

Consideration of the Priorities for the 2010 NPT Review Conference

By

Sergio Duarte

High Representative for Disarmament Affairs
United Nations



*The Energy Future:
Nuclear Energy in the Middle East: Implications, Challenges, Opportunities*

Conference sponsored by
New York University Abu Dhabi and the American Academy of Arts and Sciences
Intercontinental Hotel/Emirates Palace
Abu Dhabi, United Arab Emirates
15 December 2009

I wish first of all to thank the American Academy of Arts and Sciences and New York University in Abu Dhabi for inviting me to this conference. In particular, I would like to recognize the two co-chairs, Steven Miller and Mohamed Shaker, whose statements and publications have contributed so much over the years to the great causes of global nuclear disarmament and non-proliferation.

Combined with the peaceful uses of nuclear energy, these goals constitute the familiar “three pillars” of the Nuclear Non-Proliferation Treaty (NPT)—which together will comprise the fundamental priorities of the 2010 NPT Review Conference.

It is unfortunately true that while all States parties to the treaty recognize the existence of these three pillars, there are significantly divergent views on their meaning, on their inter-relationships, and on the timetables for their achievement.

With respect to nuclear disarmament, for example, I believe it is fair now to say that there is a global consensus on it as a goal. Yet some of the states that possess such weapons, or that rely upon nuclear umbrellas, prefer to view nuclear disarmament as a noble goal to be achieved, at best, only in a distant future. To them, disarmament can only realistically be achieved after many other things are accomplished first.

These “other things” are quite varied, and appear to multiply each year. At times, I fear that we might even be witnessing a precondition-race. Must the risks of nuclear weapon proliferation or nuclear terrorism be reduced to zero before disarmament can occur? Must the larger problems of armed conflict and war be solved first? Must all of the most fundamental norms of the UN Charter—including the obligation to pursue the peaceful settlement of disputes and the duty to refrain from the use or threat of use of force—must all States observe all of these norms before nuclear disarmament can make its great transition from words to deeds?

The world could not help but take notice and applaud the convening by the Security Council of its historic summit meeting of 24 September this year on nuclear non-proliferation and nuclear disarmament. It was, after all, its first summit ever on this subject and it was able to adopt Resolution 1887 by consensus. Yet it is also true that this resolution primarily addressed only nuclear non-proliferation and terrorism-related issues, with very little on disarmament. It is noteworthy that while the Security Council has repeatedly declared the *proliferation* of weapons of mass destruction to be a threat to international peace and security, it has never declared such weapons *per se* to constitute such a threat. The lack of such a declaration, of course, simply reflects a reality of our time—that the international community remains a house divided, between the nuclear have’s and the nuclear have not’s.

To this extent, that resolution and the diverse reactions to it that have since appeared—including from the League of Arab States and the Non-Aligned Movement—reflected many of the differences of judgment in our world today about these priorities, and the appropriate balance between them. Even the first words of the Preamble of that resolution—namely, “to create the conditions for a world without nuclear weapons”—strongly implied that non-proliferation and disarmament were to be pursued and achieved in sequential order, rather than *pari passu*.

In contrast, the deliberations within the various sessions of the NPT Preparatory Committees and Review Conferences have for decades stressed the need for balance in the efforts to pursue the treaty’s three great goals. States parties have wisely recognized how concrete steps forward in disarmament can have spill-over effects that benefit prospects for achieving non-proliferation and ensuring peaceful uses of nuclear energy. Both in numerous UN General Assembly resolutions and in the Final Document of the 2000 NPT Review Conference, the world community has identified certain specific standards that disarmament agreements should satisfy. These standards are not at all what one would regard as “preconditions” for disarmament, but are better viewed as criteria that can enhance confidence that disarmament is in fact occurring, and is being undertaken responsibly.

These standards include verification, transparency, irreversibility, and the requirement for binding legal obligations. Clearly, progress in nuclear disarmament that satisfies these criteria will do a lot to strengthen efforts both against the proliferation and possible terrorist acquisition of nuclear weapons. Progress in nuclear disarmament can help reduce and even eliminate any conceivable prestige or status-value of nuclear weapons. It can confront any lingering illusions that nuclear weapons are militarily useful. And through efforts to limit or eliminate fissile materials that are usable in weapons, it can lead us to a world in which nuclear proliferation and terrorism are not only unlikely, but physically impossible.

These are just some of the reasons why I believe nuclear disarmament is much more than simply a noble or philanthropic act, to be pursued in earnest only by future generations. It is instead a serious and credible means to strengthen international peace and security, and to advance the hard, national security interests of all States—not just tomorrow, but today. Indeed, what other policies can achieve these great goals? One by one, each of the alternative policies, upon close analysis, has its own glaring weaknesses—whether the alternatives are the resort to the balance of power and containment; an exclusive reliance on non-proliferation, export controls and sanctions; missile defence; or arms control limited to sustaining nuclear deterrence at lower levels of weapons.

I am making these points only to challenge the common assumption that disarmament is best viewed as some type of distant vision or “ultimate goal”—and I need not remind this audience that dictionaries define the adjective “ultimate” as meaning “last to be achieved.”

