

# **Strengthening the NPT Regime: Priorities for the 2020 NPT Review Conference**

Rio de Janeiro, 3-4 December 2019

## First Panel – Update on 2020 NPT Review Conference

I would like to thank NTI and NPS Global for convening this meeting in Rio de Janeiro. It behooves me also to recognize the important contribution made by the Norwegian Ministry of Foreign Affairs to bring about this timely initiative.

We are now barely five months away from the 2020 NPT Review Conference. Its results, or lack thereof, will have a significant impact not only on the treaty itself as the cornerstone of the non-proliferation and disarmament regime, but also on the other components of that regime and not least on the wider global peace and security framework. This the reason why all countries and institutions that share the NPT's ownership, as those represented here in this meeting, should engage as often and constructive as possible in consultations in the run-up to the conference.

I took over the position of Head of the Disarmament and Sensitive Technologies Division in the Brazilian MFA three months after the 2015 Review Conference. So my tenure of office has mingled to a great extent with the current NPT Review Cycle.

In this respect, my first observation is that the context of NPT discussions has changed significantly over the past years in the wake of geopolitical shifts in the international security topography. Given the fact that issues that impeded a consensus Outcome Document in the 2015 RevCon are still outstanding, there is today a mixed of new and old challenges, which suggest the need of a renewed sense of common purpose from all NPT parties.

Among the new challenges, the continuous erosion of global security framework in the past years is particularly worrisome. Hard-won commitments in the security field have been abandoned. Brazen power politics have whittled away at arms control and disarmament arrangements as well as institutions. With the termination of the Intermediate Nuclear Range Forces (INF) Treaty and the doubts surrounding the continuance of the Open Skies Agreement, there is a dimmer prospect for a renewal of the

New Start, due to expire in February 2021. If the treaty lapses, there will be no cap for the number of warheads in the US and Russia arsenals.

Another trend that should warrant greater attention is the accelerated developments of the so called emerging technologies. They outpace the capacity of regulation thereby creating loopholes in the military doctrines. Cyberweapons and hypersonic missiles, in particular, have the potential to unsettle the calculus of deterrence by threatening to make nuclear arsenals ineffectual.

The fraying of the normative security framework does not seem to be unintentional. Many argue that traditional arms control regimes no longer meet their security concerns, that the strategic stability concept is outdated and that it is time for a “new international deterrence”.

As a result of the above, the great powers appear to have entered a new arms race with new urgency and vigour. Russia has recently announced an entire class of weapons based on nuclear propulsion, a term that has so far been restricted to naval vessels. The US is set on advancing its programme of life extension of its arsenal. Its current Nuclear Posture Review also envisages a plan to supplement the existing arsenal with low-yield weapons, which many fear it will entail a lower threshold of use of nuclear weapons.

According to the 2019 Yearbook by the Stockholm International Peace Institute (SIPRI), all nine countries that possess nuclear weapons have afoot, with different degrees, programmes aimed at modernizing their arsenals.

In parallel developments, there is the unresolved question of North Korea nuclear and ballistic programme as well a new impasse in the issue of the Iranian nuclear programme with the demise of the Joint Comprehensive Program of Action (JCPoA), which aimed to steer Iran away from taking a similar course. The prospect for a nuclear weapons free zone in the Middle East remains elusive despite the meeting last month in NY convened through the good offices of the UN Secretary General.

This landscape is further compounded by stalemate or even regression in other security fields since the last Review Conference. Sadly, the taboo of using chemical weapons has been broken amidst allegations that verification protocols in the OPCW have not been judiciously met and deep controversy over a just established mechanism of attribution (“Investigation and Identification Team”). The tensions in US-Russia and NATO-Russia relations over the Ukraine and Syria dossiers remain unabated. The 2016/17 Group of Governmental Experts (GGE) tasked to propose principles, norms

and rules for the responsible State behaviour in the cyberspace could not produce a consensus report. The same occurred with the 2018/19 GGE on the prevention of arms race in the outer space.

Perhaps the most eloquent indication of the fraying of the normative order in disarmament and arms control is the fact that only 22% of the resolutions under the consideration by the last UNGA First Committee were adopted without vote. In 2018 that figure was 28%. It was against this background that the UN Secretary-General Antonio Guterres stated that “*The world is in a trust deficit disorder*”.

Ladies and gentlemen,

In the last week I had the honour to attend in S.Paulo a meeting organized by the British-American Security Information Council (BASIC) entitled “*Foregrounding Nuclear Responsibilities for Trust Building, Risk Reduction and Disarmament*”.

On that occasion I suggested that the “old challenges” facing the NPT revolve around insufficient responsibility to its norms and principles.

Understood as an expectation of pattern behavior, norms make us safer. They safeguard predictability thereby fostering trust. Norms do not lose their merit when disregarded. However, their constant flouting or the indefinite postponement to fulfill them may in the long run put into question the good faith of those who so act. If this pattern of behaviour persists unchecked, then we have - painfully as it is to admit - a norm of non-observance, with the reverse consequence of breeding distrust.

There are several nuances of responsibility. But in a general sense, I would suggest that responsibility is the actual disposition to comply with agreements legally entered into. A responsible actor is the one that abide by its obligations. It is an objective assertion rather than a subjective attribution based on self-perception.

In fact, more than fifty years after the NPT was concluded and thirty years after the end of the Cold War, the continued existence of nuclear weapons, both within and outside the treaty’s regime, runs counter to its norms and remains a stern warning about the Treaty’s inability so far to realize its goal of a world free of nuclear weapons.

