

Non-Proliferation and Disarmament

I. Weapons of mass destruction: nuclear, chemical and biological

Nuclear:

Non-proliferation: - horizontal (avoiding that States acquire weapons)
- vertical (reducing number of weapons)

Horizontal:

Instrument: Non Proliferation Treaty (1970, 187 States Parties except CUB, IND, ISR, PAK). Cuba has decided to join and North Korea has decided to step out.

Logic: 5 Nuclear States (1967) and the others, which renounce to have nuclear capacities.

- Nuclear-weapon States: undertake not to transfer nuclear weapons;
- Non-nuclear States: undertake not to manufacture or acquire nuclear weapons or other nuclear explosive devices; accept safeguards, as set forth in an agreement to be negotiated and concluded with the International Atomic Energy Agency.

Furthermore, there are the export control groups (NSG, Zangger and MTCR).

In 1995, the NPT (foreseen for a duration of 25 years) has been prolonged indefinitely and unconditionally and has foreseen:

- The immediate negotiation of the CTBT (1996 - entry into force if 44 countries ratify (problem USA, India, Pakistan, China);
- The negotiation of FMCT;
- Nuclear Weapons Free Zones: - Tlatelolco (Latin America)
- Pelindaba (Africa)
- Rarotonga (South Pacific)
- Bangkok (South East Asia)
- Difficulties in Central Asia (India and Pakistan) and in the Middle East (Israel).

Vertical:

Nuclear Disarmament:

- Until 2001, the ABM Treaty (1972) between USA and Russia was the cornerstone of nuclear disarmament. It was limiting the deployment of anti-ballistic missiles to two sites in both countries. In December 2001, the USA withdrew unilaterally from the ABM. This decision entered into force six months later.
- In January 2002, the US Nuclear Posture Review is published. Among others, it mentions the possibility of resuming nuclear tests (there had been a moratorium since 1992).

- During the summer of 2002, Russia withdrew from START II, which had never entered into force, on the day that the decision of the USA to withdraw from the ABM was applicable.
- In September 2002, the USA published the National Security Strategy, which favoured the “pre-emptive strike” to the detriment of the concept of “containment”.
- In May 2002, Moscow and Washington signed the SORT (Strategic Offensive Reductions Treaty) but it is far from the wishes of the international community about transparency and irreversibility.

Chemical Weapons Convention (The Hague): it is more about limiting or diminishing than forbidding.

Biological Weapons Convention: it is about forbidding, but after six years and a half of negotiations on a verification protocol, the USA stepped out of the process end of 2001.

II. Conventional Weapons:

Convention on prohibitions or restrictions on use of certain conventional weapons which may be deemed to be excessively injurious (Inhumane Weapons).

- Protocol I on Non-Detectable Fragments
- Protocol II on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices
- Protocol III on Prohibitions or Restrictions on the Use of Incendiary Weapons
- Protocol IV on Blinding Laser Weapons
- Amended Protocol II on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices: restricts the use of mines. Some NGO’s like ICBL and ICRC and some countries deemed that this was not enough and decided to ban the anti-personnel mines due to their humanitarian impact.
- Possibility of negotiations of a fifth Protocol on Explosive Remnants of War.

Anti-personal Mines :

Role of Belgium. Standing Committees. Meeting of States Parties. Review Conference. Universalization.

Small Arms and Light Weapons :

Programme of Action on the Illicit Trade of Small Arms and Light Weapons (July 2001). Next steps.

The Conference on Disarmament

Let me go back in time, and more precisely in June 2000. We had just come back from a successful Review Conference of the NPT where, for the first time in fifteen years, we had been able, after difficult nights of negotiation, especially on the question of the Middle East, to reach an agreement on a final document.

This success was largely due to the role played by the New Agenda on nuclear disarmament and to the compromise, which they could reach with the P5, the five Nuclear Weapons States as defined by the NPT (China, France, the Russian Federation, the United Kingdom and the United States).

For the CD, the main article of the NPT is article VI, which says in an ambiguous ways:

Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.

Paragraph 15 of the final document enshrined the forward-looking elements, which may be regarded as a Programme of Action on Nuclear Disarmament. Two of the 13 practical steps had a direct bearing on the work of the CD. These were steps 3 and 4, which were saying after the chapeau:

3 The necessity of negotiations in the Conference on Disarmament on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, taking into consideration both nuclear disarmament and nuclear non-proliferation objectives. The Conference on Disarmament is urged to agree on a programme of work, which includes the immediate commencement of negotiations on such a treaty with a view to their conclusion within five years.

4 The necessity of establishing in the Conference on Disarmament an appropriate subsidiary body with a mandate to deal with nuclear disarmament. The Conference on Disarmament is urged to agree on a programme of work which includes the immediate establishment of such a body.

Back from New York, I began working on a programme of the work, which would take into account this agreement. My problem, when I assumed the function of President of the CD, was the fundamental difference between NPT and CD. As you know, the NPT is not yet universal. Four countries are not on board as Non-Nuclear Weapons States (Cuba, India, Israel and Pakistan) and three of them are considered as having a nuclear capability.

My proposal, which was text coming from my colleague Dembri of Algeria and from the NPT Review Conference, contained 7 points, among which the first three were linked that is FMCT, nuclear disarmament and Paros.

The text was further elaborated by my colleague Amorim to include a negotiation on FMCT, dealing with nuclear disarmament and dealing with Paros. Since that time, the proposal is on the table and could not be accepted.

The reasons:

- two countries at least do not want to start a negotiation on FMCT in a near future because they want to reserve the right to produce fissile material for explosive purposes
- three countries at least do not want to deal with nuclear disarmament taking into account the statement
- One country at least does not want to deal with Paros if it is to lead to negotiations.

So is there a way out of this deadlock? It is true that we can only negotiate if there is a clear political will to do so. It is true that the CD only reflects what is happening in the world at the strategic and security level. The system of the CD dates back to the cold war. It contains elements, which paralyse its work.

According to me, something must be done in various areas:

- Lack of universality of the CD: only 66 States are members of the CD because some States, especially Nuclear Weapons States prefer to keep it as a club; the result is that the last negotiations were held outside the CD like the Ottawa Convention. And the Conference on the Illicit Trade of Small Arms has launched a mechanism which will be UN based and not CD based;
- the system of Groups: this system is also a source of paralysis because it only reflect positions based on consensus, that is can be opposed by one or by few
- the limited time given to the President: it is impossible to elaborate something useful in only four weeks of work;

To break this deadlock, I launched an initiative last year with four previous Presidents of the CD (Algeria, Chile, Colombia and Sweden) to present a programme of work acceptable to all.