

## Article VI Forum, Vienna, 29-30 March 2007

*Presentation by Adrian McDaid,  
Director, Disarmament and Non-Proliferation Section,  
Department of Foreign Affairs, Ireland*

### Strategy and Procedure

The focus of this seminar has been the Blix Report and the various recommendations set out there. These are both comprehensive and timely. The reasoning behind each recommendation is deeply thought through and well articulated in the report. Dr. Blix remarked when he was in Dublin last September that even those few who disagree with the report's conclusions have acknowledged the cogency of the analysis and arguments underpinning the recommendations. The fact that roughly half of these recommendations concerns nuclear weapons is of some significance. It is also of some significance that these are situated in a report which covers Weapons of Mass Destruction as a whole.

Our topic today is strategy and procedure and the excellent briefing paper provided sets out some considerations for this issue. There is some slight ambiguity in the paper as to the timeframe, whether it is for the Preparatory Committee or the review cycle as a whole culminating in the Review Conference in 2010. I would propose to take the longer term perspective and would wish to take up the question of procedure first.

In doing so, I will not touch upon the pressing procedural questions on which Ambassador Amano is currently conducting consultations with a view to identifying a basis for consensus. Ambassador Brasack has already covered these points. They are important questions which in some respects may determine whether we can have the wide ranging and substantive discussions we are all looking forward to and whether this first Preparatory Committee meeting can, in the wake of the failed Review Conference in 2005, give a much needed boost to the new NPT review cycle.

My focus rather, as suggested in the briefing paper, is to look at the various proposals that have been made by some countries, including my own, to address what has been called the institutional deficit of the Treaty. This aspect too is covered in the comprehensive Blix report.

The report focuses on the particular aspect of lack of institutional support, recommending :

**“The states parties to the NPT should establish a standing secretariat to handle administrative matters for the parties to the treaty. This secretariat should organise the treaty’s Review conferences and their Preparatory Committee sessions. It should also organise other treaty related meetings upon the request of a majority of the states parties.” (Recommendation 4)**

The text of the report notes, by way of background, that the NPT is the weakest of the treaties on WMD in terms of provisions about implementation. It goes on to point out that there are no provisions for consultations or special meetings of the parties to

consider cases of possible non-compliance or withdrawal, nor to assist in the implementation of the treaty between the five-yearly Review Conferences.

As noted in the report, Ireland had made proposals in this area. We did so in a working paper submitted to the Review Conference in 2000. Our sense at the time was that while the decisions at the 1995 Review and Extension Conference to strengthen the review process had been welcome, the output in terms of progressive and incremental development of recommendations had been disappointing. In particular, while the States parties had been willing to engage in substantive discussion at the Preparatory Committees, there appeared to be a very narrow legal interpretation of the character of these meetings, to the effect that any of their products should remain provisional until considered and decided upon at the Review Conference itself.

We took the view that this did not help strengthen the review process in the way that had been envisaged in 1995 and, therefore, we put forward a number of practical proposals to achieve this end. We suggested consideration should be given to holding annual meetings of a General Conference of State parties to take place in years other than those in which Review Conferences are held. We also suggested a small Secretariat be established to help distribute information received and prepare an annual report to the General Conference. We believed that there could be some advantage in providing a forum in which NPT parties could react to issues affecting the implementation of the treaty which require an early response.

These proposals did not meet with consensus in 2000, possibly because the 1995 decisions were of too recent vintage to merit such radical re-working. Efforts instead focused on trying to improve the current structures including provision for specific time, factual summaries of each Prepcom and efforts to produce a consensus report plus recommendations at the final meeting before the Review Conference. These did lead to some positive developments in the last cycle. There were more substantive discussions across a whole range of issues – universality, irreversibility, transparency, verification and other aspects of the NPT – as well as efforts to foster a greater sense of interaction in debate. The factual summaries have been a useful, if at times not uncontroversial, exercise. The involvement of civil society during the meetings was also welcome though we, nationally, are strongly supportive of enhancing this involvement.

At the same time, we felt that the same narrow view of the role of the Prepcom, i.e. to prepare rather than to try to consider issues and reach results in respect of emerging challenges to the treaty and to the regime, seemed very much in evidence. Indeed there appeared to be a marked reluctance among some delegations to even take the decisions foreseen at the final Prepcom in 2004, with much talk in the corridors of delegations unwilling to engage in substantive negotiation until the Review Conference itself before committing themselves.

We continue to believe that a review process in which decision-making functions are only exercised once every five years does not adequately respond to the needs of the treaty and its membership. This is particularly so in the current situation where the treaty is confronted with a range of serious challenges. We seem to be loading the

Review Conference with a heavy burden of decision making while simultaneously we often receive counsel to be modest in our ambition and realistic in our expectations.

At the last Review Conference, Canada made some fresh proposals in this area, which built on the ideas we had earlier advanced, notably in the establishment of a Standing Bureau empowered to convene extraordinary session of the General Conference in the event of situations which threatened the integrity or viability of the treaty. We very much welcomed these proposals and had an opportunity to make a joint presentation en marge of the meeting in New York. Canada, and others, have also emphasised the importance of reporting as an additional element in giving effect to the principle of permanence with accountability. We look forward to further consideration of these ideas in the process which lies ahead. This will have to take place in the longer term perspective to which I referred earlier since the current arrangements are the result of the decisions of two Review Conferences, in 1995 and 2000. We would need a decision in 2010 to alter these but we should prepare that decision in the course of the review cycle.

