



LES ENTRETIENS / THE INTERVIEWS

« *The global non-proliferation and disarmament regime. Challenges and prospects for the future* »

Interview with Mr. Ambassador Jayantha Dhanapala, President of the Pugwash Conferences on Science and World Affairs, November 26, 2009

with Benjamin Hautecouverture, Research Fellow

President of the *Pugwash Conferences on Science and World Affairs* since November 2007, Mr. Jayantha Dhanapala has had a long career as a Sri Lankan diplomat and leader in the field of international security. Among his numerous appointments, Mr. Dhanapala headed the Geneva-based UNIDIR. He chaired the widely acclaimed 1995 NPT Review and Extension Conference. He was Under-Secretary-General for Disarmament Affairs in the United Nations from 1998 to 2003.

In this interview, Mr. Dhanapala gives us his thoughts about the nuclear non-proliferation regime, a few months before the 8th NPT Review Conference.

As former President of the 1995 Nuclear NPT Review and Extension Conference, what do you expect from the 2010 Review Conference? What are, in your opinion, the main challenges and prospects?

First of all we have to sort through the debris of the disastrous 2005 Review conference. Fortunately, with the election of President Obama and the policy that he has described in his Prague speech, a new atmosphere has been created. The US has pledged to commit to the NPT. That change of atmosphere does not automatically lead to a successful conference but it is, at least, a step forward. We need to see many of the promises made by President Obama, not only on behalf of the US but collectively on behalf of nuclear weapons states (NWS), realised. They include a bilateral START Treaty between the US and the Russian Federation which have between them 95 to 96 % of the nuclear weapons in the world. If a treaty comes out by the time of the May 2010 Review conference and if it is also ratified by the US

Senate, then I think we are in a better position because we are seeing Article VI being implemented.

Secondly, we need to see an FMCT begin to be negotiated in the Conference on Disarmament. We know that the country that is blocking the negotiations is not among the P5, and we hope that the problem will be resolved. On the CTBT we have the present intention of President Obama to ratify the treaty. It is possible that we will not have the ratification by the time we meet in May but the intention of having it ratified may be very satisfactory as far as other members of the NPT are concerned. There are other areas: for example we have seen no advances on negative security assurances. We have seen no advances with the DPRK and Iran crises. Although we cannot solve those problems within the context of the Review conference, there must be diplomatic movement when we get to New York in May. It will be very difficult to achieve any kind of progress on those issues within the context of the Review Conference. So the improved political atmosphere is extremely helpful and I hope the conference will be a success, but there are still outstanding problems. I would urge that work toward compromises ensuring that the interests of both the Non Nuclear Weapon States (NNWS) and the Nuclear Weapon States (NWS) converge so that like in 2000 and like in 1995, we can have a successful conference. Otherwise the NPT is likely to fade away.

Dealing with Iran, I don't think we will succeed in bringing the country back into being a credible member of the NPT as a result of isolating them. On the contrary, we need to engage them in diplomacy. Engagement through diplomacy and not isolation through the threat of sanctions or military strikes is the way to go. In 2005 [at the last NPT Review conference] we lost an enormous amount of time with Iran objecting to the agenda. But the agenda was adopted in the Preparatory Committee this year in May, so this obstacle is over and Iran is ready to go along with the agenda that we have in front of us. If there is an attempt to condemn Iran at the conference, obviously Iran will oppose and that will be an obstacle. So my own preference would be that the negotiations with Iran should take place outside the conference and before the conference meets. We have six months and I am sure that in that period we will be able to allow diplomacy to reach a conclusion. Remember that the diplomatic route did succeed with Libya. This is a success story that not many people remember.

What would be the practical steps in order to reinforce the nuclear non-proliferation norm?

