

the long road to a 'Nukes-Free' World

by Tariq Rauf

States are preparing for the next Review Conference of the world's Nuclear non-proliferation Treaty (NPT) in 2010.

Former United Nations Secretary-General, Kofi Annan, made a blunt but relevant comment in November 2001 when he spoke at the opening of an important nuclear arms control and disarmament treaty conference: “[W]e cannot afford further proliferation of nuclear weapons. Nor can we afford to lose momentum in efforts to eliminate nuclear weapons from the world’s arsenals... We have a precious but fleeting opportunity to render this troubled world a safer place, free of the threat of nuclear weapons. We must not let it pass.”

The import of his statement drove home the crucial message that despite there being a focused effort to root out terrorism globally, multilateral arms control instruments, not unilateral overdrive, offered the best recipe to prevent the further proliferation of nuclear weapons.

The Treaty on the Non-Proliferation of Nuclear Weapons (NPT) is the world’s most widely adhered to multilateral arms control treaty. In 2000, its then 187 member States agreed by consensus to a far-reaching set of politically binding recommendations and practical steps for nuclear non-proliferation and nuclear disarmament. In 2006, the Weapons of Mass Destruction Commission (WMDC) report aptly reminded us about the crucial interlinked package adopted at the 1995 NPT Review and Extension Conference that made it possible to extend the Treaty indefinitely (see box).

Nearly seven years ago, in May 2000, NPT States adopted by consensus a Final Document that was fully negotiated and fully agreed in all its aspects, calling for *inter alia* an unequivocal undertaking to the total elimination of nuclear weapons, establishing agreed practical steps for further progress in nuclear disarmament and nuclear non-proliferation, and further enhancing elements of a strengthened review process. It comprises more than 150 paragraphs and covering all aspects of the NPT, as well as certain regional issues (including the Middle East, South Asia and the Korean

Peninsula) and the strengthened review process. The Final Document continues to represent the latest collective word of the NPT States regarding legally and politically binding guidelines for the future implementation of the NPT and the conduct of an enhanced strengthened review process. This is a matter on which there can be no dispute.

NPT Review Conferences are held quinquennially, and the preparations for the next one in 2010 have now commenced. They take place against an ominous backdrop that includes: a failed 2005 NPT Review Conference; a Millennium Summit in 2005 that could not agree on nuclear disarmament and non-proliferation; continuing stasis at the Conference on Disarmament; revitalization of nuclear-weapon arsenals that will lead to robust weapon programmes in the NPT nuclear weapon States (NWS) for the better part of this new century; verification challenges in some NPT non-nuclear weapon States (NNWS), nuclear testing on the Korean Peninsula; and a precarious funding situation of the IAEA.

Among the issues that attracted attention at the 2007 NPT Preparatory Committee (PrepCom) were: the continuing lack of progress in nuclear disarmament; strengthened commitment to nuclear non-proliferation; prevention of nuclear terrorism; improving the physical protection and accountability of nuclear and other radioactive materials; unresolved nuclear matters in the Middle East; Korean Peninsula and South Asia, compliance with the Treaty; reporting requirements agreed in 2000 NPT Final Document (on nuclear disarmament and the Middle East resolution); and the vitality of the strengthened review process.

2007 NPT Preparatory Committee

As agreed at the UN General Assembly, the 2007 PrepCom was held in Vienna, in light of the 50th anniversary of the founding of the IAEA — the NPT’s sole verification

Non-Proliferation Commitments: An Interlinked Package

“All parties to the Non-Proliferation Treaty need to revert to the fundamental and balanced non-proliferation and disarmament commitments that were made under the Treaty and confirmed in 1995 when the Treaty was extended indefinitely. All parties to the Non-Proliferation Treaty should implement the decision on principles and objectives for non-proliferation and disarmament, the decision on strengthening the Non-Proliferation Treaty review process and the resolution on the Middle East as a zone free of nuclear and all other weapons of mass destruction, all adopted in 1995. They should also promote the implementation of the ‘thirteen practical steps’ for nuclear disarmament that were adopted in 2000.”

— *report of the Weapons of Mass Destruction Commission headed by the former IAEA Director General Hans Blix*

authority. The first session of from 30 April to 11 May 2007 launched the opening of preparations for the 2010 Review Conference of the NPT.

