Madam Chair, Excellencies, Ladies and Gentlemen,

As a contribution to our discussions today, I have been requested by Ambassador Manuel Dengo, Chair of the Open-ended Working Group, to make a presentation on the United Nations Secretary-General’s 2008 five-point proposal on nuclear disarmament. I’m grateful for this opportunity.

What I will do is to first give context to the Secretary-General’s proposal, as provided by Mr. Ban Ki-moon himself. I will then run through the five points themselves. However, I believe it is also important to shed light on the evolution of the Secretary-General’s thinking on the matter since 2008, and I will therefore dwell on two key speeches of his, one from 2009 and the other from just this past January. Finally, I will raise two issues closely related to the Secretary-General’s message, namely the comprehensive vs. step-by-step approach to and preconditions for nuclear disarmament. On both, there has been significant thinking under way in UNODA, as reflected in a number of recent speeches by our High Representative, Ms. Angela Kane.

1. What Ban Ki-moon said: context

UN Secretary-General Ban Ki-moon’s address at the East-West Institute in New York, on 24 October 2008 carried the title “The United Nations and Security in a Nuclear-Weapon-Free World”.

It took place at a time when there was, as the Secretary-General put it himself,

- “a global outpouring of ideas to breathe new life into the cause of nuclear disarmament”,
- “a growing awareness of the fragility of our planet and the need for global solutions to global challenges” and
- “a changing consciousness” which could help revitalize the international disarmament agenda.

Looking back, there indeed seemed to be a window of opportunity for bold action, with optimism and a sense of purpose in the air.
The Secretary-General noted that “a world free of nuclear weapons would be a global public good of the highest order”. In this connection, he referred to:

- their unique dangers;
- the lack of any treaty outlawing them;
- their indiscriminate effects;
- their impact on the environment;
- their profound implications for regional and global security;
- the threat of nuclear terrorism and
- the tremendous opportunity cost of financial and technical resources going into nuclear weapons

He then acknowledged that “nuclear disarmament has remained only an aspiration, rather than a reality”, forcing one to ask “whether a taboo merely on the use of such weapons is sufficient”.

Referring to the role of the United Nations, he noted that the UN has pursued general and complete disarmament for so long that it has become part of the Organization’s very identity, pointing out that:

- disarmament and the regulation of armaments are found in the Charter;
- the very first resolution adopted by the General Assembly, in London in 1946, called for eliminating “weapons adaptable to mass destruction”;
- these are goals that have been supported by every Secretary-General of the Organization.

He noted that most States have chosen to forego the nuclear option, and have complied with their commitments under the NPT, yet noting that “some States view possession of such weapons as a status symbol” and some as “offering the ultimate deterrent of nuclear attack”. He regretted how the doctrine of nuclear deterrence has proven to be contagious, making non-proliferation more difficult, and raising new risks that nuclear weapons will be used.

2. What Ban Ki-moon said: the five-point proposal

Firstly, the Secretary-General urged all NPT parties, in particular the nuclear-weapon States, to fulfil their obligation under the Treaty to undertake negotiations on effective measures leading to nuclear disarmament.

He suggested this goal could be pursued by agreement on a framework of separate, mutually reinforcing instruments, or through negotiating a nuclear-weapons convention, backed by a strong system of verification. He referred to the draft convention by Costa Rica and Malaysia, characterizing it as a good point of departure.

He called on the Nuclear Powers to actively engage with other States on this issue at the Conference on Disarmament, which he still characterized as the world’s single multilateral disarmament negotiating forum. He also noted that the world would welcome a resumption of bilateral
negotiations between the United States and the Russian Federation aimed at deep and verifiable reductions of their arsenals. He called upon Governments to also invest more in verification research and development.

Secondly, the Secretary-General called on the Security Council’s permanent members to commence discussions, perhaps within its Military Staff Committee, on security issues in the nuclear disarmament process. He suggested that they give unambiguous negative security assurances to non-nuclear-weapon States. He further suggested that the Council also convene a summit on nuclear disarmament. As for non-NPT States, he called on them to freeze their own nuclear-weapon capabilities and make their own disarmament commitments.

