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Weapons of Mass Destruction

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I wish to thank the OSCE for inviting the Preparatory Commission to participate in this workshop on the non-proliferation of weapons of mass destruction and the role of United Nations Security Council Resolution 1540. This workshop provides an important opportunity to facilitate an exchange of views on the implementation of the Resolution between policy makers, representatives from international organizations, and experts in the field of nonproliferation and disarmament. I also wish to recognise the strong connection in the OSCE Astana Summit Declaration between the OSCE, UNSC resolution 1540 and the efforts by organisations such as the CTBTO: “we must achieve greater unity of purpose and action in facing emerging transnational threats, such as terrorism, organized crime, illegal migration, proliferation of weapons of mass destruction.”

Before making 5 specific points based on experience from CTBT related outreach and training activities, allow me to offer a few introductory remarks about the CTBT and its verification system in general.

The CTBT bans all nuclear explosions by everyone, everywhere: on the Earth’s surface, in the atmosphere, underwater and underground. The Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization is building a verification regime to monitor the planet for compliance with the Treaty. The system is based on four key technologies: seismic, hydro acoustic, radionuclide and infrasound designed to detect nuclear explosions. When complete, 337 facilities worldwide will monitor underground, the oceans and the atmosphere for any sign of a nuclear explosion.

To date, 80 percent of the monitoring facilities send data to the CTBTO’s headquarters in Vienna, Austria, in near real time, upon which the data are processed and analyzed and then transmitted to the 182 Member States. Today altogether 90 countries are already hosting stations of the IMS, thus contributing to the Treaty’s verification capabilities. As such the PrepCom is almost fully functional. On-site inspections to collect information on the ground in the case of a suspected nuclear explosion will complement the verification regime once the treaty enters into force.

The CTBT verification regime represents an unprecedented example of multilateral cooperation on a highly political and technological challenging issue. Not only is the verification regime transparent, democratic, and participatory, but it has proved to be an unprecedented equalizer. The data and products of the CTBTO are made available to

every signatory State, regardless of size, wealth, or technological prowess. This allows all Signatory States to form their own opinions and pass their own judgments, thereby enhancing our credibility. As such the CTBT offers an important benchmark for the Security Council. It already serves to strengthen multilateral cooperation among states regardless of their size or influence.

More than two thousand tests were conducted prior to the conclusion of the CTBT in 1996. Every test eroded global security, and widened the gap in political trust.

In the last decade, during the build-up of the CTBT verification system, there have only been two nuclear test explosions in North Korea. While deplorable, and a continued threats to regional and international security, these tests have shown that the verification system is fully functional and capable of detecting nuclear tests far below the threshold required by the Treaty.

The CTBT verification system primarily serves as an effective indicator of a state's nuclear weapons capabilities and the qualitative improvement to these capabilities. However, one must also consider the impact of continued nuclear testing—along with the advancements in nuclear weapon capabilities and expertise that are a result of such activities—on the international community's efforts to control the diffusion and proliferation of sensitive technologies and knowledge related to military nuclear programs to non-State actors.

1st point:

If applied in the case of a state suspected of developing a clandestine nuclear weapons program, and potentially diverting advance nuclear weapons material and technologies to non-state actors, the CTBT verification system serves as an effective whistleblower. As was shown in the case of the DPRK declared tests, the density and power of the 2009 test increased significantly compared to that of 2006.

Not only is the improvement in North Korea's weapons program a serious threat to international peace and security as well as to the credibility of the NPT and the CTBT, but it increases the potential of diversion of a nuclear explosive device to another party – state or non-state. The implication for 1540 and the broader nonproliferation regime is that with the EIF of the CTBT nuclear testing will be legally banned for all states. Coupled with an unprecedented verification regime, this will serve as a powerful deterrent against further testing and contribute to global effort to not only eliminate nuclear weapons, but to prevent weapons related technologies and material from diversion to states and non-state actors alike.

2nd point:

While often associated with nuclear disarmament, the CTBT also contributes to nuclear non-proliferation. It contributes to efforts aimed at ensuring that the peaceful uses of nuclear energy are indeed peaceful and is therefore crucial in a world in which we see the resurgence of nuclear energy. While the critical legal requirement to verify a state's peaceful nuclear activities remains the domain of the IAEA, this “upstream” compliance agency has come under significant pressure in recent years. With the diffusion of nuclear

fuel cycle technologies, the differentiation between peaceful and military programs will be more and more a political and legal issue rather than technological one. Given the nature of nuclear testing, ratifying the CTBT provides the final “downstream” proof of the intentions of a state. It is the last barrier on the road to nuclear weapons capacity.

3rd point:

Effective measures to prevent the proliferation of weapons of mass destruction require States to possess the national capacity to fully implement multilateral legal agreements and political commitments designed to address such threats. In this regard, the Preparatory Commission is actively involved in promoting increased awareness of the Treaty and its verification regime, providing assistance in the development of national implementation plans to strengthen national legislation, ensuring the availability of practical assistance to participating States at their request, and initiating training programs to develop further national capacities related to the Treaty. This includes assistance with any necessary measures to implement their Treaty obligations to prohibit and prevent any nuclear weapon test explosion or any other nuclear explosion, including extending those prohibitions extraterritorially to natural persons holding the State’s nationality from undertaking the prohibited activities anywhere.