Instead, the NWS have used the NPT not only to retain indefinitely their arsenals but also, and this is even worse - as above mentioned -, to modernize them. In other words, instead of being a vehicle for the eventual elimination

of nuclear weapons, the NPT has become a means for perpetuating the division between the NWS and the NNWS.

We should of course welcome the substantive reduction of arsenals from over 70,000 at the height of the Cold War to around 14,000 today. However, despite these reductions, the number of nuclear weapons remaining is still enough to destroy the world several times over. It is noteworthy that those reductions were settled during the Cold War through direct arrangements between US and Russia, unconnected with the NPT framework.

Ladies and gentlemen,

I believe this is the time to take a hard, dispassionate look into the NPT and make resolute efforts for it to achieve its full promise of effective nuclear disarmament, including via new complementary agreements, such as the Treaty on the Prohibition of Nuclear Weapons (TPNW).

The TPNW has undeniably reinvigorated discussions on nuclear disarmament. In my opinion, the purposes of the TPNW have been routinely misunderstood. It was conceived as step to move the disarmament agenda forward, aimed at shifting perceptions so that instead of being as treated as high valued assets, nuclear weapons could be stigmatized, banned and ultimately eliminated.

Let me be clear on the following: nothing in the TPNW stands in the way for the realization of the step-by-step or gradual approach. Those who reject the TPNW are more than welcome to come up with constructive suggestions that will make the gradual approach work or to produce something better.

In the past years Brazil - I think most of the countries represented here - has done everything to support the gradual approach. Yet these concerted efforts yielded very meagre results, if any. We must regret that concrete steps agreed in past NPT Review Conferences have not been taken. More than twenty years after its adoption, the CTBT is still in legal limbo. Likewise, for more than two decades the negotiations on a treaty banning the production of fissile materials for nuclear weapons have been stalled and impeded for the same period the functioning of the Conference on Disarmament (CD).

I shall note that it was not without irony the rejection of Brazil's proposal in 2010 and again in the 2017/18 during the High Level FMCT Expert Preparatory Group of framework proposal on the structure of a FMCT based on step-by-step approach. The proposal was supported by many umbrella states, but turned down by the NWS.

Lack of progress has also plagued the issue of negative assurances relating to Nuclear Weapon Free Zones' Protocols that set out prohibition for the NWS to use or threat to use nuclear weapons against any State in those zones.

A world without nuclear weapons will be not only a world minus nuclear weapons. It will be a world without nuclear weapons and with a robust mechanism of verification. Persuaded by the fundamental importance of compliance verification, Brazil recently proposed the establishment of a multilateral Group of Scientific and Technical Experts (GSTE) on nuclear disarmament verification. This would be without prejudice to similar initiatives, like the International Partnership for Nuclear Disarmament Verification (IPNDV), in which Brazil has been participating since its inception.

This prompts me to challenge the false notion that NWS' interests lie only in the non-proliferation pillar while the interests of the NNWS lie in the disarmament pillar.

The NWS should understand that nuclear weapons are much more a source of insecurity rather than security. An order based on nuclear deterrence is always unstable, precarious, in the shadow of mutually assured destruction. By the same token, the NNWS should recognize that the renouncement of nuclear weapons in order to get others to do likewise serves their own interests better than by increasing the number of possessors of such weapons.

Latin America and the Caribbean have meaningful - unique I would daresay - references in this regard. Two years before the NPT's entry into force, our region had already concluded under the leadership of Mexico the Treaty of Tlatelolco, which created the first nuclear weapons free zone in a densely populated area. Let me underline that this was an initiative freely taken by the Latin American nations, as a first step towards a world free of nuclear weapons.

I should also note, in the field of verification, the exemplary and unprecedented contribution in fostering confidence-building by the Argentinian-Brazilian Agency for Accounting and Control of Nuclear Materials (ABACC), which this year celebrates its 25th anniversary of existence.

The recent election of the Argentinian Ambassador Rafael Grossi as the next IAEA Director General also enhances our region's credentials in the NPT-based regime.

Ladies and gentlemen,

Nuclear disarmament and non-proliferation do not occur *in abstracto*. As any other event in history, they are embedded in a particular time frame. We welcome, therefore, the US initiative “*Creating Environment for Nuclear Disarmament*” (CEND), whose second meeting took place two weeks ago. A dialogue of this kind can be advantageous provided that it will not be used as a pretext to avoid commitment or raise conditions to comply with treaty obligations.

To close these remarks, I would like to suggest some elements that should merit consideration in the following interactive session.

- In the run-up to the next Review Conference, NWS and NNWS alike must recognize the NPT’s vital role in underpinning international peace and security;
- Distrust between the two constituencies should not preclude a successful Review Conference, whatever this might mean to each of the NPT parties. Actually, a meaningful 2020 Review Conference would greatly contribute to reverse the current erosion of the security framework;
- NPT parties should recommit themselves to advancing the interrelated and mutually reinforcing goals of non-proliferation, disarmament and peaceful uses;
- A special focus on the pillar of peaceful uses should be seriously considered in light of the vast potential in this field and interests of the overwhelming majority of the NPT parties;
- There should be no roll-back or reinterpretations of commitments entered into in the previous Conferences;
- As short-term goals, the 2020 Review Conference could subscribe to measures in the field of risk reduction, de-alerting and nuclear disarmament verification;
- And the NWS, particularly US and Russia, should reaffirm the Gorbachev-Reagan formula whereby “a nuclear war cannot be won and therefore must never be fought”.

Thank you.