

Presentation by Ambassador Sergio de Queiroz Duarte, President-designate of the NPT 2005 Review Conference

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Let me first of all thank the Middle Powers Initiative and The Carter Center for the invitation to participate in this Consultation, which has provided me with useful insights on some of the substantive issues that will be discussed at the forthcoming NPT Review Conference in May 2005. The presentations were certainly valuable to me as I prepare for the task of presiding over the work of the Conference.

The future of the NPT has been put in doubt by some commentators over the past few months. There are several reasons for discouragement: the announcement of withdrawal by one of the Parties, accusations of lack of compliance by another, disclosure of a secret nuclear program by yet another, and complacency about the de facto nuclear status of three non-Parties; last, but certainly not least, a general sense of lack of interest by the nuclear-weapon Parties to pursue vigorously their commitments to nuclear disarmament. What we have to contend with at the 2005 Review Conference is a persistent and serious situation of erosion of confidence in the mechanisms of the NPT and on the ability of the instrument to survive the tests it has been put through. We could say there is a "confidence gap" in the NPT. This state of affairs seems to have grown more complex since the indefinite extension in 1995, despite what was perceived as an important step forward in 2000. Many feel that its Parties lack the necessary will to confront that situation squarely and agree on effective means to avert further dangers.

I feel very much honored to have been chosen to help in the task of presiding over the 2005 Review Conference, and I have been working to that effect since Brazil's candidature was unanimously endorsed at the III Preparatory Committee. As many

of you will recall, I was entrusted then with the responsibility to conduct consultations in preparation for the Conference. I would like to take this opportunity to describe briefly what I have been striving to accomplish to discharge that responsibility.

My main objective in the preliminary stage of my work has been to discuss ways to resolve some of the important procedural points which were not agreed at the meeting of the III Preparatory Committee last April in New York. I also listened to preliminary views on the substantive issues with which it will be seized. Among the procedural issues, perhaps the most important is the provisional agenda for the Conference. Lack of an agreed agenda may block the work of the Conference and precipitate a long and fruitless discussion, preventing meaningful debate on the substantive issues. The agenda is only an administrative tool. We cannot solve substantive questions through the formulation of the agenda.

My preliminary consultations also focus on the question of the establishment of subsidiary bodies in the Main Committees, in order to avoid as much as possible a fruitless procedural discussion after the opening of the Conference.

On the question of the DPRK, I am also seeking to ascertain whether it will be possible to arrive at an understanding similar but not necessarily exactly the same as the one adopted at the II and III PrepComs. At this early stage we cannot of course foresee what the situation will be in May. I am sure, however, that a solution at the same time practical and agreeable to all will emerge.

I have also been encouraging Parties to give thought to the possible outcomes of the Conference, and particularly the best way to record the result of its deliberations. It will also help to have a clear idea of what would constitute "success" or "failure". A significant number of Parties have expressed in several ways the wish that the Review Conference adopt decisions and/or recommendations, and that these be adequately recorded and serve as a basis for action. Others, however, seem at this stage to take a more cautious attitude toward

the way in which the deliberations will be recorded. I hope that as we approach the Conference these ideas are better refined in capitals so that a convergence of views can exist about the format in which the results can be presented.

Before I go on to some of the substantive issues before the Conference, may I make a general observation on the panorama as seen from my perspective.

I believe it goes without saying that by being Party to the NPT almost the entirety of the world community and has a vital stake in its permanence and validity. Trust in the full implementation of its promises was the primary reason for the massive support it came to enjoy. In order to preserve and strengthen the Treaty it seems imperative to renew and enhance this trust at the 2005 Review Conference. If previous commitments made by State Parties are regarded as mere symbolic gestures confidence on the effectiveness of the Treaty will certainly erode. Despite what many would consider as serious shortcomings, all Parties have a stake in the permanence and durability of the NPT, and thus have a duty to work actively towards full compliance with all provisions of the Treaty.

Based on my consultations so far, which as I said are still in a very preliminary stage, let me try to list some of the major items of interest for Parties at the forthcoming Review Conference.

The reaffirmation of the commitment to nuclear disarmament under Article VI and of the progress achieved at the 1995 and 2005 Review Conferences has been stressed as a major objective by non-nuclear-weapon Parties, both members and non-members of the Non-Aligned Movement.

A related question is the adoption of measures to increase accountability and transparency, particularly regarding nuclear arsenals. Many Parties believe that regular reporting by the nuclear weapon States would be a major contribution to enhance faith in their determination to comply fully with Article VI of the NPT.

There is an obvious need to ensure that the safeguards and verification system provided for in Article III works effectively to satisfy Parties that obligations set forth in Articles I and II are being fully complied with; at the same time, however, many have pointed out that the application of that system should not contradict the right to develop research and use of nuclear energy for peaceful purposes, as established in Article IV. Several ideas and proposals have been made to reinforce the safeguards regime, and they will certainly be in the forefront of the discussions.

The reactivation of the Conference on Disarmament is another important point to be addressed by the 2005 Review Conference. Many Parties have stated the view that it is imperative to break the paralysis of the Conference. The negotiation of an FMCT still seems to be the best possible opportunity, if the remaining divergences can be bridged.

The entry into force of the Comprehensive Test-Ban Treaty is seen by the overwhelming majority of Parties as an essential step towards nuclear non-proliferation and disarmament. The current moratorium on test explosions can only be considered as an interim measure. A large number of Parties believe that the longer the CTBT remains in a limbo, the more detrimental this situation becomes to non-proliferation efforts.