Preventing nuclear explosions implies enforcement action and the control of nuclear materials. Not only are those obligations in line with operative paragraph 8 of resolution 1540, but they also related to the main provisions of the resolution as spelled out in operative paragraphs 1-3. CTBT States Parties are also required to cooperate with each other in the implementation of those obligations which is in line with operative paragraphs 9 and 10 of resolution 1540 as well as its follow-on resolutions 1673 (2006) and 1810 (2008).

In assisting States to prepare for implementing their obligations under the treaty, and to maximize the benefits provided by the treaty, including the civil and scientific application of its verification technologies, the Provisional Technical Secretariat (PTS) has over the past 13 years arranged dozens of capacity building and outreach workshops and national implementation seminars. These events aim to enhance the participation of CTBT signatory and non-signatory states in the work of the Commission; to monitor and assist in their preparations for national implementation of the CTBT, including establishing national measures; and advance the universalization and the entry into force of the Treaty.

4th point:

The linkages between the CTBT and 1540 are perhaps most evident in the importance of bringing national laws in line with treaty obligations through national implementation legislation. Many States have chosen to prohibit nuclear explosions not only in order to implement their CTBT obligations, but also in response to US Security Council Resolution 1540. Moreover, preventing nuclear explosions requires the protection of nuclear materials – also required under UNSCR 1540 – and States implement national legislation to protect nuclear materials in order to comply with UNSCR 1540, as well as other obligations under international conventions. Therefore, standardizing national

legislation to cover the wide range of legal obligations undertaken by States is the most effective way to prevent nuclear proliferation and terrorism with weapons of mass destruction.

The PTS Programme of Legal Assistance provides assistance upon request from States to bring national laws in line with treaty obligations through national implementation legislation well before entry into force of the treaty and in accordance with states' obligation under international law. Legal assistance to States includes documentary assistance, workshops and e-learning modules, comments on draft legislation, and the CTBTO legislation database. The PTS, upon request, provides advice on the implementation and criminalization of the prohibition of nuclear explosions. During such activities, the PTS has experienced that in some cases, States may wish to implement their Treaty obligations in advance of EIF of the CTBT as a measure that contributes to implement their obligations under United Nations Security Council Resolution 1540. These activities are designed to develop national capacity in the implementation of international obligations, and a coordinated approach to strengthening this capacity between the Preparatory Commission, the 1540 Committee, the IAEA and other international organizations is the best way forward.

5th point:

It goes without saying that the burden on national governments to implement obligations from many non-proliferation and disarmament obligations ranging from small arms, to CBW, nuclear weapons and efforts to prevent the use of WMD by non-state actors, have increased tenfold in the last decade. The reporting obligation on states related to the implementation of IAEA safeguards, 1540 and other agreement alone have resulted in a "reporting fatigue among states, especially small government from the developing world. Moreover since many states have limited resources – both human and financial – to implement the basic legal and financial requirements stemming from non-proliferation and disarmament obligations, there is an ever increasing risk that the robust nature of the regime will over time erode, with the result that the propensity for diversions of materials and technologies to especially non-state actors would increase.

In an effort to assist states in strengthening their national capacities and as a investment in the future of the nonproliferation regime, the PrepCom has recently initiated a capacity development strategy that is based on the recognition that building and maintaining the necessary capacity to effectively confront the technical, scientific, political, and legal challenges facing the multilateral nonproliferation and disarmament regime is of critical importance now as it will be in the years to come. There is a clear urgency to strengthen verification capacities across the whole range of multilateral arrangements, as well as improve national implementation measures of these agreements.

In addition, political support over the long term for non-proliferation and disarmament is contingent upon expanding the number of stakeholders with the opportunity to participate on an equal footing in the implementation of multilaterally established regimes. The CTBT is a core element of the international nuclear nonproliferation and disarmament

regime, and as such has an important role to play in strengthening verification capacities across the whole range of multilateral arrangements.

As part of this initiative, a weeklong introduction course on political, legal, political and security related aspects of the CTBT, as well as the science and technology that underpin the verification regime was held last October. This entry-level course comprised a series of brief lectures, presentations and discussions on the CTBT. These lectures were recorded and edited into a DVD series for distribution to member states, other international organizations and interested academic and research institutions.

The Secretariat is in the process of developing enhanced courses oriented around the capacity development strategy in 2011. The courses will follow a modular approach to learning and be complete with an online component. The modular approach to the courses will allow the Secretariat to offer tailor made courses on particular issue areas. We are developing an online learning platform that will provide interactive module-based applications modeled around the aforementioned issue areas. With these efforts, the Preparatory Commission hopes to broaden the base of specialists involved in verification and implementation issues related to the CTBT, as well as other multilateral arrangements designed to prevent the proliferation of weapons of mass destruction. This we believe will serve to not only strengthen the capacity of national governments, but serve as an investment in the future generation of policy experts and practitioners whose tasks it would be to prevent the spread of dangerous technologies, and hopefully rid the world of all WMD, in particular nuclear weapons.

In closing, I wish to emphasize that through dedication, commitment and hard work, the Preparatory Commission and the Provisional Technical Secretariat are approaching the point of readiness for the entry into force of the Treaty. The Treaty is steadily increasing its membership as one of the most universally adhered to international agreements. The quality of technical expertise in the PTS is unprecedented. Together, these elements serve to strengthen the overall nuclear non-proliferation and disarmament regime.

The CTBT is clearly a center piece of the international regime to prevent the spread and further development of nuclear weapons with the aim of their eventual elimination. The Preparatory Commission and its PTS stand ready to work with other organizations, including the Security Council, the 1540 Committee, and the OSCE to further improve our cooperative efforts towards this end.