



BRAZIL

**Statement by H.E. Antonio de Aguiar Patriota
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Nations**

**2015 Review Conference of the Parties to the
Treaty on the Non-Proliferation of Nuclear Weapons**

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(Check against delivery)

Madam President,

I congratulate you on your election as president of this Ninth NPT Review Conference. The Brazilian delegation places the highest confidence in your leadership and pledges its full cooperation to achieve a successful outcome.

Brazil fully associates itself with the statements by New Zealand on behalf of the New Agenda Coalition (NAC) and by Ecuador on behalf of the Community of Latin American and Caribbean States (CELAC).

Madam President,

This Conference closes the fourth strengthened review cycle of the NPT since the 1995 decision to extend the treaty indefinitely was adopted alongside the Middle East resolution, the Declaration on Principles and Objectives and an enhanced mechanism for reviewing the implementation of the treaty in all its aspects.

During the next four weeks, we will be assessing how successful we were in advancing the Treaty's provisions in the last five years. For Brazil, the measure of such success is inherently related to the fulfillment of the original NPT compromise. The continuing implementation gap between non-proliferation and disarmament obligations discredits the NPT bargain between nuclear weapons States and non-nuclear weapons States and threatens to corrode the foundation upon which the regime was built.

The strengthened review system has led to the adoption of important commitments, most notably the thirteen practical steps towards nuclear disarmament, in 2000, and the adoption of the 2010 Action Plan. However, implementation of these commitments has been poor, at best, including with regard to the failure to convene the Conference on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction. Notwithstanding unilateral and bilateral arsenal reductions and increased coordination among the nuclear weapons States, which we welcome, we are concerned by a lack of real irreversible progress on disarmament. Attempts to reinforce commitments on non-proliferation without previous concrete progress on nuclear disarmament can only further erode the NPT edifice.

Arsenal reductions, especially when carried out in the context of modernization programmes and vertical proliferation, do not equal nuclear disarmament. On the contrary, in recent years, all information available on nuclear-weapons States plans for their nuclear weapons programmes signal that there is no intention to get rid of these weapons in the foreseeable future. Such actions run counter to the commitment of the five nuclear-weapon States under Article VI of the NPT to pursue negotiations in good faith on a Treaty on general and complete disarmament under strict and effective international control – which the ICJ has emphasized as a legal obligation in its landmark 1996 Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons.

While we acknowledge the improved dialogue between the nuclear-weapons States and the increased, albeit insufficient, transparency with regards to their nuclear arsenals, it is important to stress that neither dialogue nor transparency measures are ends in themselves, but means to fulfill concrete disarmament objectives. Improved transparency and dialogue should lead to negotiations, otherwise they will become irrelevant.

Madam President,

It is clear that the so-called "step-by-step" approach advocated by nuclear weapons States has failed to deliver on initial expectations. The Comprehensive Test Ban Treaty was finalized almost twenty years ago and is not yet in force. The beginning of negotiations on a fissile material treaty has been stalled for over a decade.

The international community finds itself in a stalemate akin to Zeno's paradox. The ancient Greek philosopher claimed that movement was impossible, because before walking a certain distance, first one would have to walk half that distance, and before that, a quarter, and so on indefinitely. To achieve progress in nuclear disarmament within the "step-by-step" approach, conversely, the international community has been told that, before taking any first step, we should take half the first step, and before that, half of half a step, and so on. We know for a fact, however, that movement is possible. We know that, if there is political will, real and meaningful progress in nuclear disarmament is also possible. It is indeed necessary.

Madam President,

The reemergence of the humanitarian approach to nuclear disarmament has brought renewed energy to the debate on nuclear weapons, highlighting the catastrophic consequences that would ensue from the use, either intentional or by accident, of such weapons and their incompatibility with international humanitarian law. It has also helped us to reflect further on the absurdity of advocating nuclear non-proliferation while at the same time continuously praising nuclear weapons as indispensable to guarantee one's security, as well as on the perversity of diverting huge amounts of money and resources to the maintenance and modernization of nuclear arsenals.

