

# **NPT Priorities for Action**

By

Sergio Duarte

High Representative for Disarmament Affairs  
United Nations



A Consultation on  
**Prioritizing the NPT Action Plan**

*Sponsored by the EastWest Institute*

United Nations  
9 September 2010

This is the third major event organized by the EastWest Institute at the United Nations in recent years on nuclear weapons issues. The Institute's consultation on 24 October 2008 featured the presentation by Secretary-General Ban Ki-moon of his five-point nuclear disarmament proposal—and on 15 October 2009, an EWI briefing co-sponsored by the Governments of Switzerland and New Zealand focused on nuclear de-alerting. I wish to thank Mr. Francis Finlay, Dr. Pal Sidhu, and all who are associated with the EastWest Institute for recognizing the importance of these issues.

I must confess, however, to some difficulties in limiting my remarks today to my “top three priorities” for the Actions agreed last May at the 2010 NPT Review Conference. If I may illustrate my predicament with a reference to human anatomy: which would I prefer to do without, a brain, heart, or lungs?

I raise this question not to suggest that each of the 64 Actions adopted at that Review Conference has equal merit—along with those concerning the Resolution on the Middle East. Yet I do believe that these Actions are best viewed not in isolation, but as interdependent parts of an integrated whole. We can of course discuss priorities, but must not lose sight of the intricate linkages that exist between these various Actions.

I also do not wish to claim that these Actions alone are sufficient to yield a nuclear-weapon-free world. It is not clear to me, for example, how this goal can be achieved without new legal commitments—whether in the form of a nuclear weapons convention or a framework of separate, mutually reinforcing instruments, as the Secretary-General has proposed. After all, there are agreed multilateral criteria to be met—including verification, irreversibility, and transparency—and these will require some binding commitments. I must also note that despite an emerging consensus on the merits of timelines, they too were not agreed as Actions, so I will not address them today.

With these caveats, I still must identify my three top priorities. One approach would simply be to identify three Actions that at least have some potential to be achieved soonest. Yet there are many difficulties with such an approach. What is most feasible to achieve soon is not necessarily what is most important for the future of the treaty. And even the near-term possibilities for progress will surely face their own obstacles.

Because of the need to strengthen the rule of law in disarmament—and to de-legitimize nuclear weapons—a good case could be made that the early entry into force of the new START treaty, the entry into force of the Comprehensive Nuclear-Test-Ban Treaty, and the commencement of negotiations on a fissile material treaty are three Actions that should be achieved soonest.

Nobody of course should expect that these treaty initiatives alone will produce a nuclear-weapon-free world, nor that they will be easy to achieve. Together, however, they have contributions to make in at least implicitly challenging the very legitimacy of nuclear weapons, and for that reason, I would view such treaties as urgent and feasible priorities, in the larger scheme of measures to strengthen the rule of law in disarmament.

Now, in terms of what is most important to accomplish relative to the overall objectives of the NPT, I will focus on some other issues.

My first priority would have to be Action 5, in which the nuclear-weapon States commit “to accelerate concrete progress on the steps leading to nuclear disarmament” as agreed at the 2000 NPT Review Conference. Action 5 called on them to “promptly engage with a view to” accomplishing certain specific tasks and to report on their efforts to the Preparatory Committee in 2014. These included—reducing global stockpiles of nuclear weapons; addressing all types of nuclear weapons in these reductions (which is understood to include non-strategic nuclear weapons); diminishing the role of nuclear weapons in security doctrines; discussing measures that could prevent the use of such

weapons and lead to their elimination; considering the legitimate interest of the non-nuclear-weapon States in reducing the operational status of such weapons; reducing the risk of accidental use; and enhancing transparency and mutual confidence.

These activities must be understood in conjunction with Action 3, in which the nuclear-weapon States “commit to undertake further efforts to reduce and ultimately eliminate all types of nuclear weapons, deployed and non-deployed, including through unilateral, bilateral, regional and multilateral measures.” Together, these provide a road map for negotiations to be undertaken in good faith on nuclear disarmament. My hope is that the nuclear-weapon States will interpret these responsibilities not as an outer limit on what they should do, but as a responsible baseline—something on which to build.

