

Meeting of Focal Points for NWFZ Treaties and Mongolia

(Ulaanbaatar, 27-28 April 2009)

Welcome message on behalf of Ambassador Tibor Tóth
Executive Secretary of the CTBTO Preparatory Commission

Distinguished Participants,

Ladies and Gentlemen,

1. I would like to congratulate the Government of Mongolia for organising this meeting of Focal Points of Nuclear Weapon Free Zones (NWFZ). This is in recognition of the importance and the potential that NWFZ States increase coordination and cooperation among themselves. I would also like to congratulate the States Parties to the Treaty of Semipalatinsk, which entered into force on 21 March 2009, creating the Central Asian NWFZ, the first treaty-based zone in the northern hemisphere.
2. There is a strong link between the NWFZ treaties and the Comprehensive Nuclear Test-Ban-Treaty (CTBT), in that each of the NWFZ treaties all explicitly bans nuclear weapons testing, as does Mongolia's NWFZ legislation. Out of a total of 119 NWFZ states, 85 have ratified the CTBT and a further 25 have signed it. Only 9 member states of the different NWFZ have not yet taken action on the CTBT. I would like to appeal specifically to those States that are already committed under a NWFZ Treaty *to prohibit and prevent the testing of any nuclear weapons and* that have not yet signed or ratified the CTBT, to do so at their earliest convenience.
3. To date, 180 countries have signed the CTBT. That is, they have signed up to the principal of a global ban on all nuclear testing for all people and for all of time. One hundred and forty-eight (148) of these countries have set their commitment to that principal in stone through ratification. This is a powerful and overwhelming verdict on the part of the international community in favour of this Treaty.
4. While nine countries, of the 44 listed in Annex 2 to the Treaty, must still ratify for it to enter into force (a condition contained in the Treaty itself), each of the nine has already made a commitment to a global ban on testing in some shape or form.

5. The CTBT has endured some politically difficult times since it was first opened for signature in 1996. There were the simultaneous tests by India and Pakistan two years later and the more recent test in North Korea in 2006. The decision by the U.S. Senate not to ratify the Treaty in 1999 posed another significant challenge, as have the general difficulties faced by the disarmament and non-proliferation regime throughout much of this first decade of the Twenty-First Century.
6. Yet, despite these difficulties, despite the many direct challenges to the authority of this Treaty and what it represents, support for the Treaty has grown continuously. As you know, tremendous new political momentum is now being generated by the stated objective of the new U.S. administration to seek ratification and work towards the entry into force of the CTBT. While the U.S is but one among nine as far as securing entry into force goes, its participation in this process, and leadership of it, are key. The situation would now appear to be very promising on both fronts. The CTBT is clearly back on the agenda.
7. Today, the CTBT verification system it is nearing completion, with 71% of the system's 337 global monitoring stations already sending operational-standard data to headquarters in Vienna. We are coming within sight of the fulfilment of our mandate as a Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization whose main task it is to establish the global verification regime so that it is fully operational once the Treaty enters into force. Theory is moving in to the realm of established fact.
8. The entry into force of the CTBT will contribute greatly to the NWFZ goal by making the *de-facto* ban on nuclear weapon testing legally-binding. The Treaty's verification regime will be operationalized and will allow us to address non-compliance – a crucial aspect in terms of international cooperation – properly, in a pre-determined and pre-agreed manner, as foreseen in the Treaty (Executive Council, consultations & clarifications, on-site inspections, sanctions, referral to the UN). This is extremely important in its own right. Looking beyond the operational aspect however, we see how the CTBT can have meaning beyond its own terms of reference.
9. The CTBT is a catalyst for nuclear disarmament. It is a strong instrument for non-proliferation. The CTBT is a strong confidence and security-building measure both, for the US-Russia strategic relationship as well as in regional contexts. The CTBT is one of the measures around which an effective international consensus can be built in advance of the 2010 NPT Review Conference. It means progress on each of the three main pillars. It signals commitment to disarmament, it strengthens non-proliferation, it facilitates peaceful uses. Of course, it is not sufficient. But it is necessary for success.
10. Progress on the CTBT is maybe the one multilateral non-proliferation and disarmament measure that is most urgently awaited by the international community. It is also the one measure where progress can be achieved in a relatively short time.
11. Let me turn briefly to one particular aspect that I would like to suggest for your consideration at this meeting. UNSC resolution 1540 addressed the threat, not just of

proliferation by states but also by non-state actors threat in 2004, by requiring all States, under Chapter VII of the UN Charter, to adopt measures to prohibit and prevent the proliferation of nuclear weapons.

12. That threat has not diminished. In the speech delivered in Prague on 5 April 2009, US President Obama underscored that the threat of nuclear war has gone down, but the risk of a nuclear attack has gone up. More nations have acquired these weapons. Testing has continued. Black markets trade in nuclear secrets and materials. The technology to build a bomb has spread. Terrorists are determined to buy, build or steal one. This is undoubtedly a most immediate and extreme threat to global security. These challenging developments are taking place at the same time when we find ourselves on the verge of the resurgence of nuclear energy. With so much more fissile material in circulation in the future and more actors handling that material, we urgently need a comprehensive system of barriers against misuse.
13. The CTBT requires its States Parties to *prohibit and prevent* nuclear weapon test explosions or any other nuclear explosions. Prohibiting that act implies making it a criminal offence with appropriate penalties. Preventing the act implies adopting import/export controls and safety and security measures to ensure that nuclear materials do not fall into the hand of unauthorized persons and are not trafficked.
14. The CTBT is not in force. States which have adopted legislation to implement it have linked the entry into force of the legislation to entry into force of the treaty. Nevertheless, the States Parties to the NWFZ treaties all have a legal basis to ask their parliaments to adopt legislation prohibiting and preventing nuclear explosions. Mongolia has already done so, in establishing itself as a single state NWFZ. The adoption of such legislation meets the obligations of States under UNSC resolution 1540. As a matter of public policy, would any State wish that the creation of a nuclear explosion could go unpunished or that persons could assist with one with impunity?
15. The concept of NWFZs would be further strengthened if a potential violator be prosecuted and punished? The adoption of national legislation on nuclear weapon test explosions or other nuclear explosions enables national enforcement measures. It eliminates your territory as a safe haven for persons who would want to carry out those acts or who would want to take refuge to avoid prosecution for committing the act elsewhere. I leave that proposal for your consideration. I also leave with you the offer of assistance.
16. Finally, I would like to wish you a successful meeting and thank the participating countries for their commitment to strengthening the norm against nuclear testing and for their support for the CTBT.