As the Conferences on the Humanitarian Impacts of Nuclear Weapons have emphasized, nuclear weapons have long-lasting, devastating, indiscriminate effects, affecting civilians foremost. Their impacts on human health and the environment last generations and there is no country or organization capable of responding to the humanitarian disaster ensuing from a nuclear detonation. The elimination of nuclear weapons is, therefore, not only a legal obligation, but also an ethical imperative.

Beyond the fears instilled by the possibility of a detonation, the mere existence of nuclear weapons has a huge impact on peoples' lives. The financial resources diverted to the maintenance and modernization of nuclear arsenals could, if invested elsewhere, provide significant betterment of living conditions worldwide. Even amidst a fragile economic situation and in a context of dwindling resources to alleviate poverty and promote development, it is estimated that the nuclear-weapon States spend around 100 billion dollars a year to maintain their arsenals. This is a disturbing sign of how global priorities are being set, and shows that there is also a socioeconomic imperative for nuclear disarmament.

Furthermore, there is also the security imperative. The continued existence of nuclear weapons and the threat to humankind they represent increase tensions in all regions of the world, foster suspicion and hinder cooperation between States. Nuclear weapons and doctrines of nuclear deterrence make the world more dangerous and more unstable, unintendedly inviting proliferation, for every State in the world may likewise argue its security can only be assured by the possession of nuclear weapons. Nuclear disarmament is thus the only credible way to consolidate the non-proliferation regime.

Brazil believes that the positive momentum stemming from the Oslo, Nayarit and Vienna Conferences will have an impact on nuclear disarmament both at this Conference and in multilateral fora dealing with disarmament.

There is a need to see light at the end of the tunnel. A timeframe, however flexible, will be a significant contribution to upholding the credibility of the NPT regime. Brazil believes a time horizon for nuclear disarmament must eventually take the form of a comprehensive Convention on nuclear weapons. While this should be a priority, we do not discard other options that are currently being brought to the table. Recently, in the context of the Conferences on the Humanitarian Impacts, we

have associated ourselves with other countries seeking to fill the legal gap for the prohibition and elimination of nuclear weapons. Although Brazil sees the CD as the most appropriate forum for these negotiations, given the current stalemate in that body, we would not object any negotiating process that could take place within the United Nations framework, as in the UN General Assembly.

It is high time to challenge the worn-out notion that one must wait for all stars to align in order to move ahead with nuclear disarmament. In fact, the opposite is true. Only decisive action towards the fulfillment of nuclear disarmament commitments can bring about the conditions for a more stable and less dangerous world.

Madam President,

Despite the priority we attach to the launching of multilateral negotiations on a comprehensive nuclear disarmament convention, relevant interim and supporting measures should continue to be actively pursued in all disarmament fora.

Of these measures, perhaps the most urgent is the entry into force of the CTBT. It is inconceivable that, 19 years after the end of negotiations, there is still no prospect for its entry into force. Brazil would like to urge once again all countries that have not acceded to the CTBT, in particular Annex II countries, to do so as a matter of urgency and refrain from any action that would undermine the Treaty's objectives, in particular those related to the modernization of nuclear arsenals, including subcritical or non-explosive tests. In our view, such activities run counter to the object and purpose of the Comprehensive Nuclear-Test-Ban Treaty (CTBT), its spirit, if not the letter.

Also central to attain effective progress on nuclear disarmament is a review of the nuclear-weapons State's strategic reliance on nuclear weapons. Doctrines of nuclear deterrence currently espoused by the nuclear-weapon States expressly contradict their commitments to the complete elimination of their nuclear arsenals. The nuclear-weapon States must urgently carry a thorough review of the role of nuclear weapons in their security policies and military doctrines, in order to diminish and ultimately eliminate reliance on nuclear weapons.

Madam President,

Achieving consensus on the CD's programme of work, which must include the core issues of its agenda, should also be a priority. Brazil attaches great importance to the CD as the world's single negotiating body specially dedicated to disarmament.

It is my country's view that current declaratory policies from nuclear weapons States regarding the use or threat of use of nuclear weapons against non-nuclear weapons States are utterly inadequate. Those assurances are not legally binding and can be changed any time. We therefore urge the CD to launch immediate negotiations on a legally binding instrument on negative security assurances.