These steps, for example, would provide an excellent opportunity for the nuclear-weapon States to integrate their disarmament commitments into domestic laws, regulations, policies, institutions, and national budgets. Nothing could offer clearer evidence of their intention to move the disarmament agenda forward—and as long as such progress is clear and documented, the brighter will be the prospects for progress in improving non-proliferation controls. I am not saying that one goal is contingent upon another in this treaty, but steady progress in disarmament—verifiable, irreversible, and transparent—would certainly help in fostering a diplomatic climate that would be conducive to strengthening the Treaty overall.

The reason I have ranked progress on nuclear disarmament as my first priority is therefore clear. Full implementation of each of the measures identified in Actions 3 and 5 is of utmost importance not just for nuclear disarmament, but to the future of the treaty. Let us recall that our meeting today is taking place four decades after the NPT entered into force, with its commitment in Article VI to negotiations in “good faith” on nuclear disarmament. Yet even today, not a single nuclear bomb or warhead has been physically destroyed as a result of a treaty commitment, while efforts even to discuss nuclear

disarmament at the Conference on Disarmament have yet to produce a consensus. I would like very much to learn today that negotiations are underway not just to establish ceilings on deployments of certain types of nuclear weapons and their delivery systems, but verifiably to eliminate agreed categories of such weaponry.

The second of my “top priorities” would also be a combination—in this case, of Action 23 on universality and the actions concerning the Resolution on the Middle East. Throughout its existence, the NPT has been the target of criticisms challenging its fundamental legitimacy—the oldest being the claim that the treaty is discriminatory, by establishing a double standard applying to the nuclear-weapon and non-nuclear-weapon States. The best way to respond to this criticism is by implementing nuclear disarmament commitments, for this would clarify that the overall goal of this treaty is to establish the universal, non-discriminatory norm of zero nuclear weapons, as can be inferred from the Preamble and Article VI of the Treaty. It would be a grave error, I believe, if the old dispute over the NPT’s basic legitimacy were to be aggravated by the creation of a new status—even in some ways a privileged status—for non-parties.

The solution to the NPT’s double-standard is not to establish a triple-standard. The solution is fulfillment of all the treaty’s obligations, in particular disarmament, for it would do far more than anything in de-legitimizing nuclear weapons, and thereby strengthen prospects for non-proliferation, while also creating the best possible environment for the expanded peaceful uses of nuclear energy.

My third most important priority would encompass another combination of Actions—those relating to the Conference on Disarmament. These include the goals of establishing a subsidiary body to deal with nuclear disarmament (Action 6); of beginning discussions immediately of security assurances for non-nuclear-weapon States (Action 7); and of also beginning negotiations immediately on a fissile material treaty (Action 15). There are some additional activities that—while not included among the 64

Actions—were part of the CD’s Programme of Work adopted in May 2009 (CD/1864). These concerned the establishment of a working group on the prevention of an arms race in outer space, and the appointment of “special coordinators” to seek the views of members on issues relating new types of weapons of mass destruction, a comprehensive programme on disarmament, and transparency in armaments.

I would like to note here that later this month, on 24 September, the Secretary-General will convene a high-level meeting to address issues relating to the work of the CD. There are many good reasons for convening this high-level meeting, just as there are good reasons why the States Parties agreed to include such references to the CD among their agreed Actions. Everybody is aware of the longstanding difficulties the CD has been facing—as the process of multilateral disarmament negotiations has remained stalled for well over a decade. Yet there is also widespread awareness of the vital importance of multilateral norms—especially those that are legally binding—in the fields of nuclear disarmament, security assurances, and fissile materials.

Even the often neglected issues on the CD’s Programme of Work—those relating to a comprehensive programme on disarmament and transparency in armaments—relate indirectly to the NPT, through their relevance to the world community’s agreed “ultimate goal” of general and complete disarmament, which is also a goal of Article VI of the Treaty. Despite its difficulties, the CD still offers some potential to perform its role as the world’s single multilateral disarmament negotiating forum, and it is for this reason that I attach such importance to the relevant Actions addressing its role.

So these then are my three top priorities, with all their various caveats. The strongest possible foundation for a positive outcome at the next Review Conference in 2015 would of course be the full implementation of all 64 Actions as well as the actions relating to the Middle East, and I hope this will remain the common goal of all States Parties. Yet if we can see some real progress in the three specific areas I have addressed

today, we will have gone far indeed in paving the way for a successful outcome in 2015, and that alone should encourage the States Parties to work hard for these goals.