

‘Making progress through concurrent initiatives and forums

at Costa Rica’s Seminar and Round table

“Step toward a Nuclear Weapon Convention: Exploring and developing legal and political aspects”

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Introduction

In the Conference on Disarmament, nuclear disarmament remains one of the highest priorities. It is one of the four core agenda items of the Conference. Despite the inability of the Conference to agree on the respective priority to accord its core issues, nuclear disarmament has been discussed under Coordinators appointed by the President of the Conference for the past two years. There are divergent views, however, on how to make progress toward the goal of eliminating nuclear weapons.

In the NPT review process, States Parties made great strides toward charting the elimination of nuclear weapons at the 2000 Review Conference, but despite their consensus on that occasion they have not been able to achieve further progress, due mainly to differing priorities over the Treaty’s three main pillars - a crisis of priority-setting akin to that in the CD. The 2010 Review Conference will be a crucial test for the NPT regime in many respects.

The First Committee has annually adopted three different resolutions on nuclear disarmament and about a dozen resolutions on related issues. But the voting results thereon demonstrate that there remain significant divergences among UN Member States on how to make progress in nuclear disarmament. These differences have also prevented the UN Disarmament Commission from achieving consensus on any proposal on nuclear disarmament.

What are the concurrent initiatives and forums?

Fortunately, the lack of progress in the key multilateral forums does not mean a lack of progress elsewhere. There have been a number of recent initiatives, by governments and civil society, parliamentarians, mayors as well as by the UN Secretary-General who put forward a concrete five point proposal on 24 October [as outlined in an earlier session of this seminar]. These various initiatives can be grouped in the areas of 1) norm building, 2) treaty regimes; 3) weapons reductions, 4) transparency and 5) de-alerting.

In the area of norm building, the vision of a world free of nuclear weapon -- advocated by four prominent American statesmen, Henry Kissinger, Sam Nunn, William Perry and George Schultz in their opinion articles in The Wall Street Journal, has had a widespread impact. Their proposal, now known as the Hoover Plan, has been endorsed by a number of countries. The US President Elect, Mr. Barack Obama, also expressed support for the vision of a nuclear-weapon-free world.

To lay the groundwork for a world free of the nuclear threat, the Hoover Plan envisages a number of specific steps, including extending key provisions of the 1991 Strategic Arms Treaty (START I); changing the Cold War posture of deployed nuclear weapons; reducing substantially the size of nuclear forces; eliminating short-range nuclear weapons for forward deployment; initiating a bipartisan process toward ratification of the CTBT; increasing the security of nuclear weapons and weapon-grade plutonium and uranium; halting the production of fissile materials for weapons globally; and establishing control of the uranium enrichment process.

To build the momentum further, Australia, which had expressed its full commitment under its new government to realizing a world free of nuclear weapons, and Japan, established the Commission on Nuclear Non-proliferation and Disarmament. This is an independent international commission that follows on the work of the Canberra Commission, the Tokyo Forum and the Weapons of Mass Destruction Commission (Blix Commission).

In the area of creating and strengthening treaty regimes, it goes without saying that the submission of the Model Nuclear Weapons Convention by Costa Rica and Malaysia at the 2007 NPT PrepCom is a significant practical step. Upon their request, the UN Secretary-General has circulated to all Member States the text of this model convention. It serves as a point of departure, showing, in practical terms, what would be required to codify a total ban on nuclear weapons.

Members of the CD that belong to the Non-aligned Movement, also known as the G-21, have long insisted that the Conference negotiate a convention on the complete prohibition of the use or threat of use of nuclear weapons; as well as a nuclear weapons convention within a specified timeframe. There is India's long-standing proposal of a convention on prohibiting the use of nuclear weapons. China, the only NPT nuclear-weapon state that has disavowed first use of nuclear weapons, has expressed its readiness to conclude a non-first-use pact with other nuclear-weapon States. At the UNGA last year, Russia and the United States proposed multilateralizing the INF Treaty.