With regard to a fissile material treaty, it is our view that, in order for such an instrument to be meaningful, it must deal in one way or another with the issue of current stockpiles. As we all know, there is sufficient nuclear material to continue the production of nuclear weapons for centuries to come, which is hardly a good prospect in terms of nuclear disarmament. In this sense, we welcome the work of the Group of Governmental Experts on the matter and hope the Group's final report may contribute to finally unlock the negotiations of an FMT.

The reasons for the stalemate at the CD are political and therefore cannot be ascribed to institutional or procedural issues. In order to better reflect current international realities, however, Brazil believes the CD calls for an update in terms of membership, of rules of procedure and of participation of civil society. Brazil is convinced that these issues must be reviewed, but any reform effort should consider the United Nations disarmament machinery as a whole, including the UNDC and its inability to present recommendations in the past few years. This is why we support the convening of a fourth special session of the General Assembly on Disarmament (SSOD-IV), which can scrutinize the institutional framework erected by its first predecessor, in 1978.

Madam President,

As a country unequivocally committed to the integrity of the NPT and to the credibility of the review mechanism, we cannot but also voice our frustration with the failure, so far, to convene a Conference on the Establishment of a Zone Free of Nuclear Weapons and Other Weapons of Mass Destruction in the Middle East as provided for by the 2010 NPT Action Plan. We must bear in mind that this issue was part of the bargain which allowed the indefinite extension of the NPT in 1995. Positive developments in the region, even amidst serious crisis, such as Syria's accession to the CWC – and the ongoing dismantling of its chemical weapons – and, most recently, the progress in negotiations regarding the Iranian nuclear programme could contribute to holding the Conference as soon as possible. It is our firm hope that the successful convening of the Conference would provide an invaluable framework for confidence-building and cooperation among the States of the region and represent an important step towards greater stability in the Middle East.

The establishment and maintenance of nuclear-weapon-free zones enhances global and regional peace and security, strengthens the nuclear non-proliferation regime and contributes towards realizing the objectives of nuclear disarmament. As a member of the first treaty to establish a denuclearized zone in a densely populated area, the Treaty of Tlatelolco, Brazil took part in the third Conference of States Parties and Signatories to Treaties that Establish Nuclear-Weapons Free Zones and Mongolia, held here in New York on 24 April 2015, to advance efforts leading to the establishment and strengthening of nuclear-weapon-free zones around the world.

Brazil developed, together with Argentina, a successful model of regional cooperation and confidence-building represented by the Brazilian-Argentine Agency for Accounting and Control of Nuclear Material (ABACC). The Agency could

serve as a source of inspiration for our partners in the Middle East and elsewhere that strive for the establishment of zones free from nuclear weapons.

It is essential that the nuclear weapons States be fully committed to the integrity of nuclear-weapon-free zones. We therefore urge those States to withdraw, with immediate effect, any reservations or interpretative declarations to the relevant protocols to treaties that establish nuclear-weapon-free zones.

Madam President,

In order to preserve the credibility of the NPT's Review Process, this Conference has a special responsibility regarding the disarmament pillar. Merely rolling-over the commitments already agreed to, and so poorly implemented, is not an option. The Conference must deepen the current commitments, propose new concrete ones and demand from the nuclear-weapons States how – and when – they will be met. A tentative roadmap towards nuclear disarmament, whereby the NPT States would outline their views on a timeframe for nuclear disarmament, could provide an important benchmark for future progress and for the negotiations on a comprehensive convention to completely eliminate nuclear weapons.

Madam President,

Non-proliferation has undoubtedly been the most successful of the three pillars of the NPT. With one exception, none of the 186 States that have become parties to the Treaty as non-nuclear-weapon States has since built or acquired a nuclear weapon or a nuclear explosive device. Forty-four years after the Treaty's entry into force, the non-nuclear-weapon States have been complying with their obligations under the Treaty and keeping their end of the fundamental bargain at its core, in stark contrast to the implementation of the disarmament commitments under Article VI by the nuclear-weapon States.

Such success, however, gives no grounds for complacency. Brazil is therefore fully supportive of multilateral efforts aimed at preserving and ensuring compliance with the NPT non-proliferation obligations, notably through the IAEA.

Brazil remains supportive of IAEA efforts to promote more efficient and effective safeguards, in strict accordance with the relevant legal instruments entered into by Member States with the Agency, and taking into account the necessary distinction between legal obligations and voluntary commitments, such as the Additional Protocol.

