

REMARKS ON NPT AND THE SEVENTH REVIEW CONFERENCE
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Good Evening. It is an honor to be here tonight on this panel with Hans Blix and my fellow Congressman, Mr. Weldon, and I would like to thank Jonathan Granoff and the Global Security Initiative for organizing this event.

Let me begin by saying to Mr. Blix that I think you have been a central figure in one of the great nonproliferation tragedies of all time. It is a truly a tragedy that the U.S. Government did not listen to what you were saying back in the days before the beginning of the Iraq War. After the Security Council forced Saddam Hussein to allow you, Mr. ElBaradei, and your teams of inspectors to have full access to all suspected nuclear and other weapons of mass destruction sites in Iraq, and your inspectors went in, conducted inspections, and reported back that you weren't finding evidence of prohibited nuclear or other weapons programs, we should have held off from military action and allowed you time to complete your inspections and submit your final reports. Because I think that if the U.S. had listened, we would have found out in 2003 what the Duelfer Report subsequently reported in September, 2004, namely that there were no nuclear, chemical, or biological weapons in Iraq, and that the U.S. intelligence estimates to the contrary were flawed and inaccurate.

Just think about what would have happened then. We would have avoided the war, the occupation and the resulting death and destruction it caused. Saddam would be effectively contained, and the world, united by its success in Iraq, could have turned to the proliferation threats posed by Iran and North Korea, demanded that they accept the same inspections that had just been carried out in Iraq. What would the world look like now? It seems to me that we would be in a much better position going into this NPT Review Conference than where we are right now.

As things stand, however, we find ourselves in a very perilous situation today, a situation in which the threat to the survival of the global nuclear nonproliferation regime has never better greater.

In 2002 international inspectors were asked to leave North Korea, and in 2003 North Korea withdrew from the NPT. This past February North Korea announced to the world that it has nuclear weapons, something that many of us have long suspected. Last night ElBaradei said on "Late Edition" on CNN that the IAEA estimated that North Korea could have between 5-6 nuclear weapons. In Iran, the Tehran government continues to assert its right to pursue nuclear technology. Iran has stated on many occasions that it fully intends to continue enrichment processes, the latest declaration occurred just last week.

In the aftermath of the attacks of September 11, which inflicted great damage and heartache here in New York City, we must also be more concerned about the potential for nuclear materials or a nuclear explosive devices ending up in the hands of terrorists. We know that Al Qaeda would like to obtain such a weapon, and we know that if they ever succeeded, they would not hesitate to use it. When the NPT was constructed thirty-five years ago, non-state parties were not really

even a factor. Today they are. We know that construction of a crude nuclear bomb is well within the technological reach of terrorists. The only obstacle is getting access to the fissile materials needed to power the device.

Many nations will look to the United States to see what role it will take at this Review Conference, and rightly so. The United States possesses the second largest number of nuclear weapons. Combined with our conventional military might and economic power, any international agreement that has teeth must have the support and active involvement of the United States. We must be leaders in this arena.

At this Review Conference you are hearing the U.S. Administration's policy, but there are many more steps that I believe the Bush Administration should be doing.

That being said there is no doubt that the NPT needs to be strengthened, if it is to remain the central international bargain to stop the spread of nuclear proliferation.

The image every person should have is that of a nuclear bomb going off in a major metropolitan city. The world would be asking then, what could we have done to prevent such a catastrophe from happening? The answer to that question is what the world should be doing right now, and this is the time, this is the place, and you are the people to be considering our options.

All nations must reaffirm their commitment to the NPT, but we must work to make the Treaty stronger. Central to the treaty are the commitments of nuclear weapons states to disarm and in return non-nuclear weapons states agree to forgo nuclear weapons. Right now, both Weapons States and Non-Weapons States are pointing fingers at each other rather than cleaning up each of their respective houses. The simple fact is that the Non-Weapons States need to do more to meet their obligations to forego a nuclear weapons capacity, and the Weapons States – including the U.S. – need to do more to meet the disarmament obligations they assumed under the Treaty.

I have co-authored a resolution in the House of Representatives, H.Con. Res. 133, along with Representative John Spratt (D-SC), which reaffirms the U.S. Congress' support for the NPT and calls for a series of steps that both the Weapons States and Non-Weapons States could take to strengthen the international nonproliferation regime. The steps that our resolution recommends be taken include:

- Establishing more effective controls on critical technologies that can be used to produce nuclear materials
- Universal adoption of the Additional Protocol to the NPT and support for IAEA authority and ability to carry out inspections and other monitoring efforts.
- Accelerating programs to eliminate nuclear weapons, including fissile material, and to safeguard nuclear weapons fissile material to the highest standards to keep these materials out of the hands of terrorists. This is particularly important for Russia, which has huge stockpile of nuclear weapons and fissile materials under very lax controls, and which has failed to do enough to properly safeguard these weapons and materials.
- Establishing procedures to ensure that a state cannot retain access to controlled nuclear materials, equipment, technology, and components acquired for peaceful purposes, or

avoid sanctions for violations of the NPT by withdrawing from the NPT whether or not withdrawal is consistent with Article X of the NPT. This is exactly what North Korea did, and we shouldn't let them get away with it.