In the area of weapon reductions, the United States and Russia have made significant progress in lowering the numbers of strategic warheads in accordance with START I and the 2002 Strategic Offensive Reductions Treaty (Moscow Treaty). The UK and France also recently announced their decisions to reduce their nuclear arsenals. Finland and Germany, among other countries, stressed the need to address non-strategic nuclear weapons, with the former calling for the codification of the 1991/1992 Presidential Nuclear Initiative (PNI) as a legally binding instrument, while the latter urged Russia and the US to reconfirm their commitment under the initiative in a joint statement.

In the area of transparency, four recognized nuclear-weapon States have made significant progress in increasing transparency regarding their nuclear weapons holdings, the operational status of their weapons, and their efforts at nuclear disarmament. Various steps to increase transparency regarding nuclear weapons in the Conference on Disarmament, the NPT review process and the First Committee have been advanced notably by Canada, Brazil and Japan.

For the past two years, Chile, New Zealand, Nigeria, Sweden and Switzerland, have sponsored a General Assembly resolution on "Decreasing the operational readiness of nuclear weapons systems," which was joined by Malaysia this year. They maintained that today's post-cold war environment in no way justified this high level of alert. Their initiative reinvigorated the debate about de-alerting and de-mating in the multilateral arena.

What progress, if any, are they making?

In the five areas mentioned above, there have been a number of activities that have contributed to progress toward the goal of nuclear disarmament. In the area of norm building, Norway convened international conferences in Oslo and London earlier this year to follow up the Hoover Plan and provide it with international dimensions. From the discussions at the Oslo Conference, there emerged five key principles and ten policy recommendations in order to establish a road map for the international community to translate such a vision into reality.

Among recognized nuclear-weapon States, the United Kingdom has underlined its commitment to realizing a world free of nuclear weapons. In 2007, then UK Foreign Secretary Margaret Beckett announced a series of unilateral activities, proposing a "Disarmament Laboratory" for the thinking and practical work required to move forward global nuclear disarmament. The UK stressed the importance

of verification and proposed a technical conference of the P-5 nuclear laboratories to discuss the verification of nuclear disarmament. Underscoring the importance of cooperation with non-nuclear-weapon States in developing verification techniques, the UK and Norway have begun a technical cooperation initiative. Last March, France also proposed an eight-point action plan for disarmament and non-proliferation.

In the area of building treaty regimes, the Russian Federation and the United States issued a Strategic Framework declaration at Sochi last April, indicating their intention to work together toward a legally binding post-START arrangement. Their proposal to expand the INF Treaty to become a multilateral treaty received support from a number of countries, including France, Canada and Finland. But there has been no agreement to begin the negotiation of such a treaty. For the past three years, momentum has been building for the negotiation of a fissile material cut-off treaty (FMCT) in the CD, with the overwhelming majority supporting an immediate commencement of negotiations on an FMCT without preconditions. But several Members of the CD continue to place conditions on such negotiations. Efforts continue toward ratification of the CTBT, with Colombia, Barbados, Malaysia, Burundi and, most recently, Mozambique coming aboard, while Iraq and Timor-Leste signed it.

With regard to weapons reductions, the US has said that it had completed all the reductions required under START I and was planning to reach the limits of the Moscow Treaty by 2010. Russia stated that it had also fulfilled its obligations under START, and that as of 1 January 2008, it possessed no more than 900 strategic delivery vehicles and 4,200 of the warheads attributed to them under START I. Russia also said that it had reduced its non-strategic weapons arsenal by three quarters since the Soviet era. It also proposed at the NPT PrepCom this year that non-strategic nuclear weapons be withdrawn to the possessor's own territory, which was urged by China last year.

The United Kingdom last year declared that it would reduce its operationally available warheads to below 160 when it extended the life of its minimum deterrent beyond the Vanguard-class submarine. Last March, France announced a one-third reduction in its airborne nuclear forces, bringing down France's nuclear arsenal to below 300 weapons.

In the area of transparency, four out of the five NPT nuclear-weapon States have shown an increased level of transparency regarding their nuclear arsenal and disarmament efforts for the past several years, particularly at the CD and the NPT PrepComs. Their briefings, it is true, are still of an *ad hoc* and voluntary nature and do not yet satisfy the calls for institutionalising and standardizing the provision by nuclear-weapon States of information on their nuclear arsenals.

