

STATEMENT OF JAYANTHA DHANAPALA

Mr. President, Excellencies, Distinguished delegates,

This is a personal statement in my current capacity as a member of civil society based on my 25-year-old association with the NPT. I thank all concerned for accommodating me.

I am aware I speak to a multicultural audience - but Shakespeare belongs to world literature. The ghosts in his plays serve the purpose of pricking the conscience of the main characters. I speak, therefore, as a ghost from the 1995 Review and Extension Conference where the nuclear weapon states and their allies assured us all that an indefinite extension of the NPT was vital for predictability so that nuclear disarmament could be achieved. All delegations worked hard to adopt a package of three decisions and a Resolution on the Middle East to enable the NPT to be extended indefinitely without a vote. It was quite clearly not an unequivocal and unqualified extension. But the ink was scarcely dry on the package when we witnessed with dismay the disregard for the commitments made on many of the elements of the package.

Mr. President,

- in 1995 -we had 5 nuclear weapon states and one outside the NPT. Today, we have 9 nuclear weapon states – 4 of them outside the NPT one of which is being given special privileges by the entire Nuclear Suppliers Group in violation of Article I of the treaty and paragraph 12 of Decision II in the 1995 package. Another will soon receive two power reactors from a nuclear weapon state within the NPT.
- In 1970, we had a total of 38,153 nuclear warheads when the NPT entered into force. Today, 40 years later, we have 23,300 – just 11,853 less - with over 8000 on deployed status and the promise by the two main nuclear weapon states to reduce their deployed arsenals by 30% to 1550 each within seven years of the new START entering into force. Another NPT nuclear weapon state, the UK is on the verge of renewing its Trident nuclear weapon programme.
- In 1995, we had the certain prospect of negotiating a CTBT, which we finally achieved only to find, today, that its entry into force is blocked by two NPT nuclear weapon states and seven others. A FMCT that was also envisaged in Decision II of the 1995 package was first obstructed by a NPT nuclear weapon state and is now blocked by one outside the NPT because existing stockpiles are not addressed in the negotiating mandate.

Implementing Decision I of the 1995 Package to strengthen the review process has been a hard struggle. On other elements of the package as well, commitments made in the 2000 Review Conference were rejected in 2005. All states experience changes of government either through democratic elections or through other means but the principle of state succession should apply not only in respect of treaties but also in respect of conference commitments made in consequence of Treaty obligations. There can be no ‘exceptionalism’ in this respect. Unless states parties agree on this principle they will continue to engage in mutual recrimination over fulfilling past commitments. Decision I enjoined all “to look forward as well as backward” at review conferences but when there is no confidence that past commitments are the basis for future action, states parties will be condemned to operate with rear view mirrors only.

Review Conferences are not rituals. They are intended as honest five yearly stocktaking exercises in a process of rigorous accountability holding states parties to their obligations in the past and recalibrating

objectives for the future in a cumulative process. That assured predictability in the future course of this treaty will dispel any suspense as to whether review conferences would be successes or failures and how much further the tensile strength of the NPT will be tested.

I am aware that many recipes and action plans have been prepared to ensure the success of this Review Conference. But diplomatic phraseology however adroit can no longer paper over fundamental differences permanently.

At the end of the 1995 conference I said from the chair - “The permanence of the treaty does not represent a permanence of unbalanced obligations, nor does it represent the permanence of nuclear apartheid between nuclear haves and have-nots.” The regrettable exit of the DPRK from the NPT and its subsequent nuclear testing; the welcome return to compliance of Iraq and Libya; and continuing questions over Iran are some of the experiences we have had to go through since 1995. The nonproliferation norm can be strengthened by encouraging the multilateralization of the fuel cycle and the universalization of the Additional Protocol as voluntary options. Basically though, the failure to implement nonproliferation and disarmament together is unsustainable. The year 2010 dawned with the promise of being a tipping point for nuclear disarmament after the global surge of public opinion in favour of a nuclear weapon free world. Indeed one year after the Prague speech of President Obama we have seen many events collectively hailed as a “Prague Spring”. But will that ‘spring’ blossom into a “summer”?

The continued modernization of nuclear weapon arsenals and their delivery systems, the limited reductions achieved by new START, the troubling ambiguities over the use of nuclear weapons and negative security assurances in the US Nuclear Posture Review and the persistence of nuclear deterrence in the doctrines of nuclear weapon states show that we have progressed very little. Whether it is the pressures of domestic politics and well-entrenched interest groups or a perceived inferiority in conventional weapons, it does not seem as if nuclear weapon states are ready to eliminate all their weapons even in a phased programme. Even disarmament commissions and some coalitions for nuclear abolition have set their target dates very far into the distant future building artificial base camps on the way to the total elimination of nuclear weapons. The focus on the DPRK and Iran - and on nuclear terrorism - also serves to distract attention from the inherent dangers of nuclear weapons themselves. It has been stated and restated that if there were no nuclear weapons under a verifiable nuclear disarmament regime there can be no proliferation or nuclear terrorism. How do we exercise our responsibility to protect the goal of a nuclear weapon free world?

The only credible alternative appears to be the proposal for a Nuclear Weapon Convention on which negotiations must begin immediately. We already have in the NPT one international compact, which was an agreement between nuclear weapon states and non nuclear weapon states for a transitional period when the former would join the latter in a nuclear weapon free world. That has not happened for forty years. The hedging in the statements setting a nuclear weapon free world as an objective undermines the determination to reach that goal.

We do need a radical change. In the same manner as we have outlawed biological and chemical weapons among weapons of mass destruction; and, anti-personnel landmines and cluster weapons as inhumane conventional weapons, we need to begin the process of outlawing nuclear weapons.

Mr. President, I conclude by congratulating you as the first fellow Asian to take the chair of a NPT Review Conference after 1995 and wish you all success.