



The 2010 NPT Review Cycle So Far: A View from the United States of America

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Thank you for inviting me here to address this renowned gathering. It is always a pleasure to be at Wilton Park. When I came to this conference last year, I did not speak directly to questions related to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). Instead, I outlined how the U.S. Government views the nonproliferation regime as a whole, and how its various formal and informal multilateral, bilateral, and national elements – from NPT Review Conferences to the IAEA, from the U.N. Security Council to the Zangger Committee, and from PSI to unilateral economic sanctions – can and do fit together in complementary, mutually reinforcing ways. Today, I would like to offer some thoughts on how I see NPT diplomacy evolving, and what this might mean for the 2010 Review Conference (RevCon).

I. Peaceful Nuclear Cooperation

With respect to peaceful uses of nuclear energy, the period since the end of the 2005 NPT Review Cycle has seen – in my view – some progress. Previously, peaceful use debates seemed to be dominated by two conflicting approaches. In one camp were those who focused upon the danger presented by the proliferation of uranium enrichment and plutonium reprocessing technology, also known as “ENR.” The spread of this technology, which can give its possessor the ability to produce fissile material on demand for use in nuclear weapons, presents a fundamental challenge to the NPT regime – and to international peace and security – because such spread threatens to create what the IAEA Director General recognized as a proliferation danger: a world full of “latent” or “virtual” nuclear weapons programs. Though strongly committed to increasing international cooperation on peaceful civil nuclear projects, this first camp – the nonproliferation camp – wished to ensure that ENR did not spread further. President Bush, for instance, was quite forthright about this in 2004 when he urged technology possessors to “refuse to sell enrichment and reprocessing equipment and technologies to any state that does not already possess full-scale, functioning enrichment and reprocessing plants.”^[1]

On the other side of this issue were those who seemed to see such a nonproliferation-focused approach as a betrayal of longstanding commitments to international nuclear cooperation – or worse, as some kind of infringement of what were said to be countries’ “inalienable rights” under Article IV of the NPT to develop any sort of technology they wish, regardless of its proliferation implications. An unfortunate consequence of some parties’ zeal to protect and advance such notions has been that sincerely held worries about access to peaceful nuclear technology have become wrapped up in cynical efforts by Iran and its apologists to use claims of Article IV “rights” to provide political cover for violations of nonproliferation obligations. As a result, debates over peaceful nuclear uses had become sharply polarized and mired in politicized squabbling.

Since the end of the 2005 Review Cycle, however, I believe that there has been some progress. Building upon President Bush’s 2004 initiative, the United States has been moving forward with programs such as the Global Nuclear Energy Partnership (GNEP) – efforts designed to *expand* international nuclear cooperation, but in less proliferation-risky ways, and to provide such attractive and responsible cooperative alternatives that countries offered the chance to participate will choose to forego involvement with ENR. Closely linked to such undertakings have been multilateral proposals by many of the major nuclear fuel suppliers, working with the IAEA, to develop an even more robust and reliable international system of fuel supply that will remove any perceived need for more countries to develop ENR capabilities of their own. These bold proposals have still to gain universal acceptance, but as they have been debated and have become more refined, they have been gaining support.

Moreover, efforts by Iran to prey upon some countries’ sincere concerns about technology access to justify its own activities in violation of safeguards and the NPT seem to have been encountering increasing resistance during this Review Cycle. It is certainly not the case that Article IV compels any particular sort of technology-sharing between any two particular parties to the Treaty, and there is nothing wrong with technology possessors approaching cooperation with nonproliferation considerations firmly in mind, especially with regard to proliferation-sensitive technologies. Indeed, one would hope and expect that they would do this, for any other behavior would be irresponsible – and could potentially raise Article I compliance concerns. Meanwhile, programs such as GNEP are demonstrating the sincere commitment of technology possessors to continued, and in fact expanded, international nuclear cooperation.

