state actors involved in such activities and that states shall enact and enforce the necessary laws to prevent these activities in their territories. The resolution requires states to monitor and control sensitive technologies, materials, and equipment within their territories. And it invites states with the resources and expertise to assist others that may need help in fulfilling the resolution's requirements.

UNSCR 1540 focuses on what states must do at the national level in terms of enactment and enforcement of legal and regulatory measures to close the gap between the global consensus against proliferation and concrete action to implement that consensus. By requiring action of all states, the resolution acknowledges that proliferators look for the path of least resistance—the unprotected border, the unenforced regulation, the lax licensing system. We must strengthen every link in the chain if we are to meet today's challenges.

We must also take seriously the resolution's call for states to report on their efforts to comply with its operative elements. These country reports will be an important tool in understanding the scope of the challenge before us and how best it can be addressed. As of this month, only 106 countries have provided reports. Of the active OAS members, seventeen states have fulfilled this requirement; another 17 have yet to do so. The United States has provided its report, the product of many hours of work on the part of many U.S. government agencies involved in the areas the resolution encompasses. The United States urges all states to report, not simply to fulfill a requirement, but because the resolution addresses a threat to all of us.

It is in the interest of all of us to be frank and open about our capabilities to respond to proliferation threats. Each state's critical review of its own laws and regulations will help locate national, regional and international gaps. This process may facilitate an understanding of "best practices" by countries. No one intends such best practices to represent a "one size fits all" formula; rather the intention is to utilize the best available information on practices that work even when adapted to local circumstances. The Nonproliferation Committee in New York is working to assemble a panel of experts to review country reports. The Committee's review of states' reports will help match assistance to the needs of member states, and the United States is prepared to provide such assistance where it can.

2005 NPT Review Conference

States that have not yet reported on UNSCR 1540 should aim to complete and submit their reports as soon as possible and no later than May 2nd, the day the NPT Review Conference opens in New York. NPT Review Conferences provide an opportunity for each Party to take a close look at all aspects of the Treaty's implementation, to evaluate the regime's progress, and to mark out an agenda for the coming years. We should use this opportunity wisely. The Review Conference must address noncompliance with the Treaty's nonproliferation undertakings, identify ways to redress violations of these undertakings, and support steps to strengthen these undertakings in the interests of all parties' security.

On the occasion of the 35th anniversary of the NPT's entry-into-force and in anticipation of the upcoming Review Conference, President Bush reaffirmed the determination of the United States to carry out our NPT commitments and to work to ensure the NPT's continuance in the interest of world peace and security. In preparation for the Review Conference, the United States has tabled a series of recommendations for strengthening the NPT. These proposals include, among others, insisting on a high standard of compliance with Articles I, II and III of the Treaty and making clear that only parties in compliance with their NPT nonproliferation obligations are eligible to receive Article IV's benefits. Our proposals also include addressing the potential proliferation ramifications of exporting nuclear fuel cycle technology. The United States has consulted on its recommendations with many NPT parties and with the Conference President-designate, Ambassador Sergio Duarte of Brazil. We will continue this effort in the run-up to and at the meeting itself and welcome further consultation with OAS states.

I would like to use my last few minutes here today to address some of the ways parties can use the Review Conference to strengthen the NPT and compliance with it and to provide vital political support to initiatives being discussed in other fora to strengthen the Treaty and the regime.

States parties can use the Review Conference to seek a common understanding of the Treaty's nonproliferation obligations, the types of activities that would constitute noncompliance with these obligations, and the actions that states should take to implement these obligations. We must insist on strict compliance with the rules and the tools we already have in place. For example, compliance with Article II requires that non-nuclear-weapon states undertake no activities designed to develop a nuclear weapons capability. This requirement should lead states to provide transparency into their activities sufficient to demonstrate peaceful intent. And states that are in noncompliance cannot claim that Article IV protects them from the imposition of measures by other states against their nuclear programs.

