

NON NUCLEAR WEAPONS STATES' VIEW

Geetha de Silva, Associate Director, Regional Centre for Strategic Studies, Sri Lanka

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“NPT 2010: Prospects for a New Era of Progress on Disarmament and Non-proliferation”

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It is an honour to me to be participating in the Eighth United Nations-Republic of Korea Joint Conference on Disarmament and Non-proliferation Issues, taking place in the charming island of Jeju, representing the Regional Centre for Strategic Studies (RCSS), based in Sri Lanka. I thank the UN Regional Centre for Peace and Disarmament in Kathmandu for inviting me to be a part of this very important Conference to discuss prospects for a new era of progress on Disarmament and Non-proliferation, with a focus on the NPT Review Conference next year. I extend my sincere gratitude to the Govt. of the Republic of Korea for the warm welcome afforded and the excellent hospitality.

This meeting is taking place at an important juncture, just six months before the Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), scheduled for May 2010. Since entering into force in 1970, NPT review conferences have been held at every five years. The conference held in 1995 on the 25th year after the coming into force of the NPT made vital decisions. Foremost was the decision that the Treaty should continue in force indefinitely. The Parties also agreed that review conferences should be held every five years to monitor the implementation of the provisions of the NPT. The NPT is undoubtedly the only international mechanism

striving to create a world free from nuclear weapons and provide for the peaceful use of nuclear energy, without discrimination, but with due safeguards to ensure that the purpose is genuine and the environment safety is maintained.

Despite such a mechanism and the dedication of most Parties to see a world devoid of nuclear proliferation, the continued production of nuclear weapons by some countries in the world, including those in South Asia, is alarming. According to the NPT itself, some countries remain to be acknowledged as nuclear weapons states while some others continue to develop nuclear weapons capability despite the NPT stipulations and have become in reality “nuclear weapons states”. There is doubt and apprehension regarding the nuclear related activities of certain other countries, although the governments of those countries reject the allegation of their developing nuclear power for weapons purposes.

In the process of addressing global disarmament, it is necessary to focus on the challenges encountered in the elimination of the nuclear threat from the world. They would include, the full implementation of the NPT leading to universal nuclear disarmament; to end the conduct of nuclear tests and bring the CTBT into force; negotiating a Fissile Material Cut-off Treaty(FMCT) to ban the production of fissile material for nuclear weapons; imposing stricter controls for the export of sensitive goods and technologies of the nuclear fuel cycle; cooperation with the IAEA to verify the compliance of safeguards obligations, universal adherence to the Convention on Physical Protection of Nuclear Materials and its subsequent (2005) Amendment, and the Convention for the Suppression of Acts of Nuclear Terrorism.

The CTBT, i.e., the Comprehensive Nuclear Test Ban Treaty, prohibiting all nuclear explosions in all environments, for military or civilian purposes, adopted by the United Nations General Assembly in September 1996 is an essential step toward nuclear disarmament. The Treaty expects to ban all nuclear tests, anytime, anywhere and comprehensively. Regrettably, the CTBT has not come into force as of now, due to the lack of specified ratifications.

The proposal to negotiate a Fissile Material Cut-off Treaty (FMCT) was in response to a call from the international community for a ban on the production of fissile material as its continued production has been a significant issue related to nuclear disarmament, since the signing of the NPT . The UN General Assembly, in December 1993, adopted by consensus a resolution recommending the negotiation of a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices. However the matter could not be pursued due to procedural difficulties. It was only in May this year that a program of work was adopted by the Conference on Disarmament which would open the door to the negotiation of the FMCT.

The issue of nuclear arms proliferation has become even more pertinent in the current security scenario of the world due to the role that non-state actors such as terrorists and pirates are playing. If nuclear weapons capability gets into the hands of ruthless terrorist groups, the devastation that would be caused is unimaginable. Similarly pirates, particularly those operating off the coast of east Africa have become more

menacing and threatening. There is also the possibility of persons making use of their technical knowledge on developing nuclear weapons indiscriminately for financial gain.

Looking at the region where I come from, although Sri Lanka and some of the other countries in South Asia are strong advocates of global nuclear non-proliferation, there is not one but two countries in the region who have acquired nuclear weapons capability. India and Pakistan, two neighbouring countries sharing one border in South Asia have conducted nuclear weapon tests, the most recent in 1998. Neither of the two countries is a nuclear weapons state according to the NPT classification, but, in reality they both are. Neither of the two countries has signed or ratified the NPT and the CTBT.

A serious phenomenon in South Asia related to nuclear non-proliferation, is the lack of confidence in the region stemming from the inability of India and Pakistan to have a higher degree of nuclear transparency. Following the spate of bombing in Mumbai one year ago, the fragile confidence between India and Pakistan was critically threatened with the leadership of the two countries trading words of war. It is not an exaggeration to state that compared to other regions in the world, South Asia is the most volatile, as a consequence of the nuclear proliferation in the region.