Madam President,

Brazil joined others in the IAEA General Conference's request in 2012 for the Secretariat to report on the development of new approaches for safeguards implementation through the so-called "State-level Concept" (SLC).

In its 2014 Resolution on "Strengthening the Effectiveness and Improving the Efficiency of Agency Safeguards", the General Conference welcomed, with Brazil's

support, information finally provided by the Secretariat by means of a Supplementary Report.

The General Conference welcomed in particular the important assurances contained in that report and in the statements made by the IAEA Director General and the Secretariat as noted by the Board of Governors in its September 2014 session.

The General Conference also noted a point that Brazil strongly endorses: the development and implementation of State-level approaches requires close consultation and coordination with the State and/or regional authority, and agreement by the State concerned on practical arrangements for effective implementation of all safeguards measures identified for use in the field, if such arrangements are not already in place.

The development of the Supplementary Document and the decisions by the General Conference on the SLC resulted from an unprecedented process of consultations and technical meetings between the Secretariat and Member States. For Brazil, this process introduced a new and encouraging dynamic in how safeguards issues should be dealt with within the IAEA.

The discussions have given room for greater accountability and transparency on the part of the Secretariat, and for closer involvement of Member States in the development of proposed new policies. The openness and transparency that have characterized the exchanges between the Secretariat and Member States should be continuing features of the ongoing and future treatment of safeguards within the Agency.

Madam President,

Brazil has always maintained that there is no alternative to a diplomatic, negotiated solution to the issues related to Iran's nuclear program. The understanding between Iran and the P5+1 announced in Lausanne on 2 April was a major step in that direction, and we wish once again to commend the parties for their efforts. It is Brazil's hope that the ongoing negotiations will lead, in June, to a permanent solution to the matter, which includes the recognition of Iran's inalienable right to develop, research, produce and use nuclear energy for peaceful purposes, consistent with its obligations under the NPT.

Brazil strongly condemned the nuclear tests carried out by the Democratic People's Republic of Korea (DPRK) in violation of its obligations under the relevant UN Security Council resolutions. We urge the DPRK to fulfil its commitments under the Six-Party Talks; to abandon all nuclear weapons programs; to return, without delay, to the NPT as a non-nuclear-weapon State and to place all its nuclear facilities under IAEA verification, with a view to achieving the denuclearization of the Korean Peninsula in a peaceful manner.

Madam President,

For Brazil, no matter how tight one may desire to render the verification of compliance with non-proliferation obligations, the key to upholding the integrity of the NPT lies in reducing the incentives to proliferate. In this regard, the continued reliance by some States or military alliances on nuclear weapons as the ultimate "deterrent" - and thereby essential instruments of a State's security - is probably the greatest threat to the integrity of the NPT. Such reliance may be emulated by other States that feel threatened, and which may conclude that a nuclear "deterrent" may indeed be indispensable for their survival.

Nuclear disarmament is therefore essential to nuclear non-proliferation. As long as nuclear weapons exist, there will be States and non-State actors tempted to acquire or develop them.

Brazil is firmly committed to the objective of nuclear non-proliferation. However, any approach that focuses exclusively on this pillar, detached from necessary progress on nuclear disarmament, is doomed to failure. It is high time for nuclear-weapon States to show coherence and stop raising security or any other reasons as justification for the maintenance and modernization of their nuclear arsenals. This argument only contributes to the erosion of the credibility of the nuclear non-proliferation regime.

Brazil cannot accept that the burden of the NPT Regime continue to fall exclusively on the non-nuclear-weapon States, with the increasing imposition of obligations that affect only those who already faithfully comply with their Treaty obligations.

While Brazil fully respects the sovereign decision of those States that decided to sign an Additional Protocol with the IAEA, we recall that the Model Additional Protocol (INFCIRC/540) was approved by the Agency's Board of Governors on the understanding of its voluntary nature, a fact that is officially reflected in that body's records. The 2010 Final Document also recognized that "it is the sovereign decision of any State to conclude an additional protocol". Furthermore, Action 30 of the 2010 Action Plan stated that "additional protocols should be universally applied once the complete elimination of nuclear weapons has been achieved". This language was incorporated into the Safeguards Resolution adopted by the IAEA General Conference in 2014.

