

Disarmament and the Model Nuclear Weapons Convention

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It is a great honour and a very pleasant task to represent my country in this conference, organized by Parliamentarians for Nuclear Non-Proliferation and Disarmament; and important and well known network of people, engaged in the study of nuclear issues.

Disarmament and the Model Nuclear Weapons Convention

Our foreign policy on disarmament takes into consideration the dangers produced by biological, chemical and nuclear weapons, because they constitute the greatest potential threat for humanity, as well as conventional weapons are also a constant threat to all of us. The stockpiling and the uncontrolled transferences of conventional weapons affect the security of numerous zones of the planet, and prevent people from enjoying a stable and safe environment for their development. Disarmament is a priority in our foreign policy, for this reason, Costa Rica encourages the international community to continue advancing with firmer proposals related to our obligations to disarmament and non-proliferation of nuclear weapons.

Costa Rica was the first country in fulfilling UN General Assembly's resolution 41 (1), December 14th 1946, referred to the principles for the general regulation and reduction of armaments and received with satisfaction the consultative opinion of the International Court of Justice, in the sense that there is an obligation to pursue and conclude, in good faith, negotiations leading to a complete nuclear disarmament under a strict and effective system of international verification.

In that sense, Costa Rica advocates to achieve compliance of article 26 of the Charter of the United Nations that calls us **“... to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources ...”**

This is the reason why Costa Rica also promotes the adoption of The Arms Trade Treaty (ATT), a legally binding international agreement with a set of rules to regulate the international transfer of conventional weapons and, in that same sense, we are promoting the Costa Rica Consensus in the international community, in order that developed nations and international organizations forgive a nation's debt because that country has chosen to shift resources from weapons and troops to education and healthcare.

Regarding nuclear weapons, the Treaty of Non-proliferation of Nuclear Weapons (TNP) is the angular stone of the global regime of nuclear disarmament, and it is based on a structure of three pillars: 1) non-proliferation, 2) nuclear disarmament and 3) cooperation for the peaceful use of nuclear technology.

For Costa Rica, these three pillars are of equal importance and must be accepted with the utmost seriousness by all the States parties; there is no hierarchy among them, and the violation of one of them is as serious as the violation of the others, and puts the whole system at risk.

In that sense, the TNP keeps its validity because of two fundamental commitments: 1) the desire of non - nuclear states to avoid them and 2) the decision of nuclear states to reduce them. For this reason, Costa Rica considers that the Treaty of Non-proliferation of Nuclear Weapons (NPT) is an intermediate point in the process, whose final goal, as it is established in the article VI of the Treaty, is general disarmament.

The decision taken by non - nuclear states when the NPT was adopted, to voluntarily renounce to develop or acquire nuclear weapons, was part of the desire to negotiate in good faith the necessary and effective measures to stop the nuclear escalation and to get a treaty that assures general disarmament, under a strict and effective international control.

In its capacity of State party of the NPT, Costa Rica has called upon all the State parties to renew efforts to make concrete commitments and look for integral solutions for the absolute compliance with the obligations which derived from the Treaty, including the 13 practical steps, approved in the Revision Conference 2000 and to promote the ratification of the Comprehensive Nuclear Test Ban Treaty (CTBT).

In the framework of the Security Council, Costa Rica, as a non-permanent member, has insisted, not only on horizontal, but also on vertical non-proliferation. We consider that any advance in disarmament depends on the capacity to create an atmosphere of mutual trust in order to deter proliferation; bearing in mind that the opposite alternative will increase competition, distrust and the nuclear arms race.

The delegation of Costa Rica, in its preparation for the Revision Conference of the Treaty of Non-proliferation of Nuclear Weapons - TNP of 2010, during the first session of the Commission, that was held from April 30th to May 11th, 2007, decided, once again, to present a working document, in accordance with the consultative opinion of the International Court of Justice, the project of "Model Nuclear Weapons Convention. This is a revised version of the document which was presented by our delegation, in November 17, 1997, to the General Assembly of the United Nations and that circulated like document A/C.1/52/7.

The updated version takes into considerations key developments since 1997, relevant to the development and implementation of mechanisms for nuclear abolition, such as the proliferation of nuclear weapon in new countries, access to nuclear material to non-State actors, etc.