With the regime in Iran still proceeding at full speed to develop ENR capabilities that could allow it to produce weapons-usable fissile material on demand, the world is coming to see how wrong-headed and dangerous it is to try to politicize peaceful use debates. Given that possession of the necessary quantity of fissile material is the most difficult challenge in developing a nuclear weapon, the recently-released U.S. National Intelligence Estimate (NIE) hardly alleviates our concerns about Iran’s nuclear work. In any event, it is becoming clearer how such opportunism can undermine the entire NPT regime by seeking to use Article IV to dilute Articles I and II. In contrast to two years ago, I see today less rhetoric about the alleged “denial of inalienable rights” and more legitimate debate about the concrete benefits and technical merits of fuel-supply programs and GNEP-style cooperation predicated upon countries’ voluntary forbearance with respect to ENR technology. We thus are moving, I hope, from a polarized discourse of “denial of rights” to a more constructive one focusing upon the *availability of proliferation-responsible alternatives*. That, I submit, is progress.

II. Disarmament

At the end of the 2005 Review Cycle, disarmament debates were also starkly polarized. There was a surprisingly common belief, in some circles, that the NPT nuclear weapons states (NWS) somehow had backtracked on their commitment to the ultimate goal of nuclear disarmament, that they were in violation of their obligations under Article VI of the Treaty, and that some of them indeed actually sought to *return* to Cold War-style approaches.

With respect to United States nuclear posture and policy, at least, such beliefs have been, fortunately, greatly mistaken. Unfortunately, I cannot go so far as to say that there is not another NWS that is placing *increasing* reliance upon tactical nuclear weaponry, or one still *building up* its strategic nuclear forces. Thankfully, however, United States nuclear policy, at least, is not going in such directions. As a result, our diplomatic engagement has made some progress in correcting misperceptions and allaying concerns.

Disarmament has long been a frustrating diplomatic issue for the United States, but not because we abhor it. America has long made great efforts to promulgate accurate information about our disarmament progress, but somehow our message was not being heard. Even here at Wilton Park last year – among those regarded as experts – many questions I took seemed to be predicated upon the false assumption that the United States was irreconcilably hostile and defensive on matters of disarmament, and that we regarded discussions of the subject in NPT fora much as one would view an impending visit to a demented dentist.

Happily, I believe that we currently are making good progress in rectifying such wrong impressions. To some extent, this diplomatic progress can be inferred from the shifting list of wrongs that we are accused of committing. Not long ago, after all, we heard frequent complaints from some diplomatic counterparts that the United States had refused to reduce its nuclear arsenal. Even as recently as the summer of 2006, for example, I was asked on a trip to the developing world: “Why haven’t you done *anything* to live up to your disarmament obligations under the NPT?” Other critics of our policies derided the United States after the Moscow Treaty – the Strategic Offensive Reduction Treaty (SORT) – saying it was only “sort of” an arms control treaty, and they scorned it for failing to ensure the *elimination* of weapons. The problem, we often were told, was about *numbers*, and our good faith would only be demonstrated only through the achievement of major reductions, including the actual elimination of nuclear weapons.

The problem with these critiques, of course, is that we *had* made reductions – massive ones – and that we *were* busily engaged in dismantling considerable numbers of the very warheads that we were taking out of “operationally deployed” status under the Moscow Treaty. In fact, for example, during the last year alone, we have increased our rate of warhead dismantlement by 146 percent, and slated 400 Advanced Cruise Missiles for elimination. (Moreover, in comparing SORT with the Strategic Arms Reduction Talks (START) and Intermediate-range Nuclear Forces (INF) treaties, one should remember that those earlier instruments dealt solely with delivery systems, and did not mandate the destruction of any nuclear warheads.)

Indeed, just this week, the White House announced further important progress in our elimination of nuclear weapons. As you might know, in 2004, President Bush directed that the U.S. nuclear stockpile be reduced by 50 percent by 2012. Thanks to especially hard work by our Department of Defense and the National Nuclear Security Administration (NNSA), those reductions have now been achieved – *five years ahead of schedule*. And now the White House announced that it will now reduce our nuclear stockpile by an *additional 15 percent* from what had originally been planned to be our 2012 levels. As a result, when this is completed, our overall stockpile will be less than one-fourth the size it was at the end of the Cold War. We have worked to publicize news like this, making sure people learn the facts about our remarkable, and continuing, progress in cutting back our nuclear arsenal. It is a record of achievement of which we are proud, and which we are happy to discuss.