The external and internal constraints the countries in the region are confronted with need to be taken into consideration in dealing with the issue of disarmament in South Asia. The constraints that the extra-regional dimension casts on the region are generated to a great extent by the presence of a nuclear weapons state, that of China,

in the neighbourhood causing India to be conscious of her security, and delay action on mechanisms leading to regional and global disarmament.

A recent development in the region which can be perceived as another extra-regional dimension is the US- India Nuclear Cooperation Agreement entered into by the two countries in October 2008. The agreement is seen as a watershed in U.S.-India relations and introduces a new aspect to international nonproliferation efforts. It lifts a three-decade U.S. moratorium on nuclear trade with India; provides U.S. assistance to India's civilian nuclear energy program, and expands U.S.-India cooperation in energy and satellite technology. India gave an undertaking to work towards negotiating a Fissile Material Cutoff Treaty (FMCT) together with the United States. Although the Agreement on the whole is perceived as a positive development, the quality of the undertaking and support by the USA has raised concern on the part of Pakistan.

The nature of the relationship between India and Pakistan since independence is the major internal constraint contributing towards the lack of transparency between the two countries in nuclear related issues. The favourable scenario therefore appears to be, in future, to work towards achieving incremental progress in increased nuclear transparency.

Although India and Pakistan are not parties to the NPT and CTBT, there are certain other agreements related to nuclear issues, to which both countries have contributed in some way, although at different levels. Some agreements are signed and ratified by Pakistan and signed only by India. They are the Convention on Nuclear Safety-(CNS).

and the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter. Similarly there are agreements that India has acceded to but not Pakistan.

Is there a possibility to initiate a process to encourage India and Pakistan to observe greater nuclear transparency towards each other, commencing from common ground and progressing towards international treaties in order to build confidence in the South Asia region?

Such a confidence is urgently required in view of the nuclear weapons capabilities in South Asia and the prevailing nuclear instability. India and Pakistan, the two countries possessing nuclear weapons are states sharing a common border unlike the situation of the US and the former Soviet Union during the period of their nuclear competition, when the missile distance between the two countries gave time to manage any developing crisis. The South Asian situation is a more fragile one.

It has also to be noted that several bilateral arrangements towards confidence building are already in place, such as the Bilateral Agreement on the Prohibition of Attack against Nuclear Installations and Facilities of 1988, The Lahore Memorandum of Understanding of 1999, installation of a hotline communication facility between the PM's of the two countries in 1989 (Benazir Bhutto/Rajiv Gandhi), Declarations on Non-Use of Force, 1966 Tashkent Declaration and the 1972 Simla Accord which followed the 1971 Indo-Pak war where both countries were obliged to renounce the use of force as a means of settling outstanding disputes. An Agreement on Prior Notification of Military

Exercises was completed in April 1991, this agreement has mostly been honoured. Such confidence building measures continue to be worked on.

Although the implementation of the agreements was weak, sometimes almost at zero, the intention to enter into such bilateral arrangements strikes a positive chord in an environment lacking in trust.

Considering the critical energy situation in the world, the peaceful, civilian use of nuclear power is an area that needs focus to meet the growing energy needs. Article IV of the NPT refers to the inalienable right of all Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II of the Treaty. Articles I and II respectively call upon, nuclear-weapon State Parties not to transfer nuclear weapons or other related devices to non-nuclear- weapon states and non-nuclear-State Parties not to receive or manufacture such items.

In this process misuse is expected to be prevented by the IAEA safeguards set out in Article III 1 of the NPT, with non-nuclear-weapon state parties to the Treaty accepting such safeguards in an agreement to be concluded with the IAEA, for the purpose of verification of their fulfillment of obligations to prevent the diversion of nuclear energy from peaceful uses to nuclear weapons related uses. The safeguards have been enhanced by the Additional Protocol to Nuclear Safeguards Agreements of IAEA. It is important that “hands are not tied” by the NPT for the peaceful uses of nuclear energy

and developing countries must have the right to do so. In this process it is also necessary to be conscious about possible environmental consequences.

In realizing the goals of global nuclear disarmament, the elimination of weapons of mass destruction and the enabling of the peaceful use of nuclear power for civilian purposes, the complementary role that civil society organizations play is important. Through collaboration, networking and conduct of meetings the civil society can directly reach out to the decision and policy makers, as political will is the most essential in the process of achieving global disarmament. Such efforts of the civil society should be encouraged and enhanced.

There is an urgent need to address the issues causing an obstruction to global disarmament, without much delay. Confidence building is extremely important, for, it would mitigate the root causes for acquiring and developing nuclear and other weapons of mass destruction capability. Fair play and equal deals across the board are also necessary. The forthcoming Review Conference is an excellent opportunity to take up these contentious issues and arrive at pragmatic decisions.

Thank you.

