

**The 2009 Session of the NPT Preparatory Committee
and the 2010 NPT Review Conference**

By

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I am honoured to have this opportunity to address this distinguished audience, in such surroundings, on a question very much on the minds of leaders and citizens throughout the world: is nuclear non-proliferation at a crossroads?

As we consider our response, we might wish to recall the words of the great American film maker, Woody Allen, who once said,

More than at any time in history, mankind faces a crossroads. One path leads to despair and utter hopelessness. The other, to total extinction. Let us pray we have the wisdom to choose correctly.

Fortunately, the states parties to the NPT have not yet reached this particular crossroads, as both dangers and opportunities lie ahead. The idea of a crossroads remains useful, however, since it suggests that the fate of the treaty will be determined by wilful decisions by responsible leaders, with contributions and support from civil society, rather than by any mechanical process with some predetermined outcome.

There are two particular milestones on the road ahead that will be the focus of my remarks today: the third session of the NPT's Preparatory Committee in 2009 and the 2010 NPT Review Conference. What the states parties agree as they pass these milestones will to a large degree determine the types of crossroads that they will encounter farther down this road.

I would like to begin this discussion on a personal note. I have been working on NPT-related issues since the days when I was in Geneva as a young member of the Brazilian delegation at the Eighteen Nation Disarmament

Committee, when it was considering the US/Soviet draft of the treaty. I have watched it grow to near-universal membership over the years, despite its various imperfections and discriminatory elements. I have personally participated in many important NPT events and served as President of the last Review Conference in 2005. And I have become more convinced than ever that the future of this treaty—as indeed the future of many other treaties on matters of international peace and security—will be determined most by perceptions in the world community of its basic effectiveness and legitimacy.

Effectiveness requires the states parties to be fully in compliance with their respective obligations—as demonstrated by their actions and confirmed through the implementation of various measures of transparency, verification, and irreversibility. *Legitimacy* requires a perception among the states parties that the norms found in the treaty are both substantively fair and equitable, and that the process of creating such norms is open to all states parties. Together, this union of effectiveness and legitimacy is essential to the long-term health of the treaty, including its prospects for ultimately achieving full universal membership.

There will certainly be expressions of concern over both issues at the next session of the NPT Preparatory Committee. In accordance with terms agreed at the 2000 Review Conference, the official mandate of this third session is to finalize procedural arrangements and to “make every effort to produce a consensus report containing recommendations to the Review Conference.” The procedures include, most importantly, the adoption of a provisional agenda—the lack of which proved disastrous at the 2005 Review Conference.

The 2010 Review Conference will likely address important substantive issues, including—nuclear activities in Iran and the DPRK; opportunities and obstacles to the peaceful uses of nuclear energy; discussion of issues relating to the right to withdraw; and progress in the field of nuclear disarmament, among others. All of these are complex issues that will require patient and careful deliberation, and this is why it is so important to achieve as much agreement as possible on procedural issues at the 2009 Preparatory Committee session. In addition to the all-important goal of agreeing on an agenda, I hope that session will also achieve other procedural goals, including agreements on a candidate for the presidency of the 2010 Review Conference, on the allocation of items to the main committees, and on the establishment of subsidiary bodies.

Even under the best of circumstances, the Preparatory Committee will still likely face some considerable challenges in reaching agreement on substantive recommendations to the Review Conference. While good work has been done by the Chairmen of the first two sessions, the states parties were unable to agree to allow their “factual summaries” to be forwarded as attachments to the reports of each respective session, which has had the effect of equating such summaries to the status of working papers.

Nevertheless, and despite the many uncertainties of predictions in this field, there are many grounds for concluding that the states parties should indeed be able to narrow their differences and expand their common ground. Not every substantive question will likely be resolved in 2009, as states parties hold different views over fundamental priorities—such as non-proliferation vs. disarmament vs. peaceful uses—as well as specific measures for achieving them. Yet if the states parties show some flexibility, a willingness to compromise, avoid absolutist take-

it-or-leave-it stances, and develop recommendations based on such a consensual approach—the Preparatory Committee will have fulfilled one of its primary mandates and prospects would brighten for success in 2010.

The question, of course, is how to encourage such cooperative behaviour among the states parties, many of whom continue to have doubts about either the willingness or ability of some states parties to live up to their commitments.

I can't imagine how this question can be answered without addressing the issue of leadership, on many dimensions—from the nuclear-weapon states, from leading members of various coalitions of states parties (including the New Agenda Coalition, the Non-Aligned Movement, and regional groups of states), as well as from civil society, which will have their own meetings set aside for participating at both the Preparatory Committee and the Review Conference.

Far from sharing a mood of despair, I view the general international environment as becoming more auspicious for the demonstration of such leadership. From civil society, we have witnessed such initiatives as the Hoover Plan, the Global Zero campaign, the Australian/Japanese International Commission on Non-Proliferation and Disarmament, the Middle Powers Initiative, Mayors for Peace, and countless other innovative and inspired efforts, including the work of the WMD Commission chaired by Hans Blix. The President-elect of the United States has repeatedly voiced his intention to pursue a world without nuclear weapons and to strengthen the global nuclear non-proliferation regime. On 5 December, the President of France, Nicolas Sarkozy, conveyed to the UN Secretary-General an eight-point European Union proposal for progress on a wide range of nuclear threats, followed shortly thereafter by a six-point proposal offered

by the British Secretary of State for Foreign and Commonwealth Affairs, David Miliband. Secretary-General Ban Ki-moon has also raised the priority of disarmament and non-proliferation issues, as clearly seen in his speeches at Harvard University on 21 October and the East West Institute on 24 October, where he offered his own five-point proposal for progress in these areas.

