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STRENGTHENING THE NPT

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I want to begin by thanking the creators of the EU Consortium and the Consortium in turn, for organising this conference – it is a very impressive gathering and I am honoured to be part of it. I also want to thank my friend Harald for mentioning in his introduction Thérèse Delpech. I was sitting here this morning before we started and I was thinking about how it was possible that such a petite person could leave such an enormous empty space once she had departed. I feel the void of her departure and I appreciate Harald for mentioning that.

Our topic, as I understand it, and as my two colleagues evidently laid out, is strengthening the NPT. What I want to do is step back a little and try to address some of the underlying political challenges to accomplishing the specific objectives that have already been so well mentioned. Most close observers of nuclear affairs would agree that, if the NPT did not exist today but were instead to be negotiated, the result would be quite different, and the difference would run in a different direction when it comes to the strength of the terms and the provisions for their enforcement; in other words, it would not be stronger than the model that exists today, but it would probably be less robust in some ways.

There are many important reasons for this, but perhaps the most pertinent is the different distribution of power in the international system today. The NPT was the product of shared interests and cooperation between the two most powerful states in what was largely a bipolar world: the Soviet Union and the US. Notwithstanding all of their differences, especially in 1968 and its run-up, they both agreed that they did not want more states to acquire nuclear weapons. Moreover, they both had some capacity to impose discipline on most of the rest of the world and to provide security guarantees to their protégés. If one state that was a protégé felt threatened by another, it could turn and ask for security protection.

Today, of course, the US and Soviet hegemony and their spheres of influence no longer exist. The world contains several rising powers – China, of course, but also India, Brazil and Turkey, as well as the collection of states in ASEAN. The rise of these countries, which were relatively powerless in 1968, when the NPT was being negotiated, owes most to their economic growth, but this does not diminish the implications for the nuclear order.

The shifting distribution of power also reflects moral and political developments that extend the logic of colonial liberation. Rising developing countries expect – and increasingly are in a position to demand – greater equity in the negotiating and enforcing of international rules, and we see it in trade policy as well as in nuclear policy and other domains. Emerging powers are especially desirous of greater justice in the international system; that is, fair bargains between the haves and the have-nots, again in whichever policy space we are talking about. Lest aspirations such as this be dismissed as woolly headed or naïve, it is interesting to note the recent words of no less a realist than Henry Kissinger, who wrote a couple of months ago: ‘Stable orders require elements of both power and morality. If there is no commitment to the essential justice of existing arrangements, constant challenges or else a crusading attempt to impose value systems are inevitable’.

This is not metaphysics. You can see the effects of this challenge that I am talking about in the action plan that was produced by the 2010 NPT Review Conference, which has already been mentioned. The plan calls for 64 actions; 22 of these are in the category of nuclear disarmament; 24 in the category of nuclear non-proliferation; and 18 in peaceful uses of nuclear energy. This numerical allocation is, however, somewhat misleading. The actions called for in disarmament are more specific and concrete than those under non-proliferation. For example, and as Ambassador Winid mentioned, under the non-proliferation heading, there is no mention of an issue that has long been seen as important and on which a certain amount of work has been done, and that has related to the withdrawal provision of the NPT: Article 10.

There has been a lot of discussion about the value of at least clarifying that a state that is not in compliance with the treaty may not withdraw from it and escape the consequences of that non-compliance, but in the action plan there is no mention of this, which is interesting and indicative, I think, of the trend that I am talking about.

Another important non-proliferation issue – bringing into force the Additional Protocol – is far from being made mandatory as a condition of supply, as Lord Hannay suggested, but it is weakly addressed by ‘encouraging all states, as soon as possible, to put it into force’. When it comes to compliance or enforcement or compliance, action item number 26 merely ‘underscores the importance in complying with non-proliferation obligations, addressing all compliance matters in order to uphold the treaty’s integrity and the authority of the safeguards system’. It is nice but this is not very concrete.

Item number 27 ‘underscores the importance of resolving all cases of non-compliance with safeguards obligations’. There is no mention of Iran, and we all know the reasons why, but Iran’s breach of safeguards obligation had been declared by the IAEA, and its non-compliance with IAEA and UN Security Council resolutions had been amply documented, but no mention. We know the reasons for it, but the reasons, as I am trying to suggest, are indicative of this broader challenge that I am talking about. Indeed, the content of the action plan generally reflects the shifting balance of perspectives and power in the nuclear order.

