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POLITICAL ASPECTS OF NON-PROLIFERATION

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Historical Background: United Nations and Security

The political aspects of non-proliferation are many and critical. The UN Charter does rarely refer to disarmament because disarmament left bad memories between World Wars 1 and 2. Disarmament initiatives were blamed for by the fact that Western powers had not prepared themselves to confront the nazi-fascist threat. The idea that disarmament negotiations were misleading -because they were not accompanied by strict control and supervision mechanisms- led to a false sense of security. The word disarmament is seldom mentioned in the UN Charter – may be two or three times and incidentally. It is the idea of security that replaces it. The U.N. Council is not called Political Council, but rather the Security Council. The concept, which becomes dominant, is that nothing can be done unless there is certainty that the associated measures are effective. Therefore, concepts such as non-proliferation and disarmament have little space in the UN Charter.

As soon as the fact that nuclear energy for military purposes emerged, the only energy born under a military signature (electricity, coal, gas, and other forms of energy were born for peaceful purposes and only afterwards had military use), a new and inescapable international reality was created. Nuclear power appears essentially under its military patent, with an extraordinary impact, determining the accelerated collapse of the Japanese Empire and ending the war in the Pacific. The impact was such that soon after 1945, we began living in a new reality that was called the atomic age, and since the discovery of nuclear weapons, the political-military-diplomatic game has not been anymore the same because its equation did change. Between 1945 and 1949, the United States were the only nuclear weapon power; in 1949, the Soviet Union also started to test the use of nuclear weapons. At the same time, a process was created whereby the permanent members of the Security Council were chosen, which also ended up by incorporating the countries holding nuclear weapons.

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Non-Proliferation of Nuclear Weapons

The United States, Great Britain, France, and a little later, China and the Soviet Union are the five nuclear powers that up to now are formally acknowledged as such in the Non-Proliferation Treaty.

The problem is that these five nuclear powers realized that they could not restrain the access of other countries to nuclear knowledge. So, an instrument had to be devised to prevent -and then the word came up- the proliferation of nuclear weapons.

Formally, the Non-Proliferation Treaty would only be born in 1970, under the influence of two countries, the United States and the Soviet Union, which even today remain as members. To date, there are already 190 member countries. The Treaty presented two key aspects: the indication of the promise to contain the spread of nuclear weapons and the idea of inequality of treatment between those with the right to have nuclear weapons, and those who could not have them. Therefore, the Non-Proliferation Treaty was born under a very ambiguous political signature: on the one hand the idea that everyone's safety improves if there is no dissemination of nuclear weapons, and on the other hand, the crystallization of a situation among those who, at that moment, had nuclear weapons and those that did not have them. The problem created was to generate a permanent discrimination among nations on the right to have nuclear weapons or not.

The Non-Proliferation Treaty rests on three pillars: the pillar of disarmament, the pillar of non-proliferation, and the pillar of the peaceful use of nuclear energy. It is a treaty that aims at accelerating disarmament, preventing proliferation, and encouraging the peaceful use of nuclear energy.

The Treaty was initially created for a 25-year time period; it was thought that in 25 years, it would be possible to accomplish the three objectives of non-proliferation, disarmament, and peaceful use. However, when we came to the end of the initial 25 years, no progress had been made; proliferation went on, although much less pronounced than it would be had it not been for the Treaty. Today, it is assumed that without the Non-Proliferation Treaty, there would be between 25 and 30 nuclear powers. The fact is that there are 10: the so-called five nuclear powers acknowledged as such plus India, Pakistan, North Korea, Israel, which, while not calling itself a nuclear power, there is no doubt it has the technology of nuclear weapons, and now Iran with the possibility of also getting the condition of becoming a military nuclear power.