In December 2007, the delegations of Costa Rica and Malaysia presented again the Model Nuclear Weapons Convention to the UN General Assembly as a useful instrument in the exploration, negotiation, etc that would lead to the conclusion of a Convention or a set of agreements that will ensure a nuclear-weapon-free world.

The Model Nuclear Weapons Convention is not only a legal instrument, but also it deals with technical and political issues that must be considered in order to obtain a true convention on nuclear weapons and it constitutes a useful instrument to continue the debate on the possible elimination of nuclear weapons.

In nuclear matters, Costa Rica adheres to the final objective of general and complete disarmament under a firm and effective control. Costa Rica has ratified the Comprehensive Nuclear Test Ban Treaty (CTBT). It defends, then, by means of the Model Nuclear Weapons Convention, the objective of a universal prohibition of fissile materials for nuclear weapons. The proliferation of arms of massive destruction, of its components and compatible materials, anywhere in the world, constitutes a threat to peace and national security. Nuclear states must initiate a progressive, systematic and firm process of dismantling those arsenals of mass destruction.

Costa Rica participated in the Revision Meeting of the States parties of the NPT, in 2005, and it expressed its disappointment for the lack of advances in disarmament and non-proliferation, and also for the announcement made by some states of their wish to withdraw from the Anti-Ballistic Missile Treaty (ABM) and also from the NPT, and the unsuccessful attempts of ratification of the Comprehensive Nuclear Test Ban Treaty (CTBT).

The declared nuclear powers and other states that have nuclear capacity are the ones to charge for this worrisome situation. Costa Rica continues inviting, as State party, to renew efforts and commitments to obtain an irreversible disarmament of nuclear weapons. During the debate, Costa Rica observed that the NPT cannot continue depending exclusively on conferences every five years, without any other active mechanism of implementation and revision.

The NPT does not have mechanisms of verification and execution, except for the requirement contained in the article 3 of the treaty, by means of which the States Parties must subscribe safeguards agreements with the International Atomic Energy Agency (IAEA). The NPT does not confer an expressed mandate to the Security Council, but the Statute of the IAEA confers the Board of Governors the power to refer cases of breach of the safeguards to the Security Council. In that sense the Security Council must examine all the cases of breach of the regime of Non-proliferation, in agreement with the Statute of the IAEA and in the amplitude of resolution 1540 and not only for the non state agents.

For this reason, the world needs a more comprehensive convention as the Model Nuclear Weapons Convention, because it has:

- General obligations: it prohibits development, testing, production, stockpiling, transfer, use and threat of use of nuclear weapons
- States possessing nuclear weapons will have to destroy arsenals according to a series of phases.
- It prohibits the production of fissile materials
- States parties will have to declare all nuclear weapons, nuclear material, nuclear facilities and nuclear weapons delivery vehicles and the locations of these.
- There will be 5 phase for the elimination of nuclear weapons:
 - Taking nuclear weapons of alert
 - Removing weapons from deployment
 - Removing nuclear warheads from their delivery vehicle
 - Removing and disfiguring the “pits”
 - Placing the fissile material under international control
- Verification will include declarations and reports from States, routines inspections, challenge inspections, satellite photography, etc.
- States parties are required to adopt necessary legislative measures to implement their obligations under the Convention, for example, to prosecute personas committing crimes and the protection of people reporting violations to the convention.
- States are also required to establish a national authority to be responsible for national tasks in implementation.

HOW LEGISLATORS COULD HELP?

We have a very difficult task ahead of us. Although there are many Non Government organizations working to create awareness about the dangers of having nuclear weapons, this is not enough. I think there is a need for more government initiatives, but where to begin?

- Parliamentarians can work within the community or communities that elected them to make people conscious of the need to have a nuclear-weapon-free world
- Support those groups of professionals that are working to achieve this goal
- Legislators could study the possibility to approve some laws that will pave the way towards negotiation of a convention as the Model Nuclear Weapons Convention
- If there is no Constitutional restriction, try to approve constitutional amendments
- Try to find partners to start multilateral negotiations, at least at regional or sub-regional level

Thank you