

Bring Words Into Action
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From Here to 2015: Prioritizing the NPT Action Plan
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Thank you very much, Dr. Austin, the East West Institute and the Mission of Kazakhstan and Ambassador Aitimova for organizing this important meeting.

I first want to say something about Kazakhstan. Kazakhstan has been subjected to more than 490 nuclear tests. Hundreds of thousands of people have suffered serious medical injuries. These medical consequences are enormous. Nuclear weapons are very real and existential to the people of Kazakhstan. Moreover, Kazakhstan was instrumental in creating a nuclear weapons-free zone in Central Asia and at the end of the Cold War gave up an arsenal of over a thousand nuclear weapons, many in the megaton range. It is a country that knows nuclear weapons, and has substantially contributed to making the world a little bit safer and a little bit saner. Ambassador Aitimova, Kazakhstan's leadership is deeply appreciated by people all over the world. Thank you very much.

Words have to mean something. Despite the clear commitments in the 2010 NPT Final Statement, the reaffirmation of an “unequivocal undertaking to accomplish”, not just to aspire, but “to accomplish the total elimination of nuclear weapons,” I assure you that by the 2015 NPT review there will be a new proliferation crisis *du jour*. This crisis will be utilized to divert the disarmament agenda and focus on the dangers posed by bad people and bad states obtaining nuclear weapons. Of course we do not want nuclear weapons to spread, but our primary effort must be on movement to achieve a nuclear weapons-free world. There must be coherence. The elimination of nuclear weapons in anyone's hands is the goal. That includes good states or people as well as so called bad ones. I was deeply impressed, Ambassador Ries, by the conclusion of your presentation in which you emphasized there must be clear progress on disarmament for non-proliferation to be sustainable and secure. The two are interconnected because the weapons themselves are not acceptable.

In the 2010 Nuclear Nonproliferation Review Conference Final Statement the Conference calls upon states “to undertake concrete disarmament efforts... special efforts to establish the necessary framework to achieve and maintain the world without nuclear weapons.” Again, in another section it states “there is an urgent need”. “Urgent”, “concrete”, “unequivocal” – these are the terms that are used.

In the recent United States Nuclear Posture Review, there is a "commitment to a nuclear weapons-free world" and there is even a commitment "to initiate a comprehensive national research and development program to support continued progress toward a world free of

nuclear weapons," including, but not limited to, "expanded work on verification technologies." What have we seen since these commitments were made?

Nearly every state with nuclear weapons seems to be upgrading, expanding, or modernizing their weapons. For example in the United States, as part of the negotiations for obtaining the START treaty made a new commitment to allocate over 200 billion dollars to modernizing the arsenal – modernizing delivery systems, modernizing the weapons. There may also be some commitment to initiating a comprehensive national research and development program as called for in the Nuclear Posture Review but if any funds have been allocated to this task they are dwarfed by the commitment to modernize the arsenal.

Still, we should not minimize the accomplishment of the START treaty and I believe we should all express our strongest commendations to this successful work of the Russian and US negotiators. I wish that more people were aware, Ambassador Ries, of the outstanding work of your department under the leadership of Ambassador Gottemoeller. I wish there was more public recognition of the great work that was done to obtain the START treaty.

The language of the final statement of the NPT Review Conference is very consistent with initiating a comprehensive research and development program at an international level. And if anything is needed now, it is a clear, unambiguous, unequivocal, irreversible, well-funded effort by like-minded states, or all states if possible, on laying out the framework necessary to obtain and maintain a nuclear weapons-free world. There is no ongoing forum in which nuclear disarmament is being discussed on a daily, regular, systematic basis. There is language, there are statements, but we don't see the institutionalization, we don't see the commitment being operationalized and that's what's really important.

Without such a clear course of action, we become subject to backsliding. The ongoing debate should be about how to get rid of nuclear weapons. Yet, continually we are forced to return to the argument whether we should get rid of nuclear weapons. That argument should have been laid to rest in 2000, when the unequivocal undertaking to elimination was made at the NPT Review Conference. I assure you, we will again be faced with bureaucracies and think-tanks and politicians who will force us to revisit the argument whether we should get rid of nuclear weapons again and again unless we lay out the framework or proceed to negotiate the preparatory process for a nuclear weapons convention.