One can celebrate, then, the success of the Non-Proliferation Treaty to have prevented till now 30 countries from becoming nuclear countries; Brazil, Argentina, South Africa, would have naturally exercised this option. The Treaty, therefore, worked to reduce the number of actors with nuclear weapons. It did not succeed to the extent that, within the period of its ruling, it did not avoid to have doubled the number of actors to 10 instead of keeping only five. It also failed on all that referred to article 6 which establishes the commitment of the nuclear power countries to work towards disarmament. Very little has been done though, especially after the end of the Cold War when a series of negotiations were conducted initially between the then Soviet Union and the United States, to reduce their nuclear arsenals and their warhead capabilities, and to reduce their strategic submarines and air forces. There is a certain progress, but much less than expected; now for the first time in many years, a reduction in the number of

warheads is, in fact, starting to take place. We regret that these weapons today are a lot more effective today than they were 20 years ago. In other words, when one says that the number of nuclear warheads declined from 8,000 to 3,000, one has to take into account that those surviving 3,000 are a lot more effective, accurate and lethal than the 8,000 previous ones. Therefore, what is gained in absolute numbers is offset by the capacity of precision of their control mechanisms. This reduction does not represent something showing a substantial progress on disarmament.

The third aspect of the peaceful uses remains a big problem because the International Atomic Energy Agency (IAEA) has always been a two-armed entity, one arm interested in control, surveillance, proliferation prevention, and the other interested in stimulating technology transfer. How to reconcile the need to promote technology with the need to monitor it?

Initially it was foreseen that the Treaty would be revised every five years, when the parties would decide whether it would be extended or not. After 25 years, the Treaty became perennial. Now its validity has no limit date, and at every five years there is a revision to negotiate adjustments of its role. In the year 2000, reasonable results were achieved: a new agenda was created and there was a 13-point program for disarmament. 2005 was a fiasco: consensus was not achieved on virtually any subject. The Treaty, which this year has just held its eighth chapter of revision, obtained good results demonstrating that there is indeed progress, and basically we are again on tracks to resume START negotiations and, on a second level, to carry forward the process of implementing the agreement to fully eliminating nuclear weapons testing, the CTBT. In the scope of the UN, there was the Conference on Disarmament, which could not even get together to approve a negotiating agenda. The eighth revision meeting of the Treaty allowed forwarding, after 10-12 years without an international policy of control and arms reduction, a project to create a nuclear-weapons-free-zone in the Middle East. This is essential because it will obviously stop Iran, or Turkey, or Saudi Arabia, or Egypt, or whoever from being equipped with nuclear weapons. This is so because, while there is a suspicion that only Israel has nuclear weapons, the temptation for others to search for these new weapons will be almost irresistible.

The problem of nuclear weapons, their proliferation control and their destruction is that everything needs long deadlines. The idea of a demilitarized Middle East is something for 15, 20, 30 years time and it is very difficult to mobilize public opinion and governments to negotiate solutions with such long deadlines. All these considerations determine the complexity that surrounds the process of controlling nuclear weapons. Great progress has already been achieved with chemical weapons because there is a treaty banning such weapons as there is a treaty banning biological weapons.

On the other hand, nuclear energy has a beneficial peaceful magnitude to mankind which is the nuclear power generation and its uranium cycle. One cannot ignore that in a world where ecological concerns grow, the prestige of nuclear power has increased a great deal because of the rising perception of the need for non-polluting energy production, which will depend heavily on nuclear energy. I believe that nuclear energy will also have a big boost, considering what is happening nowadays in the Gulf of Mexico. More and more oil research and exploration in deep underwater does involve higher risks that come from nature itself or from the technology used. Searching for oil on the seabed at great depths

of water layers, of land, or of salt, is a constant challenge embedding high accident risks. This will lead to a favorable reappraisal of nuclear power and its prospects.

In summary, a first consideration is that the Treaty on Non-Proliferation contains a central unfairness because it discriminates between countries that can have nuclear weapons, and others that cannot. This hurts a feeling that is very general, based on the concept of distributive justice and equality. On the other hand, nobody thinks we can live without the Non-Proliferation Treaty, since the risk of other actors acquiring nuclear weapons would become very large with incremental risks to international security. The Non-Proliferation Treaty deals with a politically important issue not only to prevent new State actors to have access to nuclear weapons, but also to avoid non-State actors, which are growing in large numbers, to acquire such weapons. It is unconceivable to think that a terrorist group will develop nuclear technology, but it is possible to envision that it takes possession of enough weapons to be able to use them in a threatening manner, causing chaos. Countries that have inadequate control over their armaments are prone to weapon thievery. Since nuclear weapons are becoming more tactically mobile and tend to be brought to the battlefield, they can fall into the hands of groups that are outside government control. Therefore, a nuclear weapon ought not to be tactical. We are now also facing the challenge of taking control of nuclear weapons in the hands of extremist groups that are non-government actors.