Coming from a NNWS, I do believe that we have to learn the lessons since the Iraqi regime under Saddam Hussein was seen to be engaged in a

clandestine weapon program and the IAEA very rightly negotiated the additional model protocol. At this point of time, it is a voluntary protocol which not all countries have subscribed to. I believe that in terms of the three pillars of the NPT, article IV benefits should logically be extended to countries who fulfil articles I and II and also ensure that the article on the safeguards and the additional protocol must be fulfilled. In my opinion the additional protocol should be universalized and made mandatory. It is a logical step to take. I know it is not popular with all NNWS but it flows from the spirit of the NPT. In the same way I believe very strongly that the US-India nuclear cooperation deal was a violation of the spirit and letter of the NPT. There is great concern among Arab states that after the breach of this provision of the treaty giving nuclear benefits to a NWS outside of the NPT, we may be paving the way for Israel also to receive the same benefits. That would break the treaty in my opinion.

Dealing with the issue of making the additional protocol mandatory, I think the issue will be discussed during the next Review Conference. Countries such as Egypt will object to it. It certainly won't be easy to get language which will make the additional protocol mandatory. But at least, if it is formulated in a way that it is an appeal to countries to help confidence building within the community of the NPT states parties, we will be able to have the right language.

Lastly, I think we need to see compliance of both sides: not only NNWS but also on the part of NWS. I mean for example the thirteen steps which we agreed to in 2000 is notorious for being observed in the breach by NWS.

The new American administration has called for strengthening the IAEA. The ordinary budget of the Agency for 2010 was increased by the board of governors in August and more human resources are obviously needed. Do you think time has come to strengthen the IAEA mandate? How?

I agree absolutely with President Obama's approach to the need to strengthen IAEA. It is a very good organisation. But there has always been a debate and a tension within the IAEA between those who wanted more money for safeguards, and those who wanted more money for technical cooperation. It is important to have a balance because technical cooperation is of great value to developing countries. This is not only for nuclear power but also for nuclear energy for agriculture, for medicine and for other peaceful purposes. I am aware that there were projects called "footnote a projects" where NPT parties, NNWS developing parties were supposed to get assistance but the amount of money that was voted for those "footnote a projects" was very little. We could have encouraged countries with regard to

the use of nuclear medicine, with regard to nuclear systems in agriculture, to increase productivity. That is an area in which the gap between the North and the South could have been reduced to some extent. There I see the IAEA playing an additional role. I hope that when funding for the IAEA is increased, it will be as much for technical cooperation as for implementing safeguards. There are also lots of innovative technologies that can be pursued, for example proliferation resistant reactors. I think the limits of technology are boundless. We need to have more work done as to how you can ensure that the use of nuclear power will not ever lead to a nuclear weapon capability.

According to president Obama in his speech of Prague, security initiatives like PSI and GICNT should be institutionalized. What do you think of that project? Is it feasible? How can “mechanisms” be institutionalized?

First of all we have the Security Council resolution 1540 which is being implemented by a committee established under the aegis of the Security Council. Through this we are trying to harmonize the mechanisms in all the members states of the UN so that they have good structures that will ensure the security of nuclear materials, especially to prevent nuclear terrorism. We have the International Convention for the Suppression of Nuclear Terrorism and the Convention on the Physical Protection of Nuclear Materials and Nuclear Facilities implemented by the IAEA. Beyond that I think there is no need for additional institutions because we have already a multiplicity of multilateral organisations. We have the IAEA which could easily undertake this additional task of nuclear security.

Now the problem with the PSI is that it is not fully universal. Although Russia has joined, China has not. There are still doubts in the minds of some countries about the consistency of the mechanism with the Law of the Sea, and so on. If it is treaty based, then of course it is easy to convert it into a mechanism that will be universalized, but it is not yet treaty-based and so perhaps there might be something done with regard to that and to allay the concerns of those who remain outside the PSI. Global security of nuclear materials is a good thing. We need to safeguard them from theft and from terrorist activities but it must be done on a universal basis and with assistance being given to countries who haven't got the ability to have tight procedures and tight systems. Another important thing is that there has to be appropriate punishment for those who violate these regulations. There has been a great deal of problems with regards to the AQ Khan network. We are also aware that in Switzerland the Tinner family has gotten away with a lot of violations of the regulations, despite being in the network of AQ Khan, and a lot of material that was very important was suppressed. There are allegations

that there have been some connections between this and intelligence agencies. So, we have to have absolutely objective standards that are universal when we come to punishing those who are responsible for violating global security on the issue of nuclear materials.

