

*Achieving the Vision of a World Free of Nuclear Weapons
Seminar on Nuclear Disarmament, Oslo, 26-27 February 2008*

**Session 2: What further steps could non-nuclear weapon states
take to strengthen the non-proliferation regime?**

Remarks by Rose Gottemoeller, Director, Carnegie Moscow Center

As I step to this podium, I would like to say that there is a significant anniversary coming up that is relevant to our discussions here today: the fiftieth anniversary of the Antarctic Treaty, which was signed in Washington, DC on December 1, 1959. This anniversary is especially appropriate to take note of here in Oslo, because so many Norwegian explorers were important to the opening of Antarctica—most prominently, of course, Roald Amundsen, who was first to reach the South Pole on December 14, 1911. The Antarctic Treaty was negotiated fifty years later to ensure that the ice continent would be open to scientific endeavor by all interested countries—Norway, of course, was one of the original signatories.

The preamble to the treaty recognizes “that it is in the interest of all mankind that Antarctica shall continue forever to be used exclusively for peaceful purposes and shall not become the scene or object of international discord.” I am raising the Antarctic Treaty in this conference, which is focused on the future of nuclear weapons, because I believe that with modification the same language could apply to the nuclear fuel cycle.

All of us have become concerned about the future of the nonproliferation regime: it has become fashionable in the media to state that the Non-Proliferation Treaty (NPT) is in crisis, has a fatal loophole related to the fuel cycle, or even has failed outright. Although I personally do not agree with any of these assessments, I do agree—no doubt along with everyone in this room—that the NPT and its accompanying regime face serious challenges.

In addressing these challenges, perhaps we have been too focused inside the regime of nonproliferation and its sister regimes of nuclear arms reduction and control. Perhaps, in addition, we should be looking to other international treaties that have been successful, for lessons learned and perhaps some direct applications to improving the nonproliferation regime.

Fifty years after its signing, the Antarctic Treaty is widely judged to be a success—therefore, it is an excellent candidate to consider in this regard. Its characteristics that might be applicable to the nonproliferation regime include:

1. Wide international membership and participation, even among countries that have had a troubled relationship to the international community, or have had disagreements among themselves. Thus, India is a member of the Antarctic Treaty system and last year hosted the annual conference in New Delhi; both

- North and South Korea are members and both manage to participate in treaty implementation; the UK and Argentina, even during the Falklands War, continued to participate in Antarctic Treaty activities.
2. Relatively smooth implementation of the first ever anytime, anywhere no-warning inspection regime—predating by nearly thirty years the first extensive on-site inspection regime under a U.S.-Soviet bilateral agreement, the Short- and Intermediate-Range Nuclear Forces Treaty (INF).
 3. Self-selection for active participation—the “activities criterion”: countries may sign the treaty, but they only become active in its governance when they launch a program of scientific research in Antarctica.
 4. And perhaps most important, a willingness to allow past territorial claims to exist without controversy. Such claims are neither acknowledged nor denied by the other parties to the Treaty. Seven parties claim territory, two reserve the right to assert a claim, but all parties operate on the continent as if there were no claims.¹

In essence, the activities criterion and agreement to disagree over claims and then ignore them, are keys to the success of the Antarctic Treaty’s implementation and governance.

Now let me turn to the question of applicability to the nonproliferation regime. The Non-Proliferation Treaty will always be the basic foundation of the regime. However, given the issues that have arisen in recent years—and particularly the concern that some states have expressed, that they will be discriminated against in their wish to assert the Art. IV right to acquire nuclear fuel cycle facilities—I would argue that we need a companion international treaty to the NPT. The purpose of this companion treaty to the NPT would be to allow states to reiterate their rights with regard to the fuel cycle, without encouraging them to do so by actually launching into nuclear enrichment or other fuel cycle programs.