This session, attended by 106 NPT States, was expected to provide another opportunity to implement an improved strengthened review process for the Treaty. It therefore,

had the potential to effectuate the promise of a qualitatively improved process to review NPT implementation and to make recommendations on strengthening its implementation and authority. The 2007 PrepCom was chaired by Ambassador Yukiya Amano, the Resident Representative of Japan to the IAEA. The Foreign Minister of Austria, Ursula Plassnik, addressed the PrepCom and made a bold new proposal on multilateral approaches to the nuclear fuel cycle. An IAEA Statement was delivered by Vilmos Cseveny, Director of the Office of External Relations and Policy Coordination.

A key issue was the mandate of the PrepCom, i.e., what would be the work plan and what is being reviewed? The PrepCom considered three clusters of issues regarding the implementation of the provisions of the Treaty relating to: (a) non-proliferation of nuclear weapons, disarmament and international peace and security; (b) non-proliferation of nuclear weapons, safeguards and nuclear-weapon-free zones; and (c) the inalienable right of all parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes, without discrimination and in conformity with the non-proliferation provisions of the NPT. Within these clusters, the PrepCom *inter alia* considered three specific blocs of issues: (a) nuclear disarmament and security assurances from NWS to NNWS; (b) regional issues, including with respect to the Middle East and implementation of the 1995 Middle East resolution; and (c) other provisions of the Treaty, including Article X (on withdrawal).

The consideration of issues was compacted into two working days. Nearly 100 documents and working papers were tabled, though it was clear that hardly any one of them could be discussed. Nonetheless, this documentation will form a part of the record of the PrepCom’s work.

Based on the discussions and documentation, the Chair produced a working paper, as mandated by the strengthened review process for the Treaty. The Chair’s paper attempted to provide his factual report of the substantive proceedings. The 51-paragraph report covered the three pillars of the NPT: nuclear disarmament; nuclear non-proliferation; and peaceful uses of nuclear energy; as well as the universality of the Treaty; security assurances; nuclear-weapon-free zones, compliance; the Comprehensive Nuclear-Test Ban Treaty (CTBT), fissile material cut-off treaty (prohibiting production of fissile material for nuclear weapons); nuclear safety and security; and multilateral approaches to the nuclear fuel cycle, among other issues.

Making the most of PrepComs

It is frequently asserted by some States Parties that the final compromises cannot be reached until the final session of the PrepCom and that therefore there should not

The IAEA & NPT

Although the IAEA is not a party to the NPT, it is entrusted with key roles and responsibilities under that Treaty. Article III, in particular, tasks the IAEA with verifying that non-nuclear weapon States party to the NPT fulfil their nuclear non-proliferation undertaking, “with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices.” The IAEA also facilitates and provides a channel for endeavours aimed at “the further development of the applications of nuclear energy for peaceful purposes”, in the context of Article IV.

Ever since the first NPT Review Conference in 1975, States Party to the NPT have reiterated that IAEA safeguards play a key role in the nuclear non-proliferation regime. In the 2000 Final Document, they reaffirmed that the IAEA is the competent authority responsible for verifying and assuring, in accordance with its Statute and the IAEA’s safeguards system, compliance with States’ obligations under Article III.1 of the Treaty.

be high expectations for the earlier sessions, and that only at Review Conferences can meaningful agreements be reached. Such a view detracts from the importance and relevance of the work of the PrepCom and overloads the Review Conference.

The work of the PrepCom must be accorded enhanced credibility and its sessions utilized to set interim targets or objectives to promote the full implementation of the Treaty in the intervening year between PrepCom sessions. In order to enhance the relevance of the PrepCom to the nuclear non-proliferation and nuclear disarmament challenges of the day, it is essential that sessions focus on taking the pulse of the Treaty and to recommend appropriate actions as necessary to strengthen the implementation, authority and credibility of the NPT. It is contrary to the spirit of the strengthened review process to delay agreement on promoting implementation to once every five years at a Review Conference.

Looking ahead

Given the inauspicious international developments and the growing detritus of arms control agreements cast aside, already expectations are being lowered for a successful outcome to the 2010 Review Conference. However, some observers are looking forward to new leaderships by 2010 in the expectation that things could change for the better. The effective implementation of a well-designed, results oriented, strengthened review process is central to the fulfilment of the principle of ‘permanence with accountability.’

The 2008 session of the PrepCom is scheduled for Geneva, from 28 April to 9 May. The dates for the third session in 2009 in New York will be decided next year. The review process, comprising the PrepCom sessions, the Review Conference itself, and any other mechanisms agreed by the States parties should address two basic questions: for what are States parties accountable? How is that accountability exercised? The process must be ‘product-oriented’ and structured to facilitate the attainment of the objective of permanence with accountability — that entails accountability by all NPT States for compliance with and fulfilment of all agreed undertakings.

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