There have, of course, been objections to spending too much time on procedure, a sense that such tinkering with our methods of work is really unproductive when the real problem is obvious and substantive viz. a lack of political will. If only, it seems, we could find this elusive political will in sufficient quantities then all would be well regardless of what working methods we wished to use. I would agree that it is difficult to suggest working procedures that can be effective if there is a lack of political will. I would also suggest that procedure is no substitute for substance. But this does not mean that more effective working methods cannot help to facilitate substantive discussion and agreement. In the UN framework, procedure is rarely isolated from substance. Rather, it is often seen as the guarantor of substance.

In any event, in determining our strategy for the Preparatory Committee and the review cycle as a whole, inevitably we will need to address the issue of political will, what we mean by it and how we can develop it. I am not at all sure that it is fair to say that it was lack of political will that doomed the last NPT Review Conference to failure in 2005 – certainly not if we understand political will to mean determination and resolve to pursue a particular course of action against strong resistance. It seems to me that there were some very determined delegations in New York in 2005. The problem was that all too often the political will and resolve was being exercised in different and at times opposing directions. There was without question a clear gap in the perspectives and objectives of States parties which will need to be addressed and bridged if we are to avoid a dismal repeat performance in 2010.

In particular, we need to get beyond the sterile debate about whether we should give priority to nuclear disarmament or non-proliferation. The briefing paper records the very accurate description by former UNSG Kofi Annan of the inevitable result of such debate – “mutually assured paralysis”. Perhaps that is a good description of what we saw and experienced in the early weeks of the last Review Conference, if not of the entire four weeks duration of that meeting.

In many respects the strategy to be elaborated could be summed up by the first two recommendations of the Blix report which underline the need for States Parties to revert to the fundamental and balanced non-proliferation and disarmament

commitments made in 1995 and 2000. This is not an either or choice between these different commitments but a recognition that only respect of both can strengthen the treaty. We have long believed that disarmament and non-proliferation are mutually reinforcing processes requiring urgent and irreversible progress on both fronts. Compliance with our obligations and commitments has to be indivisible – it must mean compliance with all of our obligations and commitments. It cannot be selective. Nor can suspicion or evidence of non-compliance of others relieve us of the need to comply with our own obligations at all times.

At a time when recent years have seen nuclear weapons acquiring a new pre-eminence, and in some quarters even desirability, we need to try to re-focus the debate, as suggested by the Blix report, on outlawing the use of nuclear weapons pending their elimination. We have been much concerned by the trend in some quarters to characterise the problem as not so much the weapons themselves but who has them, whether they are good guys or bad guys. This is somewhat like an adaptation of the NRA slogan used in the US “Guns don’t kill people. People kill people”, to which one might be tempted to respond by adapting and paraphrasing another US political slogan “It’s the weapons, stupid!” We should define the good guys as those who accept and adhere to the internationally agreed norms in respect of nuclear weapons.

And we should not be slow to react to another disturbing trend that seems to have emerged and become more prevalent in recent times viz. the various statements that have been made concerning certain circumstances for the actual use of nuclear weapons and the development of new rationales for such use. We need to recall and re-emphasise the unambiguous statement from the Final Document of the 2000 Review Conference to which all States Parties agreed: “The Conference reaffirms that the total elimination of nuclear weapons is the only guarantee against the use or threat of use of nuclear weapons”.

We need to ask ourselves what can we do to help reverse this trend where use of nuclear weapons can be openly contemplated in the 21<sup>st</sup> century without fear of provoking widespread moral outrage. And we also need to ask why it is that such outrage is not forthcoming. I have interpreted our briefing paper as implying that the strategy should be designed for the 2010 Review Conference. There will be many changes in the overall environment between now and then, not least in the leadership of four of the five Nuclear Weapons States. But in terms of identifying early elements for an action plan, perhaps a useful place to start could be those elements that relate to the danger that those weapons that exist might actually be used. Two of the five priority measures in the briefing paper, de-alerting and legally binding security assurances, would seem to have a particular importance in this connection.

Verification, transparency and the whole area of nuclear doctrines may be other related topics worth exploring more closely in the next review cycle. If the Nuclear Weapons States continue to treat nuclear weapons as a security enhancer, there is a real danger that other countries will start wondering whether they should do the same. We have seen some examples of this already but these may multiply. Such a scenario would be in direct contradiction with the very purpose and objectives of the NPT itself. Any increase in the number of States possessing nuclear weapons can only serve to further exacerbate already existing regional tensions, further undermine the

goals of nuclear disarmament and ultimately increase the likelihood of nuclear weapons use.

Whatever the priorities that may be decided upon and whatever the content of the action plan prepared for the 2010 Review Conference, I think we also need to examine ways in which to promote our concerns and ideas among the broader public. Too often today the concerns of the public at large seem to turn on what are perceived as more immediate dangers such as international terrorism or global warming. Such threats manifest themselves on a daily basis and are more recognisable in terms of their effects on everyday lives of ordinary people.

The very real threat posed by nuclear weapons, however, seems to lack this immediacy and no longer appears to have a hold on society's imagination. We should reflect on how to translate the resentment against nuclear weapons, of which Dr Kristensen spoke this morning, into more pressure and into the political cost which so far appears to be lacking. All of us, governments and civil society alike, need to work to generate greater awareness of the gravity of the nuclear threat we face and in winning broader public support for the emerging new consensus identified in the briefing paper.

In conclusion, I wish to acknowledge the vital role being played by the Article VI Forum in this regard and am confident that the product of our deliberations will provide an invaluable input into the forthcoming review cycle and help inject a much needed impetus to its work.