And indeed, it seems we are making some progress in increasing understanding of these facts. That most in the diplomatic community now largely *recognize* these facts can be seen in how some critics began to shift the terms of the debate once again. Critics increasingly, albeit grudgingly, came to admit that the United States *indeed* may have made progress in eliminating weapons and delivery systems, but they argue nonetheless that we still retain a goodly number – and that, in any event, “it’s not really about numbers” but, rather, about nuclear doctrine and policy. In *those* respects, some critics came to insist, we were backsliding: the United States allegedly was *increasing* its reliance upon nuclear weapons and developing new nuclear weapon capabilities. These new accusations were wrong too, but the fact that doctrinal and developmental issues increasingly became the centerpiece of debate show that we finally are getting our message through about how the United States is successfully reducing *numbers*.

Accordingly, we have spent more time answering such critics’ doctrinal and developmental allegations. We pointed out that our development of a “New Triad” of strategic capabilities meant that we actually were moving away from exclusive reliance upon nuclear weapons for strategic deterrence – and that our efforts to improve non-nuclear means to accomplish strategic missions held out the promise of reducing still further our reliance upon nuclear weapons. We pointed out that our “Reliable Replacement Warhead” (RRW) program would not, in fact, add any new military capability, and that success with RRW might allow us to reduce the need to build warhead redundancy into stockpile numbers (*i.e.*, it could make reductions easier) and would diminish the risk that technological uncertainty about ageing weapons might force us to resume underground testing in order to ensure the reliability of whatever weapons remain. We also pointed out that the modernization of our weapons complex is intended to allow us to rely increasingly upon a responsive infrastructure, rather than on a stockpile of weapons beyond current needs, in order to provide a strategic “hedge” against changes in the strategic environment.

Apparently, these arguments have begun to find some traction too – because the contentions made by some of our critics began to shift in response. *Of course* you’ve made reductions, we now were told, and you *may* be reducing your reliance upon nuclear weapons. But the *real* issue, it was now said, was that we had not *completely* eliminated all our nuclear weapons, or never intended to do so. After all, some even tried to argue – amazingly – that “it’s not really disarmament” for us to have cut back our arsenal drastically after the Soviet Empire collapsed. What Article VI requires, the argument went, was for us to conclude an agreement *eliminating* all nuclear weapons, and to do so essentially immediately. Moreover, some added, the United States was required under international law to implement each and every disarmament-related measure ever mentioned in the final document of any NPT Review Conference. Unless and until the day came when we had accomplished all this, and, in fact, had entirely eliminated our nuclear arsenal, we were told, we would remain violators of the spirit of the NPT, if not the Treaty itself.

So we have been trying to answer these baseless criticisms as well. We have drawn increasing attention to what Article VI actually says – and *doesn’t* say – about specific disarmament obligations, to the clarity of its negotiating history in this regard, and to the actual non-legally-binding status of ordinary RevCon decisions. (Some of us have even taken the International Court of Justice to task for its ill-reasoned *dictum* on the meaning of Article VI, offered in a 1996 advisory opinion on a different subject.) As for the bizarre notion that “it’s not really disarmament” for us to get rid of weapons as we are able to move beyond needing them, that idea cannot bear even the most casual scrutiny. After all, by that standard, no country has probably *ever* voluntarily “disarmed,” and it would be hard to imagine that any would. As a country manages to overcome the perceived need for nuclear weapons, would it not be perverse – and foolish – to argue that this makes such disarmament *illegitimate*? By such an argument, disarmament would seem to be most legitimate only when it is most unimaginable and indeed undesirable: when it would maximize strategic insecurity for weapons possessors and perilously worsen the global security *problematique* that helps drive arms races in the first place.

At any rate, the game of conceptual whack-a-mole has continued, bringing us today, I hope, to the most highly evolved level of disarmament debate: one in which some critics now contend – as I was told at a panel discussion last month – that while Article VI may not, as a matter of law, require more than the good faith *pursuit* of disarmament, the *real* issue isn’t a legal one at all. The real issue, the argument goes, is U.S. fidelity to the what is called the “*political bargain*” behind the NPT, one in which non-weapons states expect the elimination of nuclear weapons actually to come about. It would destroy this political bargain, we are told, if we insist upon maintaining “in perpetuity” a world divided into nuclear weapons “have” and “have not” states.

