



The Non-Proliferation Treaty Review Conference: Breakthrough or Bust in '05?

A BASIC/ORG project - Briefing 1

Strengthening the NPT Regime

Background

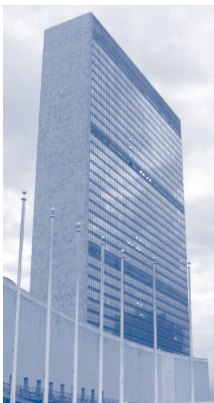
The Review Conference of the nuclear Non-Proliferation Treaty (NPT) will meet in May 2005 at a time when the Treaty itself faces stark challenges. With one nation having already announced withdrawal, the possibility that another may follow, changes in nuclear doctrine by some Nuclear Weapon States (NWS) and the goal of universality no nearer to being achieved, it is clear that the Treaty is vulnerable and in need of strengthening.

The NPT entered into force in 1970. More countries have now ratified the NPT than any other arms limitation and disarmament agreement. It represents the only binding commitment in a multilateral treaty to the goal of disarmament by the NWS. It is a highly successful regime measured by the small number of NWS that exist and by the number of states that turned away from programmes or actual possession of nuclear weapons.

All but four countries in the world — India, Israel, Pakistan and North Korea, which withdrew recently — are formally committed to the NPT. Yet after nearly thirty-five years it still has no institutional support and is only able to take decisions at five-year intervals during the Review Conferences.

The Chemical Weapons Convention established the Organisation for the Prohibition of Chemical Weapons (OPCW) to ensure effective implementation of the Convention. It has an annual conference of its 167 States Parties, an executive council and a Secretariat. Similarly, the Biological Weapons Convention (BWC) has recently introduced twice yearly Meetings of Experts from its 151 States Parties to "discuss, and promote common understanding and effective action on" specific topics related to better implementation of the BWC. While the meetings were introduced as a result of a failure to agree a verification protocol for the BWC, they are nonetheless seen as valuable and allow limited involvement of international NGOs.

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The NPT has no secretariat, no annual meeting at which decisions can be taken, nor an executive. This seriously constrains the ability to respond effectively to issues crucial to the Treaty itself, such as the announcement by the Democratic People's Republic of Korea (DPRK) that it intended to withdraw from the Treaty. If the Treaty is to continue these issues must be addressed and the regime strengthened.

Strengthening the NPT in 1995 and 2000

The NPT Review Conference in 1995, in confirming the indefinite extension of the NPT, agreed to strengthen the review process by introducing Preparatory Committees (PrepComs) between the Review Conferences with a remit to:

Consider principles, objectives and ways in order to promote the full implementation of the Treaty, as well as its universality, and to make recommendations thereon to the Review Conference.

<http://disarmament2.un.org/wmd/npt/1995dec1.htm>

The Review Conference in 2000 upheld this concept of 'permanence with accountability' and took it further in the final document by including it in the 'Plan of Action' (or 13 practical steps towards global nuclear disarmament). Point 12 called for:

Regular reports, within the framework of the NPT strengthened review process, by all States Parties on the implementation of Article VI and paragraph 4 (c) of the 1995 Decision on 'Principles and Objectives for Nuclear Non-Proliferation and Disarmament', and recalling the Advisory Opinion of the International Court of Justice 8 July 1996.

<http://disarmament2.un.org/wmd/npt/finaldoc.html>

Developments since the 2000 Review Conference

Canada has been consistent at each of the PrepComs in making proposals to strengthen the Treaty, in particular addressing the institutional deficit of the regime. Canada's paper to the PrepCom in 2004 included efforts to, "bring the NPT in line with comparable international accords by providing it with a governance capacity to protect adequately the interests of its members in the face of real world threats". The paper proposed:

- replacing the existing PrepComs with annual Conferences of States Parties that would consider and decide on any issues covered by the Treaty;
- the creation of a five-person standing bureau, selected at the RevCon with a mandate for five years; and

Addressing
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Regular reporting would achieve clarity on actual progress



photo: IAEA

- continuing secretarial support for the Treaty by the UN Department of Disarmament Affairs.

<http://www.reachingcriticalwill.org/legal/npt/prepcom04/statements.html>

This reconfigured process would take the same time and resources as currently but would be a much more productive use of them. The bureau would be able to call an emergency meeting of the States Parties, for example on notification of withdrawal or violations of the Treaty and would work closely with the International Atomic Energy Agency (IAEA).

Increasing confidence in the ability to implement the Treaty

Strengthening the NPT could also be achieved through increased transparency and accountability. Regular reporting, as required by the Final Document of 2000, would achieve clarity on actual progress towards implementation of the goals of the Treaty.

Increasing the access of civil society to documentation, to cluster sessions and to the delegates themselves would further enhance accountability and help revive a treaty that is perceived by some to be outliving its usefulness. Dr ElBaradei, the Director General of the IAEA expressed the same hope that:

“At next year’s NPT Review Conference, parties to the Treaty will consider urgently needed measures and agree on a specific course of action that will help re-engineer the nuclear non-proliferation regime and revive the stalling nuclear arms control and disarmament process.”

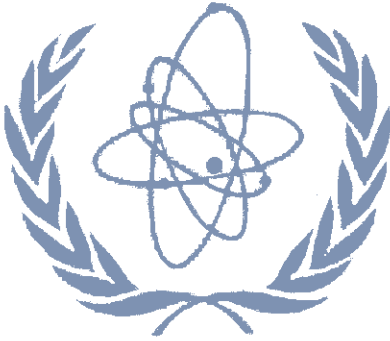
Measures to strengthen the treaty have been suggested by the IAEA and include:

- tighter controls over the export of nuclear material and technology;
- safeguards agreements and additional protocols in force for *all* States Parties before the 2005 Review Conference;
- negotiation of a Fissile Material (Cut-Off) Treaty; and
- strengthening of Article 10(a) to prevent other nations from leaving the Treaty.

Moving beyond the current Treaty?

Accepting that the NPT has until now been arguably the most successful of all multilateral disarmament treaties, it must also be accepted that the ‘status quo’ cannot be sustained. Ways to augment the Treaty have been proposed by different bodies. At the 2004 NPT

A phased
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PrepCom, Malaysia, on behalf of the Non-Aligned Movement, expressed the Movement's continued belief in:

The need for negotiations on a phased program for the complete elimination of nuclear weapons with a specified framework of time, including a Nuclear Weapons Convention.

This call has been made on many occasions, particularly by representatives of civil society involved in non-proliferation and nuclear disarmament work.

The Director General of the IAEA has also signposted a way forward, suggesting that a:

“Concrete programme for verified, irreversible nuclear disarmament, complete with a timetable ... could be achieved in the context of a protocol to the present NPT ... [which] should be regarded as a ‘peremptory norm’ of international law – in short, it should be enduring and permanent.”

Others have suggested that the way to ensure the elimination of all nuclear weapons would be to create a completely new treaty that would outlaw nuclear weapons completely. This would probably attract the immediate support of many but not all nations, and would probably follow a similar course to the Ottawa Treaty on Landmines.

Recommendations

We urge all States Parties to:

1. Consider supporting the Canadian and IAEA proposals to overcome the institutional deficit of the Treaty.
2. Comply with the requirement to submit a report as set out in Point 12 of the 'Plan of Action' agreed at the 2000 Review Conference.
3. Consider ways to increase civil society participation in the NPT process.
4. Implement safeguards agreements and additional protocols, or plan to do so, before the 2005 Review Conference.

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