Some people say working on a framework or convention is a distraction from the NPT. I very much disagree with that analysis. The NPT contemplates subsidiary instruments to fulfill its non-proliferation and disarmament purposes. Nobody argues that a test ban treaty is a distraction from the non-proliferation purposes of the NPT or Fissile Material Cut-off Treaty is a distraction. The treaty contemplates subsidiary instruments. We need subsidiary instruments to achieve nonproliferation goals and likewise to achieve disarmament goals. In the final text the recent NPT Review, there is a very welcome reference to creating that framework, which is followed by a direct reference to the Secretary General's five point agenda which calls for a framework or a convention. It is to fulfill the disarmament pillar of the treaty that a framework of agreements or a convention is needed.

Some people say there are many preconditions to beginning this process. I see a proliferation of preconditions as long as we don't get started. For some the precondition is the elimination of bad people. For others it's the elimination of bad states. For others it's a utopian world in utter harmony. But there is no language in the Final Statement of the NPT Review, there is no language in the Nuclear Posture Review that there are preconditions to beginning this process of making progress to move toward negotiating the elimination of nuclear weapons. There is no legal basis for that position. It is a political basis and it is for countries' leaders to educate their populations on the consequences of not commencing this now.

There appear to be three paths before us:

One is ad hoc incremental steps with numerous preconditions before actually commencing the real work of negotiating disarmament.

Two is beginning the creation of a comprehensive framework that incorporates both incremental steps, but insures the clarity of purpose of disarmament, thus forming a basis to critique diversions from the disarmament process and a context to integrate many programs and approaches.

Third is a fast-track toward a convention with prompt commencement of preparatory work, leading to negotiations as early as possible.

I think the latter two are much preferred and the ad hoc incremental approach is proving to be too slow.

I believe that what can drive this process is the understanding that nuclear weapons are morally, culturally, and humanly repugnant. Imagine if the Biological Weapons Convention said that no countries can use smallpox or polio as a weapon, but nine countries can use the plague as a weapon. We would all say this is incoherent and utterly immoral. We recognize the plague is unacceptable. The weapon itself is unacceptable. It is not legitimate, legal, or moral for any country, good or bad, to use or threaten to use such a weapon. Such conduct would clearly violate our most basic universal civilized standards which are embodied in international humanitarian law. That is why in the final statement of the 2010 NPT Review Process one of the most important elements is the explicit, positive, and unambiguous commitment to the application of international humanitarian law in nuclear weapons policy.

This is an area for nuclear disarmament advocacy that should be utilized very forcefully. International humanitarian law is the body of law that governs the use of force in war.

It prohibits the use of weapons that are unable to discriminate between civilians and combatants. It necessitates that all weapons must be proportionate to specific military objectives. They must not cause unnecessary or aggravated suffering even to combatants. They must not affect states that are not parties to the conflict. And they must not cause severe, widespread, or long-term damage to the environment.

The International Court of Justice in its landmark advisory opinion on the legality of nuclear weapons highlighted the fact that it is impossible to control nuclear weapons in space and time. Indeed, one can with great imagination imagine certain uses that would be compliant with international humanitarian law. A depth charge in the high seas might do so. A small nuke in the Gobi Desert might do so. But the vast majority of missions and deployments of nuclear weapons are not those exceptions. The vast majority of deployments and missions of nuclear weapons I believe violate those principles of international humanitarian law. And that highlights the need to operationalize creating the framework of instruments needed to eliminate nuclear weapons, begin the preparatory process for a convention, begin the negotiations now.

There are not good reasons to wait and there are many good reasons to seize this political moment while those countries that possess nuclear weapons are not existential enemies.

I bought my gas this morning from a Russian concession. My computer did not work last week and I was on the phone with a young lady from Bangalore and the money that I used to pay for these goods and these services was borrowed from China. We live in one world. It is time that we started living in a civilized fashion. As the late Senator Alan Cranston used to say, "Nuclear weapons are unworthy of civilization." We have to get rid of them. Thank you.