So this is where we are today, with the United States engaged in broad diplomatic outreach efforts and ongoing dialogue not just about numbers, doctrine, and treaty interpretation, but also about our vision for the future – and about how one might actually hope to *achieve* nuclear disarmament. The United States has reaffirmed its commitment to disarmament, offered a vision of a zero-weapons future, and engaged in unprecedented discussion of how actually to achieve this. (If you have not read our contributions on these subjects, I would urge you to do so.^[2]) Thanks to all this, I think, the current state of affairs is that we all now gradually are arriving at the place where disarmament debate *should* be. We *should* be discussing what a world free of nuclear weapons might have to look like – and by this I mean a world not just free of them but *sustainably* so – and we *should* be discussing how to get there. We *should* be debating how to make disarmament a realistic and practical policy choice for weapons possessors, including by looking at how non-possessors can help create the conditions necessary for such a choice, such as by ensuring universal compliance with nonproliferation obligations. Happily, there seems today to be new interest in the thoughtful consideration of these matters, and in moving beyond reflexive political posturing to get to the real challenges of determining whether, how, and when disarmament actually might be achievable. Accordingly, I believe that the first portion of the 2010 NPT Review Cycle, at least, should be counted as a success for anyone who is *serious* about disarmament.

III. Nonproliferation

The third area that I would like to address is nonproliferation – the overarching purpose of the NPT, and the foundation upon which the two so-called “pillars” of peaceful uses and disarmament rest. Here, unfortunately, the record is rather mixed.

One often hears people speak of nonproliferation, disarmament, and peaceful uses as the “three pillars” of the Treaty. There is nothing wrong with this phrasing if it is just used as convenient shorthand for “the three issues mentioned in the NPT about which people care the most in diplomatic circles.” One should not infer from such phrasing, however, that these three elements are of equivalent importance to the regime. In fact, the NPT, as its title suggests, is a *nonproliferation* treaty, built around the core provisions of Articles I and II – articles that descend from the famous “Irish Resolution” of 1961 that helped inspire the Treaty’s drafting. The commitment to the principle of disarmament (Article VI) and the reassurance of nuclear technology sharing (Article IV) were important in the NPT’s negotiation and remain important to sustaining the NPT regime today. At its core, however, the NPT is about preventing the spread of nuclear weaponry, and everything about the Treaty needs to be seen through this prism.

I wish I could report that State Party participants in the NPT regime are more strongly committed to nonproliferation today than at the end of the 2005 Review Cycle, but the jury is still out. To be sure, the looming proliferation challenges of “latent” or “virtual” weapons programs created by the spread of ENR technology are increasingly well understood. The world has also become appropriately alarmed about Iran’s rush to produce fissile materials for reactors it does not have in order to prevent an “energy crisis” it does not face, particularly given that it lacks the domestic uranium reserves to support the “independent” commercial program it claims to desire. (The specter of what the North Korean regime did with its own purportedly “peaceful” nuclear program quite properly haunts peaceful use debates today.) There is also, I believe, a growing appreciation for the challenge of ensuring that nuclear safeguards will provide warning of fissile material diversion in time to permit an effective response by members of a fractious and cumbersome multilateral regime.

But these problems remain distressingly resistant to resolution. I am encouraged, nonetheless, that after such prolonged and unfortunate delay – several years during

which the Natanz enrichment facility went from being merely a hole in the ground to running 3,000 or more centrifuges – it has been possible for the U.N. Security Council to begin to address the challenges presented by Iran's nuclear activities. Iran, however, remains committed to developing full-scale enrichment, and is pressing ahead with UNSC-proscribed activities. Furthermore, difficulties remain in achieving consensus on measures to apply more pressure to Iran to comply with applicable Security Council Resolutions under Chapter VII of the U.N. Charter. There are some notable rays of hope in connection with our diplomatic push to resolve the North Korean nuclear crisis, but progress was only achieved after Pyongyang's own provocations, including its test of a nuclear device in October 2006, and further international pressure, including the imposition of sanctions under a unanimously approved Chapter VII Security Council resolution. The nonproliferation regime has great difficulty in providing responses to proliferation challenges early enough for such responses to be effective before things approach a grave crisis from which it can be extraordinarily difficult to recover. While we have seen proof that sustained international pressure can compel changes in a proliferator's behavior, the international nonproliferation regime clearly needs to do better in the future.

I do not consider it impossible to provide such effective responses. The Iranian case is instructive. According to the recent U.S. National Intelligence Estimate (NIE) on Iran's nuclear weapons program, Iran proved sufficiently responsive to international pressure that in the autumn of 2003, it is assessed to have halted its nuclear weapon design and weaponization work and the uranium-related work that had at that point not yet been discovered – in other words, it halted the aspects of its longstanding weapons effort that hadn't yet been embarrassingly revealed. We should take heart from this. As anyone involved in these events will recall, the fall of 2003 was a pregnant time. It was the point when international outrage at Iranian nuclear deceptions being publicly documented by IAEA inspectors first made it seem likely that Iran would be reported to the U.N. Security Council for noncompliance with its safeguards obligations.