Parties can also use the Review Conference to reaffirm their nonproliferation obligations and their commitment to ensuring that they have in place and will effectively enforce the necessary laws and controls to meet the letter and spirit of the Treaty's nonproliferation obligations. UNSCR 1540 provides an excellent roadmap to fulfilling these obligations. All OAS members that are required to have comprehensive safeguards agreements under Article III of the Treaty have at least signed such agreements. We should use the opportunity presented by the Review Conference to call on the 39 NPT parties that have not yet concluded or brought into force NPT-mandated comprehensive safeguards agreements to fulfill this Treaty obligation.

The Conference must make clear to all that NPT Parties will hold states accountable for violations. Iran and North Korea must not be permitted to violate the NPT without consequences. We must make clear that we have the necessary political will to support the regime. States that forgo nuclear weapons under the Treaty cannot be left vulnerable to actions by those that would violate the Treaty.

The Conference should also reinforce the goal of universal NPT adherence and reaffirm that India, Israel and Pakistan may join the NPT only as non-nuclear-weapon states. Just as South Africa and Ukraine did in the early 1990s, these states should forswear nuclear weapons and accept IAEA safeguards on all nuclear activities.

The IAEA must have the tools it needs to do its work, including universal adherence to the Additional Protocol. One hundred and two NPT parties have had Additional Protocols approved by the Board of Governors, 90 have signed Protocols, and 65 Protocols are in force. Among active OAS member states, ten Additional Protocols are in force; four others have been signed, including the U.S. Protocol; and the Board has approved one other. Many parties, including OAS members, have engaged in long-term efforts to encourage adherence to both safeguards agreements and the Additional Protocol. The Review Conference can give strong political support to the Protocol by calling for universal adherence and endorsing it both as part of the safeguards standard and as a condition for nuclear supply. OAS members with Additional Protocols in force should add their voices to this call. OAS members without Additional Protocols should support the IAEA by moving forward with all deliberate speed to conclude and bring into force an Additional Protocol, as well as encourage others to do so.

The Review Conference should also address the issue of the proliferation ramifications of possession of the complete nuclear fuel cycle. Two decades of proliferation experience tell us we must be aware of the potential misuse of enrichment and reprocessing technology. The issue of limiting the transfer of sensitive technology will be resolved elsewhere and not prior to the Review Conference, but the Review Conference can assist in that resolution. It can look seriously at the question of proliferation and the full fuel cycle and provide political support for the necessity of addressing the issue. In the U.S. view, the answer is to limit expansion of enrichment and reprocessing technology beyond those states that now have full-up and functioning facilities.

Even as we continue to support and strengthen our own national infrastructures and the existing nonproliferation regimes, proliferators and those facilitating the procurement of deadly capabilities are circumventing existing laws, treaties, and controls against WMD proliferation. The Review Conference must acknowledge this and the need for cooperative action to respond to such illicit activities. One particular activity the Review Conference can recognize is the Proliferation Security Initiative, an innovative measure that complements and reinforces the goals of the NPT. Through PSI, we create the basis for action to ensure that we can stop proliferators in their tracks.

Conclusion

As you know, Brazil, has been designated to preside over the 2005 Review Conference. All OAS member states should take the opportunity the Review Conference provides to show leadership on strengthening the nonproliferation regime, the Treaty, and international security. In his statement on the 35th anniversary of the NPT's entry-into-force, President Bush called "upon all states that are party to the Treaty to act promptly and effectively to meet the challenges to the NPT and our common security." All OAS member states should rise to today's nonproliferation challenges. Meeting the requirements of UN Security Council Resolution 1540 and taking best advantage of the Review Conference to strengthen compliance with the NPT's nonproliferation obligations are two vital ways we can respond to these challenges.

 [BACK TO TOP](#)

Published by the U.S. Department of State Website at <http://www.state.gov> maintained by the Bureau of Public Affairs.