

FMCT

Señora Presidente,

El inicio de su mandato en la presidencia de la Conferencia de Desarme es una ocasión importante para todos nosotros y en especial para la Delegación del Brasil. Vivimos un momento especial en la historia de este foro, que ya cuenta con más de 30 años. Muchas dificultades fueron encontradas y vencidas en el pasado, pero, quizás por primera vez, la permanencia misma de la CD es puesta en cuestión por varios Estados miembros. No es la institución en sí misma que nos preocupa pero sí la base política para el tratamiento multilateral del desarme, especialmente en lo que respecta a las armas nucleares. Volveré al asunto adelante. Por ahora quisiera señalar la satisfacción de mi Delegación en ver la distinguida Embajadora Representante Permanente de la nación hermana – Colombia al frente de esta Conferencia.

Creo oportuno, en esta ocasión, recordar a las distinguidas delegaciones que una eminente colombiana, Maria Emma Mejía, ejerce la función de Secretaria General de la Unión de las Naciones Sudamericanas – UNASUR, con sede en Quito, Ecuador.

En 2009, poco después de su creación, fue establecido en el seno de UNASUR el Consejo de Defensa Sudamericano - CDS con el objetivo de fortalecer a Sudamérica como zona de paz. En el pasado 26 de mayo, fue inaugurado en Buenos Aires, en el marco del CDS, el Centro de Estudios Estratégicos para la Defensa “Manuel Belgrano”. Son esos rasgos que muestran la determinación de los países de América del Sur de mejor asegurar la defensa en el Continente suramericano, de perfeccionar su participación en operaciones de paz en el marco de las Naciones Unidas, fortaleciendo la confianza entre los Estados miembros de UNASUR.

Madam President,

The very first resolution adopted by the United Nations General Assembly, on its seventeenth plenary meeting, on 24 January 1946, dealt with disarmament. We all know that, for it is often mentioned in order to highlight the importance of the matter and the sense of priority recognized by member States since the beginning of the Organization. The title of Resolution 1(I) is the following: *“Establishment of a Commission to deal with the problems raised by the discovery of atomic energy”*(end of quotation). The Commission was mandated to make specific proposals, among other purposes and I quote: *“for the elimination from national armaments of atomic weapons and of all other major weapons adaptable to mass destruction”*.

The Commission’s title, apparently a result of careful negotiations, showed the difficulty to situate in time and fact the origin of the *“problems”* it was supposed to deal with. The *“discovery of atomic energy”* was more neutral as a historical landmark than the making, the testing or the actual use of the bomb.

At that point in time, only one country possessed atomic bombs. That fact explains the reluctance to identify a precise point of departure for the *“problems”* while not tying them to a single specific country.

Soon proliferation would start and continue in the following six decades. It is anyway meaningful that the existence of *“problems”* and the need for *“elimination”* of atomic weapons was acknowledged from the beginning of the United Nations.

Since that moment a number of additional countries acquired nuclear weapons, each of them for different reasons, but with the underlying common factor of enhancing security and ascertaining power for every one of them.

Given that early conscience of the unacceptability of nuclear weapons it is always useful to remind that the first possessor and the subsequent four proliferators are not more legitimate than the others that later followed the same path. There are neither legitimate nor legal nuclear weapons. For any doubt thereupon, among other sources, the advisory opinion of the International Court of Justice can be consulted. The risk of acquisition of such weapons by terrorists aggravates the problem.

After two thirds of a century, the international community has not reached the goal set by that first Resolution. What we can do here, as I am doing now, is to work to avoid the sad commemoration, not so far away in time, of the first centennial of nuclear weapons. The achievement of that aim would not happen in my lifetime but I would like to spare my children and grand-children from witnessing that sad commemoration.