Thirdly, the Secretary-General called for the strengthening of “rule of law” in disarmament. Noting that unilateral moratoria on nuclear tests and the production of fissile materials can go only so far, he called for new efforts to bring the CTBT into force, and for the CD to begin negotiations on a fissile material treaty immediately, without preconditions. He expressed his support to the entry into force of the Central Asian and African nuclear-weapon-free-zone treaties, encouraged the nuclear-weapon States to ratify all the protocols to the nuclear-weapon-free-zone treaties, and expressed his strong support to efforts to establish such a zone in the Middle East. He further urged all NPT parties to conclude their safeguards agreements with IAEA, and to voluntarily adopt the strengthened safeguards under the Additional Protocol. Importantly, he stressed that the nuclear fuel cycle is more than an issue involving energy or non-proliferation; as he put it, “its fate will also shape prospects for disarmament”.

His fourth proposal was on accountability and transparency. Noting that the nuclear-weapon States often circulate descriptions of what they are doing to pursue these goals and that these accounts seldom reach the public, he invited the nuclear-weapon States to send such material to the United Nations Secretariat, and to encourage its wider dissemination. He also suggested that the nuclear Powers expand the amount of information they publish about the size of their arsenals, stocks of fissile material and specific disarmament achievements.

Fifth and finally, he called for a number of complementary measures, including the elimination of other types of WMD; new efforts against WMD terrorism; limits on the production and trade in conventional arms; and new weapons bans, including of missiles and space weapons.

3. What Ban-ki Moon said: follow-up speech a year later

In December 2009, the Secretary-General, still very much an optimist, saw “encouraging progress”, noting:

- “a renewed commitment” by the leaders of the Russian Federation and United States;
- a breakthrough in the Conference on Disarmament;
- the “historic” Security Council summit in September 2009 and
- a “coalition of support” for his five-point plan from Governments and civil society worldwide.
The Secretary-General called for this momentum to be sustained and built on. Noting that the 2010 NPT Review Conference was just a few months away, he stressed that his plan was founded on the fundamental principle of nuclear disarmament and nuclear non-proliferation being mutually reinforcing and inseparable.

He then called for strong follow-up, offering specific steps to move the ball forward. These steps represented a close continuum with his five-point proposal:

Firstly, the Secretary-General pledged to facilitate success of the 2010 NPT Review Conference and urged like-minded States to facilitate the adoption of agreed measures on nuclear disarmament and non-proliferation. In this regard, he encouraged Member States to seriously consider the proposal by Costa Rica and Malaysia for a nuclear weapon convention.

Secondly, the Secretary-General encouraged the Security Council to build on its historic September summit and to meet on an annual basis, at the foreign minister level, to discuss nuclear non-proliferation and nuclear disarmament in general and to address follow-up to the NPT Review Conference. He suggested that the Council’s nuclear-weapon States might also wish to consider the adoption of a joint declaration for the 2010 NPT Review Conference addressing nuclear disarmament issues.

Thirdly, the Secretary-General again called on the international community to do more to advance the rule of law in the field of disarmament. He pledged to do his part to promote the universality of multilateral treaties dealing with all weapons of mass destruction and to continue to support the immediate start of negotiations in the CD on a fissile material treaty, as well as to support the entry into force of the CTBT without further delay.

Fourth, the Secretary-General again called to enhance transparency and accountability. Reminding of the NPT 2000 Review Conference having called upon, inter alia, the preparation of “regular reports” on implementing Article VI, he called upon all States supporting his initiative for such a registry to consider including it in the recommendations to be adopted at the forthcoming Review Conference.

Fifth and finally, while pursuing nuclear disarmament, the Secretary-General again called for complementary measures, including: eliminating other weapons of mass destruction; combating WMD terrorism; and bans on missiles and space weapons.

4. What Ban-ki Moon said: Monterey four years later

On 18 January 2013, at the Monterey Institute of International Studies, the Secretary-General struck if anything an even more resolute tone. The intervening years, and the deflation of hopes for quick progress on nuclear disarmament hadn’t discouraged him. In my view, this remarkable speech has not gotten the attention that it deserves.

Referring to his launch of the five-point plan early in his tenure, the Secretary-General set to review what had been achieved and what challenges remained. He focused on five linked and mutually
reinforcing points, again in continuum with his original proposal. These points were accountability; the rule of law; partnerships; the role of the Security Council; and education.

Looking at the disarmament landscape, the Secretary-General admitted that his feelings were mixed. Paying tribute to the NPT as a cornerstone of the global nuclear disarmament and non-proliferation regime and recognizing the combined efforts of Governments, experts, civil society and international organizations with disarmament and non-proliferation mandates, he nevertheless lamented the loopholes and gaps in the architecture of non-proliferation.

