

How the NPT Stands in View of the Next Review Round

By

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The 2010 NPT Review Conference was by most accounts an unqualified success. A consensus was reached on a 64-point Action Plan to strengthen the three pillars of the treaty regime—nuclear disarmament, non-proliferation, and peaceful uses of nuclear energy—as well as an initiative to convene an international conference in 2012 on the implementation of the 1995 Resolution on the Middle East, concerning the establishment of a zone free of weapons of mass destruction in that region.

Nevertheless, we are also hearing various recurrent metaphors in reference to the NPT that are far less encouraging—including suggestions that the treaty regime has reached a “tipping point” or that it has come to a kind of make-or-break “cross roads”.

The reasons for such concerns are fairly clear. Some States Parties are concerned about what they perceive to be an erosion of the norm of nuclear non-proliferation—such concerns have been voiced specifically with respect to various developments in the Middle East, South Asia, and East Asia. Other States Parties point to the considerable work that remains ahead in nuclear disarmament, and in implementing Article VI of the treaty. And still other States Parties believe that the advancement of the peaceful uses of nuclear energy has not been undertaken on a level playing field

In addition, other concerns bearing only indirectly on the Treaty have arisen in recent years, especially with respect to growing concerns about nuclear security and the potential danger of nuclear terrorism, and to nuclear safety following the disaster at the Fukushima Daiichi Nuclear Power Plant. It is clear that the NPT was never intended to address nuclear safety and nuclear terrorism. Yet as we advance the Treaty’s deeper aims of strengthening the taboo against the existence and use of nuclear weapons, of implementing strict controls over nuclear materials, and of deepening international cooperation in peaceful uses of nuclear energy—it is fair to say that the Treaty also has much to offer in advancing nuclear safety and security.

There is without question a lot of work to do. Some significant challenges remain in addressing concerns and in building confidence among the States Parties that all obligations of the Treaty are being fully implemented. Even some of the language used in the Final Document of that conference suggests a certain lack of confidence among the States Parties. Hence, we see no less than four references in that document to the word “unequivocal”, five references to “urgent”, and 29 references to “effective”.

Events are moving very quickly, and sooner than we all may think, the Preparatory Committee for the 2015 NPT Review Conference will open its 2012 Session. I am also expecting that a facilitator and venue for the 2012 conference on the Middle East WMD-free zone will be announced as soon as ongoing consultations are concluded—the prospect of a delay in that conference would only create new uncertainties and difficulties not just for the Prep Com, but for the Treaty itself.

I view this Conference as especially important, both because the 1995 Resolution on the Middle East was part of the “package deal” that led to the indefinite extension of the Treaty, and because the NPT States Parties gave the UN Secretary-General several responsibilities concerning the organization of that event. In this sense, the fate of the initiative to establish a WMD-free zone in the Middle East clearly has ramifications far beyond the region itself. It has in some respects now become a global issue, whose fate has attracted the interest of all States.

In Action Seven, the 2010 NPT Review Conference also invited the Secretary-General to convene a high-level meeting in September of that year in support of the work of the Conference on Disarmament. On 24 September, after convening the High Level Meeting on Revitalizing the Work of the Conference on Disarmament and Taking Forward Multilateral Disarmament Negotiations, the Secretary-General announced that he would seek the counsel of his Advisory Board on Disarmament Matters on this issue. The Board is currently in process of preparing its report and recommendations to the Secretary-General, having just completed its second session this year in Geneva. On 27 July, the General Assembly will hold a plenary session on follow-up issues to the High Level Meeting. And next year, the Secretary-General will send his report on the High Level Meeting and its follow-up to the first Prep Com for the 2015 NPT Review Conference.

I am mentioning these various new mandates for the Secretary-General because I believe they reflect well on the confidence the world community has in his commitment to pursue a world free of nuclear weapons, an issue he has stated he intends to keep as a priority in his second term of office. Indeed, this goal has been associated with the UN for so long now that it has become part of the organization’s identity, certainly no less so than nuclear disarmament has become for Pugwash.

Now, since the future of the NPT will shape in a considerable way the future of international peace and security, I think there is a widespread appreciation—extending perhaps even to the non-parties—that the world without the NPT would be far worse off than a world striving to implement its solemn obligations. The NPT is not, however, a substitute for a separate legal arrangement to achieve nuclear disarmament, whether by means of a single convention or a framework of mutually-reinforcing instruments.

It is certainly welcome to note that States Parties are increasingly recognizing—as seen in the Final Document of the 2010 NPT Review Conference—that nuclear weapons are incompatible with international humanitarian law. Yet neither the customary laws of war nor the NPT itself are *alone sufficient* to achieve what only an explicit multilateral treaty can achieve: a universal legal undertaking to abolish nuclear weapons globally. There is no other way to satisfy fully all the agreed multilateral disarmament standards of verification, irreversibility, transparency, universality, and bindingness.

In closing, I would like to recall that the NPT is but one of a family of treaties that were adopted over the last half century—and its family name is “partial measures”. This term is distinct from earlier efforts in the world community to conclude a single, comprehensive treaty on general and complete disarmament under effective international control. While GCD remains the world’s “ultimate goal,” these various partial measures are called “partial” because of their association with the accomplishment of a disarmament objective. So the NPT is best seen not as an end in itself, but a vital part of a process of achieving a world free of nuclear weapons.

These points only underscore the vital importance of the treaty review process as a means to ensure accountability of the States Parties for implementing their commitments, and for increasing the transparency of information to document compliance with the Treaty. I know that the scientists of Pugwash will recognize a diagnostic instrument when they see it, and the NPT review process is potentially one of the most useful for assessing the behaviour of States Parties relative to their treaty commitments.

It is this review process that will provide the most reliable indicators of the health and future of the NPT. If the domestic policies, regulations, laws, and institutions of the States Parties are fully in alignment with agreed international legal commitments—especially regarding nuclear disarmament—this will become apparent in the review process, and the future of the NPT be at its brightest.

Through the work of its respective national organizations, Pugwash will itself have many contributions to make in promoting such an alignment of words and deeds. This is one of the most important functions of civil society—citizen action on behalf of the public interest. I very much look forward to seeing Pugwash’s many contributions in the years to come, and wish you all the very best in your work.