We cannot ignore efforts made in the course of these past decades. The two main possessors have established treaties on the reduction of their arsenals. Important as these may be, they correspond nonetheless to exercises of bilateral mutual calibration of destructive power. Unilateral reductions have also been carried out and are always good news. It is however not very comfortable to celebrate measures, positive as they may be, but that preserve to a few nations the power to destroy the planet.

In a multilateral global format the main achievement remains the Non-Proliferation Treaty, although its article on nuclear disarmament, besides lacking a minimum of precision in terms of time and other aspects, has not been implemented. In order to improve the perspectives of nuclear disarmament a strategy of suffocation has been devised with a view to avoid the recurrence of growth in the arsenals, even to enhance possible reductions.

The Comprehensive Test-Ban Treaty, not yet in force, is the main example of that strategy. The next step in that same direction would be a treaty concerning fissile material for nuclear weapons or other nuclear explosive devices. Indeed, there is a widespread understanding that the conclusion of such a treaty is possible since the major nuclear weapon powers seem well disposed to start its negotiation. This does not mean that the question of fissile material is necessarily the most urgent matter in the disarmament agenda. For Brazil and many other States, legally binding assurances against the use or threat of use of nuclear weapons against non-nuclear weapon States would be a more immediately significant step in the direction of dismantling strategies based on nuclear weapons. I should add the constant claim of the Group of 21 in favour of a treaty banning nuclear weapons as it was done in relation to other weapons of mass destruction.

The main obstacle in the path of the negotiation of a treaty on fissile material lies in the determination of its scope. Should it be limited to the prohibition of production of new fissile material or should it include clauses on material already in existence prior to the entry into force? The first option would simply freeze the current situation. It would lack any dynamism in the direction of real disarmament. It would not add any obligation to non-nuclear-weapon States like Brazil, already bound by the Non-Proliferation Treaty. For nuclear-weapon States, such treaty confined to the ban on production would certainly impose limitations concerning growth of their stockpiles but would not necessarily entail any measure of control, not to say of reduction, still less their elimination.

A really significant treaty would have to deal not only with production but also include fissile material for nuclear weapons or other nuclear explosive devices already in existence before its entry into force.

It is usually argued that the mandate contained in document CD/1299, of 1995, known as the Shannon mandate, does not preclude a comprehensive scope for the negotiations. Document CD/1864, of 29 May 2009, containing a program of work that received unanimous support at that moment, limited itself, as far the issue of fissile material is concerned, to the reference to the Shannon mandate.

Since that program of work could not be implemented, two further attempts were made: the proposals by Belarus in document CD/WP.599 and by Brazil in document CD/1889. This last one tried to bring more clarity to the consideration of fissile material already in existence at the moment of entry into force.

It has been said that the Shannon mandate does not necessarily exclude the question of stocks. It cannot be denied, however, that the fierce resistance by some member States to even a broad mention of pre-existing fissile material could be assumed as announcing a denial to treat that question in the negotiations.

A mandate cannot be a blueprint for a treaty but it should provide an idea of the playing field and, in that respect, a picture of the intended scope as clear as possible would seem necessary for some States to embark in the negotiation. There is no doubt that the treaty would have to contain definitions, establish a verification system and other matters. But since the same certitude is not found as regards scope, some indication should be contained in the mandate.

A different matter is to block any decision on the opening of negotiations on the basis of perceptions of security, especially when there is an overwhelming support for negotiations on the part of non-nuclear-weapon States, moreover if the objection comes from a State possessing nuclear weapons. This is tantamount to opposing any negotiation on any disarmament issue. A member State that freely joined the Conference on Disarmament, the purpose of which is to negotiate legal instruments on disarmament and arms control, cannot invoke its security situation in order to prevent a negotiation that is deemed appropriate by a great majority of member States if not by all.

It is high time to understand that concerns on national security are not of exclusive interest of nuclear-weapon States. This would imply that nuclear weapons are a necessary feature for the security of a State. In fact there are States, besides those possessing nuclear weapons, that objectively accept that position, placing themselves under the protection of the nuclear arsenals of other States.