- Implementation of disarmament obligations and commitments of the parties under the NPT, such as:
 1. further reducing the size of nuclear stockpiles (including reserves). This is something both the U.S. and Russia need to do more on.
 2. taking all steps to improve command and control of existing weapons to eliminate accidental or unauthorized use of nuclear weapons.
 3. continuing the moratorium on nuclear test explosions, and, for those parties who have not done so, ratifying the Comprehensive Test Ban Treaty.
 4. pursuing an agreement to verifiably halt the production of fissile material for weapons.
 5. reaffirming existing pledges to non-nuclear states members of the NPT that they will not be subjected to nuclear attacks.
 6. undertaking rigorous and accurate accounting of substrategic nuclear weapons (i.e., tactical or battlefield nuclear weapons) and negotiating an agreement to verifiably reduce such stockpiles.

Also in the resolution are other recommendations to address immediate dangers of nuclear proliferation. They include:

- Conducting vigorous diplomacy to and use of collective economic leverage to halt uranium enrichment and other fuel cycle activities in Iran and verifiably dismantle North Korea's nuclear weapons capacity.
- Conducting diplomacy to underlying regional security problems in Northeast Asia, South Asia, and the Middle East, which would facilitate nuclear nonproliferation efforts in those regions.
- Support and adoption for the Proliferation Security Initiative.

All of these are critical if we take seriously the threat of nuclear proliferation and the threat of a nuclear bomb going off in a major metropolitan area.

I know the issue of the nuclear-weapons states' compliance with the disarmament obligation they assumed under Article VI of the NPT is a hot topic for discussion in the Review Conference, as well it should be. I have long felt that the U.S. cannot preach nuclear temperance from a bar stool. The U.S. cannot credibly tell other countries that they cannot have nuclear weapons or certain nuclear technology when, it turns around and proposes to develop, test and deploy new nuclear weapons.

That is why I have lead efforts in the House to cancel funding for the nuclear bunker buster. Last year the U.S. Congress agreed and cut funding for this program. In the House of Representatives, I am working to cut funding again for this dangerous and totally unnecessary program. 134 Members from the House of Representatives have joined in signing a letter that I drafted, which we are sending to the House Armed Services and House Appropriations Committees, asking that

funding for the nuclear bunker buster be cut once again this year. I am hopeful that we will be successful again this year. I would urge my colleague Mr. Weldon to reconsider his previous support for the nuclear bunker buster and agree to support this effort.

Developing new nuclear bunker busters:

- Will damage our **nonproliferation efforts** around the world by demonstrating to the world that the U.S. intends to pursue developing new nuclear weapons at the same time it tells other countries not to.
- Would, if ever used, inevitably spread high levels of radiation above ground, potentially resulting in substantial civilian deaths and injuries and property damage.
- Encourage rogue nations digging bunkers to just dig them even deeper, to place them beyond the reach of even a nuclear bunker buster.

The development of any new nuclear weapon opens the door for a resumption of nuclear testing, and it has always been my strong suspicion that a desire on the part of certain parties in the U.S. to break out of the current “voluntary” nuclear test moratorium and create a military justification for not ratifying the Comprehensive Test Ban Treaty has always been a factor in the support for the bunker buster.. However, if the United States tests, you can be sure that India and Pakistan will not be far behind. China might also wish to resume testing. If we move down this path, however, I am concerned about what that does to our ability to dissuade North Korea from conducting nuclear testing, or building international support for a tough collective response to a North Korean nuclear test.

Another domestic action which I fear further undermines the ability of the United States to be an effective nuclear nonproliferation advocate is the decision by the Bush Administration and Republican leaders in Congress to revive domestic nuclear reprocessing programs at a time when we are asking the world community to forgo such technologies. The energy bill that was recently approved by the House would, for the first time in more than 30 years, formally authorize establishment of an “advanced fuel recycling technology, research, development, demonstration, and commercial application program to evaluate fuel recycling or transmutation technologies which are proliferation-resistant and minimize environmental and public health and safety impacts.” The bill notes that this program is intended to support “evaluation of alternative national strategies for spent nuclear fuel and advanced reactor concepts” and is supposed to “engage international partners with expertise in advanced fuel recycling technologies where such partnerships may help achieve program goals.”

This is an effort to revive commercial reprocessing of spent fuel, which has enormous proliferation risks. Speaking of a “proliferation resistant” reprocessing technology is like calling for a low-calorie, low-fat, low-carbohydrate pizza. Nice idea, but it’s an oxymoron, like jumbo shrimp.

Ever since India tested its first nuclear weapon in 1974, a nuclear weapon created by reprocessing, the United States has recognized the obvious proliferation threat reprocessing poses. President Gerald Ford recognized that the risk this technology represented was not worth

any economic benefit gained by such technology, declaring a moratorium on reprocessing here in the United States. He said:

“The avoidance of proliferation must take precedence over economic interests” And that U.S. domestic policies must be changed to stop “The commercialization of chemical reprocessing of nuclear fuel which results in the separation of plutonium.”