However, what the Secretary-General saw as even more troubling was that progress in nuclear disarmament was off track. Echoing many governments and civil society, he warned of the price tag that comes with delay, saying “the longer we procrastinate, the greater the risk that these weapons will be used, will proliferate or be acquired by terrorists.”

What was perhaps most significant in his speech was, however, to declare that the aim must be more than keeping the deadliest of weapons from “falling into the wrong hands”. As he put it, remarkably, “there are no right hands for wrong weapons”.

This brought the Secretary-General to his first point, accountability. He again called upon each Member State to uphold its commitments, and appealed to all to be first movers, and not look to others or to one’s neighbours to start disarmament and arms control measures.

He went on to warn that “deferring nuclear disarmament indefinitely pending the satisfaction of an endlessly growing list of preconditions” would lead only to a world full of nuclear weapons, stressing the special responsibility of the nuclear-armed States. He also encouraged them to come up with a bold set of measures to promote transparency of their nuclear arsenals, suggesting that this could be done either at April’s NPT Preparatory Committee meeting or immediately, by contributing data to the UN’s “Repository of information provided by nuclear-weapon States”, as mandated at the Review Conference in 2010.

He then urged all nuclear-armed States to reconsider their national nuclear posture, stressing that nuclear deterrence is not a solution but an obstacle to international peace and stability.

The Secretary-General also made, once again, a strong call upon Member States to reinvigorate the international disarmament machinery, reminding that when he had last spoken to the Conference on Disarmament, he had plainly said that the very credibility of the body was at risk, and that its record of achievement was overshadowed by inertia. Another year of stalemate in the CD, the Secretary-General said, was simply unacceptable. He then called on the Conference to start the long-overdue negotiations on a fissile material treaty as a priority, and to also start deliberations on a nuclear weapons convention, a legal security assurance for non-nuclear-weapon States against nuclear threats, and the prevention of an arms race in outer space.

The Secretary-General’s second point related, once again, to strengthening the rule of law – a central theme in his thinking over the years. He called on intensifying efforts to bring the CTBT into force and to achieve universal membership in the Biological and Chemical Weapons Conventions, as well as to reach agreement on an arms trade treaty.
The Secretary-General’s third point was on the importance of advocacy and partnerships. Lamenting the unacceptably high level of global military spending – more in just one month than on development all year – he also pointed out that a mere four hours of military spending is equal to the total budgets of all international disarmament and non-proliferation organizations combined. As he said, the “world is over-armed [and] peace is under-funded”, with small arms at the foot of the spending pyramid, and at the top – nuclear weapons.

Pledging to continue to use his moral authority and convening power to advocate for disarmament, non-proliferation and nuclear security, the Secretary-General also stressed his reliance on partners to help spread the word. He paid tribute to non-governmental organizations making significant contributions, mentioning in this connection by name the International Campaign to Abolish Nuclear Weapons and the Global Zero movement.

The Secretary-General’s fourth point was on specific regional issues and the critical role of the Security Council in advancing disarmament and non-proliferation goals. Referring to the 2009 Council summit meeting on these issues, he called for further meetings and future Summits.

His fifth and final point was on the importance of disarmament education. Regretting the low to non-existent level of funding for disarmament education, training and research in many States, he noted that it is easier for students to learn the logic of nuclear deterrence than to learn to discard the myths that keep nuclear weapons in place. According to the Secretary-General, education can help to refute the claim that nuclear disarmament is utopian – a claim from critics blind to the social and economic costs of nuclear weapons and to the catastrophic human effects of their use. As he put it, “education can help the world to build a global culture of peace that rejects all weapons of mass destruction as illegitimate and immoral”.

The Secretary-General ended his Monterey speech by quoting President John F. Kennedy’s warning about the nuclear sword of Damocles and call for those weapons of war to be abolished “before they abolish us”. Adding his own appeal to that plea for abolition, he called upon the audience to focus on how to remove the sword.

5. Conclusion: on the comprehensive vs. step-by-step approach to nuclear disarmament; on conditionality

There has been some significant thinking recently in UNODA on key issues related to the Secretary-General’s proposal. This thinking has found its way to speeches by the High Representative for Disarmament Affairs, Ms. Angela Kane. Let me therefore conclude by dwelling on two key issues among them, as reflected in some of Ms. Kane’s recent speeches and statements.