A second consideration is that we must create conditions for nuclear energy to flow freely among the international civil society. More and more a country will not accept not having access to a technology that will be perhaps an essential technology to maintain its sovereignty. The difficulty is to distinguish a peaceful nuclear activity from an activity disguised by other unclear interests. This is the serious situation which we live today with Iran; the debate lies on knowing to what extent Iran is doing a program for peaceful purposes, as it claims, or to what extent it is in fact just maneuvering to design a scheme to develop and enrich uranium up to a certain value, equipping itself with all launching and military tools to actually become a military nuclear power. Without rigorous inspection there is no credibility; without the conviction that those who have nuclear weapons are working to undo their arsenals there is no justice, and if there is not a transfer of technology, there is no way of reaching a consensus.

Brazil and the NPT

For quite some time, Brazil was a country that did not accede to NPT, though it did not adhere to develop nuclear weapons per-se. Brazil does not have either enemies that threaten it or adversaries it may wish to strike. The problem of Brazil to justify possessing nuclear weapons is the lack of motivation: against whom to have the weapons? From whom to defend itself? So, the Brazilian problem is that a nuclear weapon has never been seen as an instrument of political or military action, but just as a symbol of prestige. In Brazil's imaginary, nuclear weapons are an attribute of great power, and Brazil wants to be a great power. So, for a long time, Brazil was reluctant toward NPT's commitments. First, because while living a military regime, the lure of this prestige through nuclear weapons was even greater. The problem of possession of nuclear weapons in Brazil has always been the idea that it would confer Brazil a privileged status. Brazil wanted weapons not for military purpose, but as a means to have a greater right to a permanent seat on the Security Council

or to have a larger weight internationally. The goal was more symbolic than real. Secondly, since Argentina was also living a symmetrical military regime, there was a need to take, just in case, precautionary measures. It was thanks to an action in the 90's that this rivalry was removed: the action of non-military governments which dismantled this situation. Neither in Brazil nor in Argentina the idea of using such weapon against each other ever existed, but to possess it was just what was lacking to have both countries acknowledged as major powers. In fact, with democratization and the consolidation of civil society, Brazil has been moving away from the concept of prestige through nuclear weapons; it did approve a new Constitution that prohibited the use of nuclear energy for non-peaceful uses. Since then, Brazil signed the Treaty of Tlatelolco, which requires that Latin America be nuclear-free, and signed with Argentina the creation of ABACC (Agency for the Accountability and Control of Nuclear Materials). It signed jointly with Argentina and the IAEA the Safeguards Tripartite Agreement, and finally joined along with Argentina the NPT.

Even today in Brazil there are residues of a negative feeling resulting from joining the NPT, from having given up free of charge ownership of our national greatness as a kind of free grant and, in a certain way, limiting Brazil's options in the future. It is stated that Brazil by giving up such stand has denied itself something that is part of the Brazilian mythology which is to have a great destiny. What today's Brazil likes to have is the idea of the status of being a nuclear power, based on the asymmetry argument for a differentiated treatment. Brazil does not like anything that represents a mortgage on its future of grandiosity. In our political negotiations, Brazil has always insisted upon its right to develop peaceful technologies and to have the control and complete mastery of the nuclear fuel cycle because without it we lose the essential internal support. If Brazil does not fight for the right to peaceful nuclear technology, then there is the idea that the signature of the NPT was just surrender without compensation. Likewise, Brazil today resists the idea of signing the additional protocol precisely because it believes that further obligations will increasingly be required from it while those who have nuclear weapons are not required to do anything. Therefore, the feeling of structural injustice in the non-proliferation and safeguard agreements is always present.