President Bush also recognizes the proliferation threat that reprocessing technology represents. In February, 2004 President Bush said:

“Enrichment and reprocessing are not necessary for nations seeking to harness nuclear energy for peaceful purposes. The 40 nations of the Nuclear Suppliers Group should refuse to sell enrichment and reprocessing equipment and technologies to any state that does not already possess full-scale, functioning enrichment and reprocessing plants. This step will prevent new states from developing the means to produce fissile material for nuclear bombs.”

Unfortunately the U.S. nuclear industry and the U.S. Congress have not heeded the President’s warnings, and the House-passed a bill which authorizes funding for reprocessing R&D programs. I fought to strip this language from the bill, but lost in Committee on a largely party-line vote. The Senate has yet to act on the bill, but Senator Domenici, the Chairman of the Energy Committee, has long championed this technology and can be expected to continue to do so.

In that same Energy Bill, the U.S. Congress also approved a loosening of export controls on highly enriched uranium (HEU) as reactor fuel or targets. Under current law, recipients of such exports must formally commit that they will convert to use of low-enriched uranium fuel (LEU) or targets as soon as it is technically and economically feasible for them to do so. In the House-passed energy bill, Congress would eliminated this requirement and replaced it with weaker language that would allow a foreign company to avoid ever having to convert over to LEU – even if it were feasible for them to do so -- if conversion would increase their production costs by 10% or more.

While I have concerns about these actions by the U.S., which I believe undermine our ability to be a principled leader on nonproliferation, I do not want to overlook or understate the many positive proposals the Bush Administration has brought to this Review Conference. Assistant Secretary of State Steve Rademaker presented several ideas last week, which I think are good proposals. Many are similar to ideas contained in the Resolution that Representative Spratt and I have introduced. For example, Assistant Secretary Rademaker called for:

- Strengthening the authority of the IAEA by universalizing adherence to the Additional Protocol and creating a special safeguards committee of the IAEA Board of Governors. All those nations who have not yet agreed to the Additional Protocol should do so.
- Restricting the export of sensitive technologies, particularly the spread of enrichment and reprocessing technology. In the past, far too many Western nations have been complicit in allowing these technologies to be exported around the world.

- Initiating negotiations on a Fissile Material Cut-off Treaty, to reduce the risk that non-weapons states or terrorists have access to weapons usable materials. In the past, China has reportedly resisted such a treaty. They should stop doing so.

I believe that the United States can and should do a lot more. We must take seriously our obligations to disarm, and we should not pursue new nuclear weapons and technologies, especially when we are asking other nations to forgo nuclear weapons and these technologies.

Other weapons states need to do more as well. The Russians, in particular, should cease all forms of nuclear cooperation with Iran, in light of that country's clear effort to move towards a nuclear weapons capability. That means stopping the Bushehr reactor once and for all. Russia is also undermining the Nuclear Suppliers Group's ability to prevent proliferation by its recent nuclear energy agreement with India. The Nuclear Suppliers Group prohibits the sale of nuclear materials and technology to countries not party to the NPT, which India is not. It was announced China has had an abysmal nuclear proliferation record in the past, and is known to have materially assisted Pakistan's efforts to get the Bomb. The Chinese are known to have also provided assistance to the Iranian nuclear program, and they need to clearly and unambiguously halt all such aid.

While Pakistan is not an NPT member, the fact that it has not criminally prosecuted A.Q. Khan for his activities involving selling nuclear technology to countries such as Iran, North Korea, and Libya also raises the question of what penalties do individuals who engage in proliferation face? Why isn't A.Q. Khan and his network being brought to justice for their actions? Perhaps we need some form of international criminal sanctions to be put in place to go after such persons, similar to what we now have for prosecution of war crimes or genocide.

Japan should abandon its development of a commercial plutonium reprocessing plant at Rokkasho. The cost of the project has spiraled out of control to \$18B just for construction. But Rokkasho should be abandoned because it represents a serious proliferation risk. Reprocessed plutonium is one step closer to bomb grade material and runs the risk of theft by terrorists.

Ladies and Gentlemen, nuclear proliferation, nuclear terrorism, is the number one threat to our civilization. We have reached a critical tipping point. If we fail to take action now to prevent the further spread of nuclear weapons and the materials and technologies to produce them, it will not be a question of whether, but of when Al Qaeda or some other terrorist group obtains a nuclear explosive. And if that day should ever come, each of us would ask ourselves, did I do everything I could to stop this from happening.

I hope that such a day never happens, but I also think that the best way for us to assure that does not is to behave every day as if we had to be able to answer that question in the affirmative. We cannot afford to lose this one. The people in this room, and others who are elsewhere around this great city today because of this Review Conference know more about this issue than just about anyone else in the world. You know the issues, you know the problems, you know the challenges. It is up to you, however, to deliver up some solutions. The whole world is watching what you do here, and you must act as if the fate of the planet hangs in the balance because it does.

Thank you.