There is an astonishing level of agreement in all of these various initiatives, not just with respect to the goal of nuclear disarmament, but also on concrete means to bring it about. Surely this is offering a solid foundation upon which to build. And this foundation will only become stronger as we see new progress in particular areas.

This applies especially to steps forward in bilateral strategic arms reductions between the United States and Russian Federation, notably an agreement to extend the monitoring and verification provisions of START I, coupled with a commitment to deep, verified reductions in their respective nuclear arsenals, in anticipation of the expiration of the Strategic Offensive Reductions Treaty. Prospects are brightening for the eventual entry into force of the Comprehensive Nuclear-Test-Ban Treaty and for negotiations to begin on a fissile material treaty. I hope that the five nuclear-weapon-states will deepen their cooperation, as proposed by the British Government, in exploring reliable ways to verify the process of nuclear disarmament.

And given that the NPT Preamble also refers to delivery vehicles, I am also encouraged that states have at least begun to consider ways of creating multilateral norms for missiles—a subject first raised by former UN Secretary-General Kofi

Annan in a statement issued almost a decade ago, though political and technical obstacles have long stood in the way of creating legal norms in this field.

The danger to avoid, of course, is the retreat to an *à la carte* approach to past achievements in the NPT review process. I am referring here in particular to the issues addressed in the Decision on “principles and objectives for nuclear non-proliferation and disarmament” adopted at the 1995 NPT Review and Extension Conference and the thirteen steps for nuclear disarmament included in the Final Document of the 2000 NPT Review Conference. I also hope that states parties will avert another crisis of funding, such as the one they faced on the eve of the second session of the Preparatory Committee in 2008. Insufficient or late contributions made by the States Parties jeopardize the Secretariat’s ability to provide services needed throughout the review process.

Another difficult challenge relates to the Middle East. We are all aware that progress toward establishing a nuclear-weapon-free zone in that region was a key part of the “package deal” that led to the indefinite extension of the NPT in 1995. The UN General Assembly has adopted over thirty resolutions endorsing this goal, and such resolutions are typically adopted without a dissenting vote. Yet the lack of progress on this issue was certainly one of the reasons for the lack of consensus at the 2005 NPT Review Conference and, if this problem continues, could well endanger hopes for a successful outcome in 2010.

We continue to hear that even preliminary efforts in this area are premature and must first await the achievement of peace in the region. Here is how Dag Hammarskjöld addressed this general issue in a press conference back in 1956, which merits quoting in full:

Now there is, of course, a kind of shuttle traffic between the improvement in the international atmosphere and disarmament. On the one hand ... disarmament is not likely to come about in an efficient, effective way short of a further improvement in the international situation. On the other hand, I do not think any single policy move will contribute more to an improvement in the international atmosphere than an agreement on even the most modest step in the direction of disarmament.

One reason why I have placed such a heavy emphasis on disarmament is because progress in this area is so essential in eliminating the risks of nuclear proliferation and terrorism. Concrete steps toward verified, transparent, and irreversible disarmament will strengthen both normative and technical barriers against both threats, by de-legitimizing the possession of such weapons, by strengthening controls over fissile materials and related technology, and by promoting an international environment that is conducive to the advancement of peaceful uses of nuclear energy. While disarmament is often ridiculed as utopian or even dismissed as likely to create more problems than it would solve, there is nothing more delusional than the view that non-proliferation, counter-proliferation and counter-terrorism measures will alone suffice to eliminate nuclear weapon threats.

This brings me to the question of nuclear deterrence. The same nuclear-weapon states that bear a solemn obligation under the NPT to pursue negotiations in good faith on nuclear disarmament have also stated that they are retaining such weapons for purposes of deterring their use by other possessor states. One can argue that these positions are not necessarily incompatible, provided that such

states are actively engaged in good faith efforts—including negotiations—to achieve disarmament goals. As a practical matter, this will necessarily require the involvement of the non-NPT states in this process of nuclear disarmament. It will also require all possessor states to bear a heavy burden of proof that their ongoing efforts to maintain existing arsenals are only temporary—and exclusively related to safety or physical security—as the disarmament process proceeds.

Perceptions are key in the shaping of security choices. If States are perceived to be taking seriously their commitments in disarmament, non-proliferation and peaceful uses of nuclear energy, then the stage will be set for meaningful progress, in spite of the temporary persistence of doctrines that predicate security on nuclear deterrence.

Secretary-General Ban Ki-moon has warned that this doctrine of nuclear deterrence has proven to be “contagious”. In one form or another, it remains official policy in countries comprising more than half the world’s population. The predictable consequence of efforts to justify and legitimize indefinite possession of nuclear weapons in the name of deterrence will be their indefinite proliferation.

I believe the world is clearly moving in another direction, one that recognizes how the achievement of the mutually-reinforcing goals of the NPT—non-proliferation, disarmament, and peaceful uses of nuclear energy—serves the ideals and self-interests of all states. On these grounds, I remain cautiously optimistic that the 2009 Preparatory Committee session and the 2010 Review Conference will yield positive results.

The crossroads we are facing in these years ahead does not involve a requirement to choose between non-proliferation and disarmament—the choice is instead between fully implementing the treaty, or retreating into an anarchic, self-help world. There is only one rational choice among these options and the time has come to make it.