When the 2010 NPT Review Conference opens next May, the overwhelming majority of participating States will no doubt welcome recent progress in US/Russian nuclear arms reductions, and each of the nuclear-weapon States will as before circulate various accounts of what they have been doing to fulfil their commitments under Article VI of the treaty relating to nuclear disarmament. These States, however, have not been willing to submit such information in the form of regular official reports, despite the consensus reached at the 2000 NPT Review Conference that all States parties should submit such reports. It is worth noting that the world community still does not know exactly how many nuclear weapons exist—published estimates put the number at somewhere around 23,000, but that figure could be significantly in error due to transparency limitations.

I would like to note in this context that Secretary-General Ban Ki-moon’s five-point nuclear disarmament proposal of 24 October 2008 contained the idea of establishing a registry in the UN Secretariat for States to use in reporting their progress in achieving nuclear disarmament. On 8 December, the Secretary-General called upon NPT States parties to support this registry initiative and to include it in the final recommendations of the Review Conference. If implemented, this would be a positive step forward in transparency, one that I hope will be followed by other reporting commitments, in particular relating to stockpiles of weapons, fissile materials, and delivery vehicles. It goes without saying, that any treaty “review process” that deserves its name requires a fair measure of transparency, and the more that is accomplished, the greater will be international confidence in the value of the review process in ensuring accountability for fulfilling treaty commitments.

These improvements in transparency are also needed to satisfy the most fundamental principle of equity. Given the growing demands for intrusive verification being required of the non-nuclear-weapon States—including but not limited to the Additional Protocol—it only stands to reason that there would also be a higher standard of transparency expected of the nuclear-weapon States. The principle of “balance” therefore applies not just to the equal respect that is required for each of the three pillars of the treaty, but also in the reporting responsibilities of States parties. It is my hope that the 2010 Review Conference will attach a somewhat higher priority than States parties have at past Review Conferences to the important issue of strengthening the review process, especially in terms of the scope and quality of information produced through that process.

With respect to administrative arrangements, I am very pleased indeed with preparations so far for the Review Conference. The third session of the Preparatory Committee was able to agree on an agenda for the Review Conference and on several other procedural and administrative details. There appears to be strong support for the establishment of three subsidiary bodies to the Main Committee, dealing respectively with nuclear disarmament and security assurances, regional issues including the implementation of the 1995 Resolution on the Middle East, and on Article X concerning the right to withdraw from the treaty. The President-elect, Ambassador Libran Cabactulan of the Philippines, has been busy pursuing consultations to clarify issues and to ensure that the Review Conference gets off to a smooth start—and that it is able to start deliberating substantive issues within the first few days.

Yet I think it is also fair to say that significant substantive differences remain, as was apparent in the failure of the third session of the Preparatory Committee to reach a consensus on substantive recommendations to the Review Conference. These differences relate to issues concerning each of the three pillars of the treaty, including—the specific goals expected for future progress in nuclear disarmament; various initiatives to strengthen the implementation of safeguards under the treaty; proposals to establish multilateral control over the nuclear fuel cycle; and other issues, including the implementation of the 1995 Resolution on the Middle East.

With respect to that resolution, I was somewhat encouraged that the language on this issue offered last May by the Chairman of the third session of the Preparatory Committee was generally well received by participating delegations. His draft text included a proposal for the convening of a conference of all states concerned on ways and means to implement the resolution, the establishment of a subsidiary body to address this issue, and the appointment of a special coordinator to hold consultations with states in the region. I believe that this issue should, and indeed will, be treated as a high priority at the 2010 Review Conference.

To some extent, the fate of the Review Conference will likely be shaped by events that are very difficult to predict. The United States and Russia have not yet achieved agreement on further reductions beyond START, as had widely been expected. Nobody knows what will be in the forthcoming US Nuclear Posture Review, and whether it will mark a significant change in nuclear deterrence doctrine. Nobody can predict the fate of ongoing efforts to bring the Comprehensive Nuclear-Test-Ban Treaty into force, or to commence negotiations at the Conference on Disarmament on a fissile material treaty. Nobody can forecast the outcomes of ongoing diplomatic efforts to persuade the Democratic People's Republic of Korea to abandon its nuclear-weapons programme, or Iran to comply with

Security Council resolutions concerning its fuel cycle activities. Yet each of these issues will in their own way have some impact upon the atmosphere of the Review Conference, and probably also on its likelihood for achieving consensus on a substantive outcome.

We know with certainty, however, that there will be several significant initiatives emerging from civil society to advance the disarmament process, most notably including the publication in the next few weeks of the report of the International Commission on Nuclear Non-Proliferation and Nuclear Disarmament organized by Australia and Japan. Next February, the Global Zero Summit will take place in Paris, a major initiative to stimulate public support for nuclear disarmament. Numerous other events, workshops, seminars, conferences, and publications will echo these basic themes—together, they may well help to influence expectations for a successful outcome for the 2010 NPT Review Process.

I wish in conclusion to thank the organizers of this conference for recognizing the importance of these issues, and to assure all that the UN Office for Disarmament Affairs is open to any constructive ideas about how we could be doing more on our common journey along the long and winding road to a world without nuclear weapons.