The verification standard under the NPT is clearly set out in Article III of the Treaty: "safeguards, as set forth in an agreement to be negotiated and concluded with the International Atomic Energy Agency in accordance with the Statute of the International Atomic Energy Agency and the Agency's safeguards system"; "non-nuclear-weapon States Party to the Treaty shall conclude agreements with the International Atomic Energy Agency to meet the requirements of this Article (...) in accordance with the Statute of the International Atomic Energy Agency. Negotiation of such agreements shall commence within 180 days from the original entry into force of this Treaty".

This language leaves no doubt that the verification standard pursuant to Article III is that enshrined in the agreements that were to be negotiated with the IAEA shortly after entry into force of the NPT.

Madam President,

Article IV of the NPT expressly recognizes "the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes". It also determines that States in a position to do so shall cooperate in the "development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States Party to the Treaty, with due consideration for the needs of the developing areas of the world."

Furthermore, the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament" provides that "[in] all activities designed to promote the peaceful uses of nuclear energy, preferential treatment should be given to the non-nuclear-weapon States party to the Treaty, taking the needs of developing countries particularly into account."

Brazil places great importance on the peaceful applications of nuclear energy. We are fully convinced that nuclear technology will continue to be of great relevance for the achievement of the MDGS, as well as for the post-2015 Sustainable Development Goals (SDGs). As highlighted in the outcome document of the Rio+20 Conference, sustainable development must be achieved in all its dimensions, with a view to integrating the economic, social and environmental aspects. Nuclear energy will certainly have an impact on these three areas, particularly when taking into account that nuclear applications in health, nutrition, food, agriculture, environment, industry and energy can contribute to the preservation of life, eradication of poverty, improvement of health and education and productivity gains. In this context, it is essential that all States be allowed to have access and make use of nuclear energy for peaceful purposes. Brazil welcomes the fact that the IAEA has decided to take an active part in discussions on the post-2015 development agenda, including by providing inputs to the process of preparing for the next Sustainable Development Goals. We believe that this Conference should expressly endorse that decision by the IAEA.

Brazil attaches particular relevance to the IAEA Technical Cooperation Programme, in which it is an active participant, as both beneficiary and donor country.

Under the auspices of the Programme, Brazil sends some 50 technicians for training abroad every year. Furthermore, it offers more than 40 scholarships for nationals of Latin American and Caribbean, African, Middle East and Asian countries to receive training at Brazilian institutions and facilities. Brazil also makes available about 25 nuclear specialists every year to serve in the context of IAEA expert missions abroad.

Madam President,

Building on an initiative by the IAEA Deputy Director-General for Technical Cooperation, Brazil has increased its cooperation in the nuclear field with Portuguese-speaking countries in Africa, in particular Angola and Mozambique, focusing on areas such as licensing, medical applications and the management of technical cooperation projects.

Since the 1980s, Brazil has been an active participant in the Regional Cooperative Agreement for the Promotion of Nuclear Science and Technology in Latin America and the Caribbean (ARCAL), mainly as a donor country, by making available scholarships at its nuclear institutions for the training of Latin American and Caribbean experts and by making available Brazilian experts and instructors to assist other countries in the region. At the moment, there are 15 regional projects under the scope of ARCAL. Brazil also contributed to the development of the ARCAL Regional Strategic Profile for Latin America and the Caribbean 2016-2021.

Madam President,

In recent years, the international community has been engaging in different initiatives, both within the IAEA and in other frameworks, in the areas of nuclear safety and security. Brazil has actively participated in the IAEA Conferences and in the Nuclear Security Summits, and it develops and implements robust, effective and adequate legislation in these areas.

Brazil is fully committed to the safe and secure use of nuclear technology, as that is the only way that humanity can fully benefit from it. The strengthening of international commitments in these areas must serve the purpose of providing a stable environment which facilitates the promotion of the peaceful uses of nuclear energy, by preventing risks and threats that may result from the inappropriate or non-authorized use of nuclear energy.

It is our view, however, that legitimate concerns with nuclear security and safety cannot be used as pretext for the imposition of constraints on the inalienable right of States to the peaceful uses of nuclear energy.