We are reaching a stage where Brazil has to be a major actor in such diverse fronts; Brazil has to be a country of good faith and of non-proliferation; Brazil did not sign something to act in bad faith. For the kind of the country we are, this is not possible. Brazil has to be a country that must press for disarmament because without disarmament non-proliferation alone will not hold forever the established structures. This means that without disarmament on the part of those who have nuclear weapons, one cannot ask for non-proliferation to be the only guarantee of peace. And thirdly, Brazil has to develop its nuclear technology for peaceful purposes to allow us to greatly take advantage of the new nuclear fuel cycle because the oil crisis, the environmental problems, the exhaustion of fuels combined with the risks of offshore research will give priority to nuclear energy use since their associated risks are smaller than those of other options. We are living a turning point leading to a change of attitude in favor of nuclear power.

We must continue working with the IAEA, in good faith and upon a smooth relationship. The demand to have a more intrusive, more invasive, additional protocol, providing greater access to inspectors, is where we have difficulties

today. The Brazilian position is that we have done enough and that what is now being demanded in addition is superfluous. This has to do with the difficulty to accommodate this issue to national sensitivities. It will be necessary to have the major nuclear nations establish solutions that will result on effective disarmament undertakings, and thus, little by little, the idea of a positive response from others could become balanced.

Brazil's International Position

We are living a moment when, in Brazil, there is a major concern toward Latin American issues. We can celebrate throughout the southern hemisphere its virtuous standing in support of the non-proliferation of nuclear power. There is a sort of collective virtue to the south of the Equator, where no nuclear weapons exist. Antarctica, Africa, Latin America, Australia, New Zealand are setting an example in this direction to the world. It is important to preserve this privilege and this situation. Secondly, we have to start work to support what Presidents Obama and Medvedev have proposed, and I am part of this project as a member of the so-called Global Zero, a project that tends to bring nuclear weapons to their complete elimination within a reasonable time that is not fixed, but which will take more than one generation. In the area of nuclear disarmament we have to work with long timeframes: in 10 years the Middle East will not be a demilitarized zone, but in 20 it might be. One must accept the long term as the normal negotiating time on nuclear issues, and Brazil will have to work hard at it. Our Constitution states that Brazil will not own nuclear weapons: this is a State self commitment; it does not work as international evidence, but does prove recognition of the merit of the matter.

Broadly speaking Brazil has taken a series of right attitudes regarding nuclear policy toward strengthening trust, transparency, and security. What worries me is our performance with regard to Iran because we have compromised some of this transparency when we acknowledged Iran's right to develop sensitive technology; we may have gone too far in assuming in them the good faith we are accustomed to exercise. In other words, one needs to ask if Brazil, while acting in good faith, did not expose itself too much by fully believing in the Iranian good faith; to what extent Brazil has not been made somewhat of a hostage to interests that are not its own in an area where it does not belong, and where extraordinary complexities exist? Therefore, I think we need to be careful because Brazil stands in a privileged position due to the security it inspires internationally, and we have to consolidate that. So I believe we are now living a moment of concern because we became again a bit under suspicion for having supported Iran, based on the defense of certain positions in favor of developing a peaceful capacity -arguing that sanctions lead to nothing, and that negotiation is what will allow arriving at effective solutions. In other words, who knows if Brazil is not putting itself into a distrustful and questionable situation with no suitable reason to do so?

Conclusion

There is no non-proliferation without a political dimension. The Non-Proliferation Treaty is not a technical agreement: it is an agreement that assumes a stratification of international power among countries that hold nuclear energy for military purposes, and those that do not. This is something difficult to accept unless those

that have the weapons work to eliminate them. Otherwise, it looks just like the crystallization of a society divided into two categories, and that is in the long term unacceptable.

I am a very vigorous advocate of the Non-Proliferation Treaty. It is necessary, but not sufficient; it is indispensable, but it is not enough; without it we would already have a disorder with about 30 countries with nuclear weapons.

If there were no real disarmament among the armed countries, one cannot rely only on the contention of unarmed countries to achieve proliferation prevention. Therefore, nuclear disarmament is one of the crucial issues of international life; it has been, for the first time, the subject of positive negotiations between Presidents Obama and Medvedev with numbers that look very promising, but somewhat deceitful because, though fewer weapons will be in existence, more effective, more precise and more deadly weapons will be at hand.