The first issue is that of a comprehensive vs. step-by-step approach to nuclear disarmament. As you recall, the pursuit of a single comprehensive treaty to achieve the elimination of nuclear weapons and other weapons of mass destruction, as well as the parallel regulation and reduction of conventional arms, gave way in the 1960s to what were called “partial measures”, including
nuclear-weapon-free zones, the NPT, test ban treaties, fissile material agreements (both safeguards and pursuit of a fissile material treaty) and other such accords. As noted by the High Representative, these measures were called “partial” for a reason: they were associated with a larger disarmament goal. This is obvious in the comprehensive disarmament language found in the NPT, CWC, BWC, CTBT, and in all five regional nuclear-weapon-free zone treaties.

However, as Ms. Kane recently pointed out, neither the step-by-step nor the comprehensive approach has given us a nuclear-weapon-free world, and the partial measures – the stepping stones – are now in danger of becoming ends in themselves. Despite the progress in fulfilling many of these partial measures, some 20,000 nuclear weapons remain, and large-scale, long-term weapon modernization plans are well underway, and what we have is a process that appears to have lost its purpose. The relationship between ends and means must, according to the High Representative, be restored.

Here I’m coming back to the Secretary-General's five-point proposal: it offered a way out in the form of a more holistic approach, one avoiding any specific sequencing of steps, and based on simultaneous efforts on many fronts. Such holistic approaches can also address the wider security context of disarmament, and help overcome some of the deadlocks that have plagued the UN disarmament machinery. In a holistic approach, the relationship between ends and means could be restored: the end should be clearer and means could then be tied to that end.

In this connection, it is worth reminding that the Secretary-General’s five-point proposal calls for the negotiation of a nuclear weapons convention or a “framework of separate, mutually reinforcing instruments”. In other words, the proposal does not claim that a single nuclear weapons convention would be the only way to achieve global zero. But it does mean that the alternative approach – a system of separate but mutually reinforcing instruments – should be predicated on such instruments advancing nuclear disarmament. In other words, there has to be a connection between the partial goal of each instrument and the collective goal of these instruments, as put together.

The second issue I’m raising is that of setting preconditions for nuclear disarmament. As the High Representative has pointed out, there are several problems with the alternative approach of insisting on preconditions. The list of such conditions can become open-ended, and we have seen a cascade of conditions that allegedly must be satisfied before nuclear disarmament is “possible”. It sometimes seems almost as if the goalpost is being constantly moved. Insisting on preconditions can therefore easily be seen as a formula for postponing disarmament indefinitely. Unfortunately, we all know only too well from the Conference of Disarmament that this can also be a recipe for deadlock in multilateral negotiations.

Conditionality may also prove contagious, as a similar tactic can be adopted by non-nuclear-weapon states to explain their reluctance to implement their own non-proliferation commitments. As the High Representative recently asked, should there indeed be two standards – one of absolute preconditions for disarmament, and another of unconditional adherence to non-proliferation?

In this connection, she has pointed out that in Article VI of the NPT there is no indication that the good faith undertaking set forth in that Article is predicated on the satisfaction of any activity or
condition – indeed, there is no “quid” prescribed for the “quo” of fulfilling solemn disarmament commitments.

One can also claim that in the eyes of many, significant progress on disarmament is a necessary condition for ensuring non-proliferation. Both the 2000 and the 2010 NPT Review Conference final documents state that “the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons”. As security guarantees go, total elimination constitutes one far greater than can ever be available from nuclear deterrence.

In this sense, the elimination of all threats of proliferation should not be viewed as a precondition for the achievement of nuclear disarmament, just as the achievement of a nuclear-weapon-free world must not become a prerequisite for progress in non-proliferation. As the High Representative noted earlier this month at the annual NATO Conference on WMD Arms Control, Disarmament, and Non-Proliferation in Split, Croatia, this sequencing dilemma has been addressed at the UN by bypassing it entirely. In both the Secretariat and among the vast majority of our Member States, there is a belief that both goals are mutually reinforcing and must be pursued vigorously together. The continued pursuit of such a holistic approach will be absolutely essential. No regime structured on a have/have-not principle can be sustained forever, a point that is reflected in many of the stresses being experienced in the NPT regime.

Thank you, Madam Chair.