Madam President,

In the field of nuclear safety, the Fukushima accident (March 2011) was undoubtedly the most significant event in recent years.

Our collective response through the IAEA was timely and appropriate. An IAEA Ministerial Conference on Nuclear Safety gathered in June 2011 and requested the Agency's Director General to develop a draft Action Plan on Nuclear Safety, which was adopted by the Board of Governors and unanimously endorsed by the General Conference in September of that year.

In Brazil's view, progress in the implementation of the Action Plan has been good, in large measure thanks to the work of the IAEA Secretariat. An impressive

number of activities has been undertaken so far, not only in the field together with Member States but also in respect of the review of the Agency's safety standards concerning the design and operation of nuclear power plants (NPPs), protection of NPPs against severe accidents, and emergency preparedness and response.

Brazil also wishes to express its satisfaction with the results of the Diplomatic Conference of the Contracting Parties to the Convention on Nuclear Safety (CNS), which took place last February under the able leadership of Argentina. In line with other efforts being undertaken to improve nuclear safety at the national, regional and global levels, the Vienna Declaration adopted at the Diplomatic Conference represents a significant building block in reinforcing the CNS peer review mechanism and establishing principles to guide Contracting Parties, as appropriate, in the implementation of the objective to prevent accidents and mitigate radiological consequences should they occur.

Madam President,

The international community must be permanently committed to eliminating risks and threats arising from any possible destructive use of nuclear energy. This includes preventing terrorists or other non-authorized actors from gaining access to nuclear devices, materials and facilities.

As Brazil stressed in the Nuclear Security Summit that took place last year in the Netherlands, it is not civilian nuclear facilities, but atomic bombs that pose the greatest security risk to our societies. Today, as we know, all stockpiles of nuclear material for military use are exempt from multilateral control mechanisms. As a matter of fact, according to the United Nations Institute for Disarmament Research (UNIDIR) and the International Panel on Fissile Materials (IPFM), 98% of the highly enriched uranium and 86% of the separated plutonium stockpiles worldwide are possessed by the nuclear-weapon states.

The most effective way to reduce the risk that non-state actors make use of nuclear energy for destructive purposes is therefore the total elimination of all nuclear arsenals.

These concerns have led Brazil to submit, along with fourteen other countries with a similar view, the Joint Statement to the 2014 Nuclear Security Summit titled "In larger security: a comprehensive approach to nuclear security." We understand that it is impossible to dissociate the quest for nuclear security, as is also the case for nuclear non-proliferation, from the effective implementation of disarmament commitments established in the NPT. A world that accepts nuclear weapons will always be insecure. It is essential to eliminate such weapons, which, because of the catastrophic humanitarian consequences of their use, remain a permanent threat to humanity.

It is Brazil's view that the Nuclear Security Summit process has accomplished the goal of drawing the attention of policy makers at the highest level to the issue of nuclear security. We expect that, after the Summit that will take place in the United States in 2016, our collective efforts in this area will converge to the IAEA, a truly

universal forum that is fully equipped to take the matter in its hands with the capability and commitment that are commensurate with the importance that we all ascribe to the issue of nuclear security.

Madam President,

Brazil considers that the decision to withdraw from the Treaty — as from any treaty freely subscribed to — is a sovereign right recognized under international law. The rigorous procedure established under article X is a recognition of the Treaty's relevance to international peace and security. Upon receiving any notice of a State's decision to withdraw from the Treaty, the Security Council should carefully assess the extraordinary events deemed to have jeopardized the supreme interests of the withdrawing country, with a view to, if possible, address that State's concerns and enable the continued membership of that State in the Treaty.

It is my country's view, however, that discussions on withdrawal from the NPT should focus less on constraints to be applied to those States parties that may potentially leave the regime and more on the incentives for States parties to remain within it. That main incentive would be the implementation of all of the Treaty's pillars, particularly the nuclear weapons States disarmament obligations.

Madam President,

The NPT regime faces a critical juncture. The Treaty cannot be simply a tool to manage deeply embedded inequalities. It must correct them in order to uphold its credibility and efficacy, preserving its role as the keystone in the disarmament architecture designed by our predecessors to achieve a world free of nuclear weapons.

Thank you.