In the rest of my remarks, I want to sketch some of the perspectives and interests that I have perceived in Brazil and Turkey, which, in many ways, are two of the most interesting and important emerging powers. This importance and interest stems in part from their technical capabilities and aspirations. Brazil is already enriching uranium and has a plan and a commitment to the fuel cycle; Turkey also has expressed an interest in operating the fuel cycle. These two are also interesting because they consciously represent and reflect the shifting balance of power, and you could see that in their effort to mediate the Iran crisis in 2010, which I am not going to get into in the talk, but I hope that we can in the discussion.

Brazil and Turkey clearly demand increased international equity, and specifically in the nuclear non-proliferation regime. Leaders and opinion-shapers in both countries enthusiastically welcomed President Obama’s Prague speech of 2009, and particularly the expressed desire in that speech to initiate progress towards a world without nuclear weapons. Brazil and Turkey both want nuclear non-proliferation and disarmament, as President Obama does. However, where the US and like-minded states tend to put more emphasis on strengthened non-proliferation and the enforcement of non-proliferation rules as a prerequisite to disarmament, emerging powers tend to reverse the priorities and the causal logic. To emerging powers, quicker and more rigorous implementation of disarmament is thought to augment non-proliferation, while nuclear-arms states tend to argue that more effective non-proliferation most precede disarmament.

In addition to the differences in prioritising disarmament and non-proliferation, developing countries show a resistance to increased constraints on the distribution of nuclear technology, particularly uranium enrichment and, perhaps, reprocessing capabilities, notwithstanding the existence of markets to provide fuel services. There is probably an element of strategic hedging in this, follow the logic of Iran or, as some would say, of Japan, but less ambiguous than that is the feeling that constraints on nuclear technology distribution are neo-colonial. As a matter of political and moral principle, as well as economic opportunity, emerging powers do not want to accept double standards regarding who can have and not have technologies like centrifuges or lasers for enrichment. This can be seen in the weight given to nuclear cooperation in the action plan.

A third area of fundamental disagreement concerns the use of sanctions. Again, this could be seen in the action plan's silence on methods to encourage or enforce compliance on Iran. The concerns here of emerging powers – and, again, of Brazil and Turkey – are multiple, even though neither of those two states is, itself, threatened with sanction. Sanctions are often seen as an encroachment on national sovereignty, which is problematic in principle. Turkish and Brazilian leaders in the case of Iran expected sanctions would harden the resolve of the sanctioned state and its society to resist what is perceived as outside interference in their sovereign affairs, which will then be counterproductive.

Emerging powers tend to see sanctions also as a prelude to war, as happened in the case in Iraq, and they generally believe that the US, as a recent hegemonic power, is too trigger-happy. While Western powers may believe or claim that sanctions are the better alternative to war in enforcing international rules, sceptical emerging powers argue that the two enforcement tools are not mutually exclusive and that the US in particular prefers both forms of enforcement over concessionary diplomacy that emerging powers tend to advocate.

The aversion to sanctions also relates back to the issue of double standards. I remember hearing from a very good source a couple of years ago that President Lula's system had worked up to him that Brazil would sign and adopt the Additional Protocol, but this happened right as the US was proposing a nuclear cooperation deal with India. When it was explained to him and he realised that India was going to have all impediments to cooperation on it removed and it had tested nuclear weapons, yet Brazil and others were being asked to accept tighter conditions on technology constraints, he said that this was a double standard that he would not accept.

We can see Turkish Prime Minister Erdogan's frequent statements on Iran, where he highlights the double standard between Iran and Israel. Experts like those gathered here can identify important differences in the legal and technical situations of India, Israel, Iran and other particular cases. There are important differences, but emerging-power political leaders like Lula and Erdogan are not steeped in this subject, which is arcane. Those of us in this subject have to admit it is very arcane and very hard to explain to our siblings, in-laws and nephews and nieces what it is we do. After five minutes, they just say, 'I am glad you are doing it. Can we talk about something else?'

Importantly, none of the emerging powers contains more than a handful of nuclear-policy experts in their civil societies or their media. Often, the expertise that does exist in these states resides in only a few talented diplomats and atomic-energy bureaucrats. There is no blame or criticism in this; rather, there is a need, I would argue, to encourage and facilitate the development of nuclear expertise in the governments and civil societies of emerging powers. This must be seen as a long-term requirement of education and give-and-take. It is not missionary work but the creation of networks of co-education. The US, the EU and other states with ample expertise in this area should help facilitate such education and search for opportunities to invite young talented scholars and officials from emerging powers into the international networks that address nuclear issues, like those represented here at this conference. Thank you.