

Nuclear Disarmament and the Role of the IAEA

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Mr. Chairman of the Scientific Forum,

Let me begin by thanking the organizers for this opportunity to address the Scientific Forum on the issue of nuclear disarmament and the role of the IAEA.

To speak on nuclear disarmament is to confront both frustrations and challenges. Despite constant and persistent efforts by the international community, institutions and individuals, the fact is that for more than 60 years now nuclear disarmament has remained an elusive goal.

At the height of the cold war, nuclear arsenals reached a peak of some 70000 weapons. Although these numbers have since come down significantly, some 27000 weapons remain, and with each and one of them lies the potential for destruction on a massive and indiscriminate scale. Such destruction would be so devastating that the International Court of Justice, in its landmark 1996 Advisory Opinion, pointed out that the effects of nuclear weapons use could not be contained “in space or in time”, and would generally be contrary to International Humanitarian Law.

The risks of this situation were very aptly put, also in 1996, by the Canberra Commission on nuclear disarmament, in stating that the proposition that nuclear weapons can be retained in perpetuity and never used defies credibility.

The fact that decades go by and nuclear disarmament is not realised contributes to a deep sense of concern and disappointment. So do other factors, such as the persistence of nuclear doctrines that admit first use; the lack of binding negative security assurances; the on-going research on nuclear explosives, including “subcritical” tests, and maintaining readiness to resume full-scale testing.

Other worrisome developments are new alleged justifications for retaining nuclear arsenals. No matter how carefully crafted, these appear increasingly flimsy in the face of the current international scenario. On the one hand, it is evident that nuclear weapons are no deterrent to new non-state actor threats. On the other, holding on to nuclear arsenals only seems to stimulate others to go down the same path. The non-proliferation cost of stalling on nuclear disarmament is all too clear.

The sense of insufficient or outright lack of progress in nuclear disarmament is even more disturbing if measured against existing legal obligations. First and foremost among these is of course Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). According to the ICJ in its already mentioned Advisory Opinion, the obligation contained in Article VI is an obligation to achieve results in nuclear disarmament.

Based on this commitment, in the 2000 NPT conference the Nuclear-Weapon States made an unequivocal undertaking on the elimination of their nuclear arsenals, and agreed to thirteen practical steps towards nuclear disarmament. These remain unfulfilled. Part of the essential missing pieces are bringing the Comprehensive Nuclear Test Ban Treaty (CTBT) into force and negotiating a Fissile Materials Cut-Off Treaty (FMCT).

Despite significant unilateral reductions in nuclear arsenals, these have not been done within an international process that includes the commitment to total elimination, verification and the observance of principles such as transparency and irreversibility.

These could only be ensured by means of a multilateral arrangement involving other States and an international verification mechanism. The aim of such arrangements would be to attest quantitative and qualitative reductions in nuclear arsenals, as well as safeguarding the stocks of fissile material freed from nuclear weapons against both diversion to non-peaceful uses and possible access by non-State agents.

This would give general confidence that reductions between the US and Russia are being carried out as agreed. It would also provide a path for others to follow, including those nuclear-capable States outside the NPT.

The obstacles to such a scenario indeed seem very great. Surmounting them is by no means an easy challenge. Yet forward movement on nuclear disarmament must be seen as an integral part an effective arms control régime. As the Director-General, Dr. Mohammed El-Baradei, argued at a Conference in Oslo earlier this year, the notion that it is morally reprehensible for some countries to pursue weapons of mass destruction yet morally acceptable for others to rely on them for their security is simply unworkable.

Former US Secretaries of State Henry Kissinger and George Scultz^{w/}, Defense Secretary William Perry and ✕ Senator Sam Nunn have recently brought their experience and credibility to the nuclear disarmament effort, giving it new inspiration. This has been backed by many other former officials. We should take heed that these movements will help bring about a revival of nuclear

disarmament alongside the non-proliferation efforts in this era of the so-called nuclear renaissance.

Despite the difficulties surrounding nuclear disarmament, the Independent Commission established at the request of the Director General was certainly correct in envisaging a greater role for the Agency in this respect. As stated in section 5 of its report, “progress towards disarmament, of the lack of it, will deeply affect the success of the IAEA’s non-proliferation mission”.

For achieving nuclear disarmament verification objectives, the IAEA clearly would have a major role to play. Under Article III.A.5 of its Statute, the Agency is allowed to apply, at the request of a State, safeguards to any of that State’s nuclear activities. The Agency’s capabilities and experience make it the international institution best suited to eventually perform nuclear disarmament verification tasks.

Safeguarding fissile materials released from nuclear weapons, however, is but one of the measures related to a consistent, comprehensive verification work. Others would have to be determined and could include verifying the decommissioning and dismantling of nuclear warheads themselves. New institutions and mechanisms might also improve the Agency's capabilities. An FMCT endowed with a verification mechanism ^{sh} would, for example, rely on the IAEA for its implementation.

It is important that specific thought is being given in academic circles to the actual nuclear disarmament verification process characteristics. The recent paper "Taking Nuclear Disarmament Seriously" by George Perkovitch and James Acton is a case in point.

In order to effectively perform nuclear disarmament verification activities, the Agency would of course need to

be strengthened, properly funded and equipped. But the benefits and advantages in terms of strengthening the overall disarmament and non-proliferation regime and improving international security would far compensate the cost.

Strengthening of the Agency should thus be seen as an integral part of the broader efforts towards nuclear disarmament. As work proceeds on the consideration of the Independent Commission's recommendations, it is essential that measures continue to be taken for bringing about the prompt entry-into-force of the CTBT, the establishment of nuclear-weapons-free zones, the negotiation and adoption of an FMCT, as well as full implementation of NPT Article VI obligations and of the thirteen steps towards nuclear disarmament.

As we turn our attention to the IAEA's role in the 21st Century, it is clear that the stronger its role in

implementing and verifying nuclear disarmament commitments, the better will be its effectiveness in performing its overall statutory duties.