To sum up: the negotiation of a treaty on fissile material for nuclear weapons or other nuclear explosive devices should start promptly on the basis of a mandate with a minimum of clarity concerning the scope of the envisaged instrument.

Madam President,

The work to be undertaken by the Conference on Disarmament for a treaty on fissile material is first and foremost of a political nature. It obviously will require a great amount of technical expertise. But let's not presume that problems will be solved in technical meetings. In this sense, the negotiation on fissile material is similar to many processes in other areas where the technical component is essential to support political decisions. This is not an unusual situation for diplomats.

Questions concerning definitions and verification, among others, are essentially complex and admit diverse solutions. Allow me to remind that a political diplomatic negotiation is not a scientific experiment and our assertions, though preferably technically sound and based on solid logic, derive first and foremost from the interests and aims of the States we represent.

In order to show that a mandate for a negotiation can be both encompassing and flexible, Brazil proposed last year document CD/1888, containing an outline structure for the drafting of a treaty on fissile material. This initiative is an evidence of Brazil's commitment and openness to this endeavour.

If we succeed in starting the negotiation of a really comprehensive instrument on fissile material we will be truly making an important and concrete progress in the direction of disarmament. It will not be a mere a confidence building measure or a political initiative. The essential condition for that requires that the negotiation encompasses the matter in its entirety. It is also indispensable that all nuclear weapons possessors are included in the negotiation. However we may admit that the result should be a non plus ultra, completely closed to future evolution.

The proper venue is this Conference on Disarmament on which a negotiating mandate is vested. A parallel expeditious process cannot ensure the participation of all States necessary for an instrument on nuclear disarmament. For us it is not sufficient a political gesture showing good will by like-minded countries. It cannot be an exercise of what has been called aristocratic multilateralism.

A long, complex negotiation will require an institutional structure, the assistance of a technical and necessarily impartial secretariat and dedicated delegations among other needs. This cannot be assured by a group of well-intended like-minded people meeting on the margin of the General Assembly or other organ unless the real intention be a make-believe devoid of substantive contents.

Madam President,

As I mentioned before, you are assuming the direction of this forum in a specially relevant moment.

By the end of July, the UN General Assembly will hold a meeting on the Conference on Disarmament. There will be a debate and one cannot exclude, I suppose, the adoption of one or more resolutions.

Since the High Level meeting held in New York last September, we have been hearing many interventions dealing with the state of the CD and its future. It is not easy to extract from these manifestations a clear trend of opinion. There is some oscillation between a clear support for continuing to make efforts in this forum and to seek a different institutional path. On that side of the spectrum, the convening of a fourth Special Session of the General Assembly has been defended by many. Others seem to prefer ad hoc spontaneous and nebulous solutions.

It is not my intention to enter now in this debate. However, it is important to be clear that our goal must remain true disarmament and a world free of nuclear weapons. This cannot fall from heaven. This will be reached by means of comprehensive treaties negotiated in a truly multilateral fashion and solid institutional ground.

Just a few days after the UNGA meeting, there is scheduled to happen a meeting of the five nuclear-weapon States that are envisaged in the NPT. It is to be hoped that the General Assembly will send a strong message to those five States in order to help that meeting to reach meaningful results including on the compliance by them with the NPT.

Before those upcoming events, during the Colombian presidency, it is important that the Conference on Disarmament discuss their possible and desirable outcomes. These discussions and the pending adoption of a Program of Work should occupy our attention during the forthcoming weeks under your able guidance.

Madam President,

We do not need to increase the disillusion of world public opinion and the disengagement of young people of which a clear indication is the present low interest of civil society in nuclear disarmament as compared to the ample movements previous decades. We cannot afford to damage the political structure created to channel the political process of disarmament. If we are discontent with its performance, we should remind ourselves that it is incumbent upon us to strive to reach results.

To build is always more difficult than to destroy.

Thank you.