Non-nuclear Parties have consistently stressed that nuclear non-proliferation regime would be greatly strengthened by the adoption of effective, legally binding agreements on negative security assurances. Addressing this matter in an objective and action-oriented way at the 2005 Review Conference would go a long way to reduce incentives for proliferation and would pave the way for negotiations to provide credible and lasting assurances, pending nuclear disarmament.

Some Parties have made suggestions regarding the strengthening of the institutional framework of the NPT. There are specific proposals for a revised preparatory system to improve the review process. Ideas regarding Article X have

also been advanced. These proposals and ideas should be examined in 2005 with a view to enhancing the effectiveness of the Treaty.

The new and serious challenges to international peace and security, which arose as a consequence of the emergence of terrorism as a tool of political extremism, must also be firmly addressed at the forthcoming Review Conference. Although specifically dealing with States, not individuals, the NPT has an important role to play in preventing the acquisition of nuclear weapons by so-called non-State actors. All Parties to the instrument have equal responsibilities in that regard. The reduction and eventual elimination of the threat posed by international terrorism, however, cannot be achieved solely through the NPT. Other tools and mechanisms exist, and some have already been put in motion. It is important that such mechanisms be multilaterally agreed, non-discriminatory in character and universal in their application, rather than simply arrangements among a limited number of willing, or willful, Parties. International legitimacy and authority stem from a wide basis of support, rather than from the power and determination of a few. The prevention of the acquisition of nuclear weapons by individuals or groups is a necessary task to be accomplished by the international community as a whole, and in this effort the legitimate concerns of all States must be adequately taken into account.

Regional security issues, particularly those relating to the Middle East, once again will represent an important part of deliberations at the Review Conference. The acquisition of nuclear weapons by States not Parties to the NPT also raises serious concerns. Many Parties believe that there should be no rewards for those who remain outside the regime. This question is closely linked to the perception, apparently held by some, that the indefinite possession of nuclear-weapons was somehow legitimized for those States recognized as such in the NPT, a view that non-nuclear Parties strongly reject.

Other ideas and proposals, including some that have been discussed here in the past few days will certainly be brought to the Review Conference. Right after this useful meeting in Atlanta I am embarking on a round of consultations in capitals, intended to deepen my understanding of the different views expressed and try to discern possibilities for convergence.

Concern over threats to international peace and security and the need to evaluate the policies and institutions that address these threats prompted the Secretary-General of the United Nations to form a high-level panel to provide a comprehensive view about the way forward on these critical issues. The report of the Panel was published on December 2. It highlights the greatest security threats of our times, which embrace a wide range of world urgent problems, from poverty to infectious diseases, environmental degradation, war and violence within States, terrorism, transnational crime and last but certainly not least, the spread and possible use of weapons of mass destruction, particularly nuclear weapons. The central challenge for the XXI century, they stated, is to fashion a new and broader understanding of the meaning of collective security that would bring together all those strands.

The nuclear dimension of the threat, the report goes on, is proliferation - the spread of nuclear weapons among States. I would comment that at least for the majority of Parties to the NPT proliferation means not only the acquisition of such weapons by States currently not possessing them but also the qualitative improvement of arsenals, resulting from the continuing reliance by the nuclear-weapon States on defence doctrines predicated on their use. Such doctrines provide impetus to the drive to improve their destructive capability in a way that makes such use more "acceptable" and thus more likely.

The high-level panel urges nuclear weapon States to take several steps to "restart disarmament", by honoring their commitments under article VI of the NPT and undertake specific measures in fulfillment of those commitments. The panel recognized the dismantling of roughly half of the nuclear arsenals and other

reductions by the Russian Federation and the United States and called on those two States, together with the other nuclear weapon States and States not Party to the NPT, to commit to practical measures designed to reduce the risk of nuclear aggression and of nuclear war.

The panel also addressed current concerns about the goal of preventing the further spread of nuclear weapons technology and the right of all NPT signatories to develop civilian nuclear industries. Its suggestions range from the recognition of the Model Additional Protocol as the standard for IAEA safeguards to action by the Security Council in cases of serious concern over non-compliance with NPT obligations. They further urged negotiations on guarantees of supply of fissile material by the IAEA and the institution of a moratorium on further construction of enrichment or reprocessing facilities. It must be said that at least one member of the Panel dissociated himself from that recommendation.

The whole section of the panel's report devoted to the threats posed by the existence of nuclear weapons and by their proliferation merits to be carefully studied by Parties to the NPT in preparation for the Review Conference. The recommendations contained in the useful paper "Building a Nuclear-Weapons-Free Future", prepared by the Middle Powers Initiative for this Consultation also provide ideas that are worth serious consideration.

Despite alarming signs of frustration with the NPT and recent doubts about its relevance to deal with old and new threats, I am convinced that the success of the forthcoming 2005 Conference rests on the will of Parties to work toward the central objectives of the Treaty, thus reinforcing its relevance and credibility. The NPT must continue to be a necessary element of the international framework to maintain peace and security for all. Rather than reiterating confrontational positions or to seek gaining selective advantages at the 2005 Review Conference, all Parties should strive together to advance a common agenda based on the essential bargain that made the Treaty possible. I intend to devote my efforts from now until the end of the Review Conference to help the realization of this goal.