To accomplish this goal, the NPT companion treaty for the fuel cycle might draw on certain characteristics of the Antarctic Treaty:

1. By signing the treaty, states would reiterate their right to acquire the nuclear fuel cycle, consistent with Art. IV of the NPT. However, they would in no way be obligated or encouraged to do so early, regardless of national need in the development of a nuclear energy program.
2. Signatories to the treaty would only become active in its implementation and governance once they decided to embark on fuel cycle activities.
3. At that time, they would automatically become subject to an anytime, anywhere, no-warning monitoring and inspection program pursuant to the Treaty.
4. Signatories to the treaty already engaged in fuel cycle activities, even on an experimental basis, would automatically become active in its implementation and governance, and would also become subject to its inspection and monitoring regime.

¹ This list is derived from a paper by R.V. Arnaudo, “The Unique Nature of the Antarctic Treaty System: Problem or Advantage?” Wilton Park Proceedings, UK, November 14, 2001.

- Military nuclear programs could remain outside the monitoring and inspection regime.
- Past claims and disagreements regarding fuel cycle programs, including experimental ones, would continue to be addressed in other settings—e.g. the Six-Party Talks with North Korea, or the IAEA efforts to clarify past fuel cycle activities in Iran. In the context of the companion treaty to the NPT, such claims and disagreements would simply remain in place, not impeding its implementation, but assisting its implementation if successfully resolved.

I realize that these ideas are highly controversial in several dimensions, and particularly with regard to the treatment that would be accorded Iran: its past claims to a right to the fuel cycle would essentially be allowed to exist, despite the current position of Russia, the United States, and other parties to the negotiations, that Iran has forfeited its existing right to the fuel cycle because of its lack of cooperation with the IAEA and the enormous lack of confidence in its activities that has ensued. However, as I understand the position of at least some parties to the negotiations, if Iran is able to restore confidence in its activities, then its fuel cycle rights would not be permanently forfeited, but might be resumed in future. I would suggest that a companion treaty to the NPT of the kind I describe, with a well-developed monitoring and inspection regime, could play a critical role in restoring, over time, confidence in Iran's activities.

Two other issues also have the potential to be highly controversial: first, the relationship of the NPT companion treaty to the existing IAEA safeguards regime, and second, the participation of the existing nuclear weapon states in a new and comprehensive inspection regime. I believe that the resolution of these two issues with regard to the new treaty may be related, and therefore it is worth looking at the two of them together.

The nuclear weapon states have traditionally declined to participate in IAEA safeguards, arguing that their special status requires them to take extraordinary national measures in any event to safeguard their nuclear arsenals and related fuel cycle facilities. Over the past fifteen years, however, this position has begun to alter. In the 1990s, for example, the United States, Russia and the IAEA launched the so-called Trilateral Initiative to explore how nuclear weapons states might cooperate with the IAEA in safeguarding nuclear facilities. This initiative went a long way in developing technologies and procedures that would allow the nuclear weapon states to participate in safeguard activities while protecting their military nuclear secrets. In more recent times, the Russian Federation has been working with the IAEA to develop safeguard measures that would apply to its international fuel services center at Angarsk.

Thus, some basis already exists for including the nuclear weapon states in a more extensive monitoring and inspection regime that would continue to be developed and implemented in cooperation with the IAEA. The exact form and nature that that cooperation would take requires considerable thought and discussion, certainly more than I have been able to give the matter up to this point. However, the experience of the

Trilateral Initiative and Russia's current negotiations with the IAEA regarding Angarsk safeguards are fruitful places to begin.

I would like to end by paraphrasing the preamble to the Antarctic Treaty: "It is in the interest of all mankind that the nuclear fuel cycle shall continue forever to be used exclusively for peaceful purposes, and shall not become the object of international discord." In my view, if we do not develop a new treaty or arrangement that allows states to reiterate their right to acquire fuel cycle capabilities, then we may experience a rush to acquire such capabilities in countries where previously there was neither a policy desire, nor economic need, nor the technical capacity to do so. I need not stress for this audience that this trend in turn would open the door to significant new nuclear weapon potential in countries around the world.

Clearly these ideas are in an early stage of development. The Antarctic Treaty is one model to be examined in this effort, but there may be others worth exploring—successful treaties outside of the Non-Proliferation Treaty and its regime. I welcome your comments and questions either in this venue, or later, when you've had a chance to think about them. Thank you for your attention, and the opportunity to speak today before this important gathering.