As far as sanctions are concerned, they must be targeted towards companies and individuals who are responsible for proliferation. They cannot be targeted at countries because sanctions are an instrument that hurt the poor people. We have to have targeted sanctions directed at the people responsible. That is being done and that can be effective.

Security Council resolution 1540 has been under review for months. We know the principle of the text was not shared by many when it was adopted in 2004. Do you think the legitimacy of the Security Council has increased since then? Would you have any idea about the implementation of the resolution?

First, I think the legitimacy of the Security Council will always be questioned by the international community because it is regarded as a relic of the past. The reform of the Security Council is a longstanding demand but there is no consensus as to what the solution should be. Because of that lack of consensus the existing state continues and even though, of course, the Charter gives the Security Council primary responsibility for international peace and security. There will always be doubts in the minds of countries about the legitimacy of the P5 when there are so many new powers on the horizon, such as India, Brazil, or Egypt for instance.

On the second issue, I think we are reaching a plateau with regard to what 1540 Committee can do. Not all countries have submitted their reports as far as I am aware. Once the Committee have these reports, then its recommendations will be to try how to reform or strengthen the weak points in the global chain that we have for the security of nuclear materials and to prevent WMD terrorism. This is a big task and it will also require financial resources. I very much doubt whether the Committee will be able to handle that gigantic task. In my opinion some parts of the work might be transferred to the IAEA or to the Office of Disarmament Affairs of the UN. I am very sceptical about the idea of increasing the number of experts of the Committee. Resolution 1540 has created a certain framework, the job is now done as far as these immediate preliminary tasks are concerned. It is my view that the job now should be transferred to an established institution with mechanisms for implementation rather than for the Security Council to continue to have a bigger and bigger organization. This is not subject to the same financial scrutiny. It is much better for us to bring it within the regular

budget of the UN or the IAEA and for those two organizations to conduct the next phase of the exercise.

What are the challenges of the Global Summit on Nuclear Security that will be held in Washington next April?

I would have preferred a summit along the line of recommendation 59 of the Blix Commission, on which I served. There was a need in the current context of WMD terrorism to have a summit which was more universal under the aegis of the UN to discuss the proliferation, disarmament and possible terrorist uses of WMD. That would have been a much more comprehensive universally participating conference, which could have arrived at decisions that could have been applicable globally. But since President Obama has made this proposal of a US sponsored conference in Washington, I am first of all not sure about the number of countries that will be invited to it and if all countries that should participate will be there. If you have a conference and you come out with agreements, it should not be like a small group like a G8, it should be as universal as possible. The problem of the security of nuclear materials is that it is a global problem. It is not a problem only for a few countries to get together to discuss. The more universal an agreement is, the more durable it is likely to be.

My second expectation is that attention should be paid not only to building structures to prevent any leakage to terrorists, and even state actors, but also toward a system where punishments are universal. In other words the legal systems of all the countries must have equitable punishment for whatever happens. We can't have double standards. We can't have a situation where companies that we know were contributing from the West towards Saddam Hussein's weapons of mass destruction programme having all their documents kept in secrecy in UNSCOM and UNMOVIC and not divulged to the public, whereas the AQ Khan network is exposed because he comes from a developing country. It is very important that in the eyes of international community, whether you are from a developed country or a developing country, if you have committed a crime by selling WMD materials or technology to a terrorist group, you are outside of the law, and this must be equitably addressed. This important issue should be addressed in the global security meeting in Washington.