To be sure, more international scrutiny and pressure is needed to ensure this effort cannot be restarted – for example, when sufficient fissile material finally becomes available from Natanz. Moreover the suspension required by the U.N. Security Council must occur and must be verified by the International Atomic Energy Agency (IAEA) and satisfactory answers given to all of the Agency's outstanding questions. It would be ironic indeed were the result of this NIE to be that the international community permits Iran to overcome the principal obstacle that stands between it and nuclear weaponry – the availability of fissile material.

Nevertheless, at least when compared to Iran's previous policy of pursuing weapon design, weaponization, and other covert work at full speed *in conjunction with* fissile-material production efforts at Natanz, the NIE suggests that there has been some progress. The remaining test is whether the international community succeeds at the next step: ensuring that Iran suspends its ENR activities, as it is required to do by U.N. Security Council resolutions. This is why I think that the NIE offers a ray of hope: it suggests that if participants in the NPT regime can manage to come together to confront a proliferator regime with the imminent prospect of highly unfavorable consequences, this can produce results. For this reason, I believe the compliance enforcement efforts during the summer of 2003 offer an important model for the future.

IV. Looking Ahead

As we assess the 2010 Review Cycle so far and look ahead to 2010, we should bear such lessons keenly in mind. The United States believes that the 2007 PrepCom was basically a success, setting an agenda for the other PrepComs and demonstrating that States Party indeed are capable of working together constructively, and of resisting the cynical efforts of some countries to impede multilateral responses to proliferation challenges by sidetracking and obstructing NPT deliberations. Such intestinal fortitude has been shown so far only on procedural issues, rather than on nonproliferation substance, but the 2007 PrepCom offers at least some hope for the future.

With regard to the next Review Conference, the United States in 2007 outlined an ambitious work plan that we believe should help all States Party structure their approaches to achieving a constructive Final Document in 2010. It was too long a speech for me to go through it here, but if any of you have not read it, I encourage you to do so.

This proposed work plan starts from the obvious point that it is the responsibility of States Party during each Review Cycle to identify and promote the steps most needed, under prevailing circumstances, to fulfill the purposes of the Treaty. Past RevCons have not been shy about offering the views of States Party at the time on what steps would be most useful. Similarly, States Party should not be shy about expressing their own views in 2010, based upon the circumstances of the time – whatever they may be. The whole *point* of having a Review Cycle is to provide the opportunity to re-evaluate policy options in light of events, keeping parties focused upon what remains essential, discarding whatever may have become outdated, and insisting upon the addition of anything new that will help the NPT succeed.

Our suggested work plan for 2010 outlines ways in which the Review Cycle can contribute to fulfilling NPT objectives, and we encourage discussion and debate on these points. In my view, there has so far been too little. But if the collective determination shown by States Party at the 2007 PrepCom to resist proliferator procedural manipulations continues for the rest of the Review Cycle, we can all look forward to constructive debates in 2008 and 2009 that will help prepare us for 2010.

I do not mean to suggest that it will necessarily be possible to reach consensus in 2010 upon a comprehensive textual declaration of priorities that covers every single issue currently confronting the NPT regime. This, however, does not mean that we cannot reach agreement on some very significant issues in a document of more limited scope, or that it would be pointless to debate issues upon which Treaty parties continue to *disagree*. We do not need to agree upon everything, but I think that we are well positioned to make some real progress by the end of the 2010 cycle. With a realistic conception of what constitutes a "success," we can indeed have a genuine one.

I have probably now said more than enough to get discussion going here. Let me conclude my comments about 2010, therefore, by saying that it is in this same vein – in the hope of promoting agreement on some key issues while continuing constructive debate on matters of continued divergence – that I look forward to your questions and comments.

Thank you.

[1] President George W. Bush, remarks at the U.S. National Defense University (February 11, 2004), available at <http://www.whitehouse.gov/news/releases/2004/02/20040211-4.html>.

[2] Many of these are available at <http://www.state.gov/t/isn/wmd/nnp/c21893.htm>.