As regards de-alerting, greater attention to this issue shed light on the current operational status of nuclear arsenals. The UK stated that it had significantly reduced the operational status of their nuclear weapons. The US repeatedly denied that its nuclear arsenal is any longer on hair-trigger alert. As there is international concern about nuclear security and safety as well as nuclear terrorism, this issue is likely to remain high on the agenda of nuclear-weapon States.

What prospects are there of future progress?

What are the prospects for future progress? Nuclear-weapon States have persevered in arguing that the current international security environment is not conducive to eliminating nuclear weapons. They often underline uncertainties in the future security environment, as well as emerging nuclear threats from so-called "rogue states" and terrorists. Nuclear powers have highlighted the vital importance they attach to nuclear deterrence in preserving their national security, as well as that of their allies. By justifying the continued possession of a nuclear arsenal in the context of uncertainties, new nuclear dangers and the nuclear umbrella offered to their allies, nuclear-weapon States have underscored their continued or – measured particularly against their unequivocal undertakings at the NPT Review Conference in 2000 - increased reliance on nuclear weapons.

Moreover, as nuclear weapons remain the central pillar of their national security doctrines, nuclear-weapon States have focused their efforts on the maintenance of a reliable nuclear deterrence. As a corollary, they are naturally concerned about the deterioration of such weapons, and strive to renew and modernize them. It is in this policy context that nuclear-weapon States address and consider the issue of nuclear disarmament, especially reductions of nuclear arsenals.

Several weeks ago, US Defense Secretary Robert Gates stated at the Carnegie Endowment in Washington that the sentiment advocated by Messrs Shultz, Perry, Kissinger and Nunn in the Wall Street Journal – that is, the desire to eliminate all nuclear weapons has *“come up against the reality that as long as others have nuclear weapons, we must maintain some level of these weapons ourselves; to deter potential adversaries and to reassure over two dozen allies and partners who rely on our nuclear umbrella for their security – making it unnecessary for them to develop their own.”*

Unfortunately, nuclear weapons have seeds of proliferation in themselves. Their existence may foster a sense of security among nuclear-weapons States. But it has the unintended consequence of creating a sense of insecurity and vulnerability among non-nuclear-weapons States. In particular, those States threatened by nuclear powers might seek nuclear weapons to gain their own deterrence. This, in turn, creates a sense of insecurity on the part of nuclear-weapon States, which would feel inhibited in renouncing nuclear weapons. Thus, it has become a vicious cycle in which insecurity breeds insecurity.

The prospects for progress in nuclear weapons therefore hinges upon bringing about a sea-change in the approach of the nuclear-weapons States. Instead of waiting for the emergence of a security environment conducive for nuclear disarmament, they themselves could help engender such an environment by reducing substantially the number of their nuclear arsenals, halting their development and modernization programmes, and diminishing their role in their national security doctrine. This would significantly create more confidence and good will in international relations and create an improved security environment where non-nuclear-weapon States would not feel compelled to acquire such weapons, while nuclear-weapons States would feel more secure and comfortable for relinquishing them.

In particular, the aging nuclear arsenals would provide a golden opportunity for retiring Cold War weapons. To demonstrate that they are serious about the vision of a world free of nuclear weapons, political leaders must seize this opportunity. Practically speaking, due to technical requirements, it would take scores of years to dismantle and destroy safely all existing nuclear weapons. This would offer an ample time for the international community to negotiate and implement a convention to prohibit nuclear weapons and their destruction. It will also allow both nuclear-weapon States and non-nuclear-weapon States to establish a mutually acceptable process and mechanisms for gradually eliminating nuclear weapons, taking into account their national security concerns as well as ensuring the accountability, irreversibility, verifiability and transparency of such a process.

In this context, practical steps proposed by the concurrent initiatives referred to already are of particular importance. Only through realistic and practical measures that address conflicting national security concerns and divergent political interests could we pave the way toward a nuclear-weapon-free world. Under a new generation of political leaders in many countries, including nuclear-weapon States, there should be an opportunity for a major shift in the thinking on nuclear weapons. The concurrent initiatives we are discussing today will then see their day.

Let me conclude with a quote from the UN Secretary-General’s statement on 24 October mentioned earlier: “The keys to world peace have been in our collective hands all along. They are found in the UN Charter and in our own endless capacity for political will. When disarmament advances, the world advances.”