

Ritualistic Façade

Report and Assessment of Non-Proliferation Treaty Preparatory Committee Meeting

Geneva, April 28-May 9, 2003

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SUMMARY

With North Korea withdrawing from the Treaty, Iran under attack for its nuclear program, the U.S. in the midst of developing a new “bunker buster” nuclear weapon, the Mayor of Hiroshima warning that “we stand today on the brink of hyper-proliferation and perhaps of repeating the third actual use of nuclear weapons,” the New Agenda countries complaining that there is “no sign” of efforts to involve all five nuclear weapons states in nuclear disarmament, France and Germany calling for a Summit Meeting of the U.N. Security Council on the proliferation of weapons of mass destruction, and the Non-Aligned Movement once more calling for comprehensive negotiations for a Nuclear Weapons Convention to eliminate all nuclear weapons – the Second Preparatory Meeting of the 2005 Review of the Non-Proliferation Treaty was held in Geneva April 28-May 9, 2003. It was chaired by Ambassador Laszlo Molnar of Hungary. Cuba, one of the last holdouts, joined the 188-member Treaty on October 1, 2002.

As occurred at the end of the first PrepComm in 2002, delegates adopted a procedural report to which was annexed the “Chairman’s Factual Summary” (Appendix “A”), which listed various points of view on the NPT’s key issues: nuclear non-proliferation, disarmament and international security, nuclear-weapon-free zones, safeguards, and the peaceful use of nuclear energy. Recommendations for action will be discussed only at the Third PrepComm, to be held April 26-May 7, 2004 in New York.

Though the proliferation of nuclear weapons has become a central subject in international discussions, the speeches (one could hardly call them debates) at the Second PrepComm were, for the most part, desultory and ritualistic. The concept of “interactivity” was introduced, in which some states posed questions of others, but the answers were deferred. One would never sense from listening to the representatives of the major states the gravity of this new moment, where new doctrines concerning the use of a new generation of nuclear weapons are underway. It was as if actors of the 106 participating countries were going through the motions, constructing a sort of façade, while outside the assembly the non-proliferation regime is eroding. Severe warnings to this effect were given during a morning devoted to 11 presentations by the representatives of 37 non-governmental organizations. But the

NGOs were shut out of the discussions once the general debate concluded. The questions of compliance, enforcement, proper funding for the International Atomic Energy Agency, and putting a spotlight on the central bargain of the NPT – that the nuclear weapons states would eliminate their nuclear weapons in return for all other states not acquiring nuclear weapons – were put off for another day.

1. North Korea

1.1 For the first time in the history of the Non-Proliferation Treaty, which came into effect in 1970, a state party has withdrawn. On January 10, 2003, the Democratic People’s Republic of Korea (North Korea) issued a statement of withdrawal, accusing the U.S. of a hostile act in listing North Korea as part of an “axis of evil,” and singling it out as a target of pre-emptive nuclear attack. Although it has proven ballistic missile capacity, it is uncertain if North Korea actually possesses nuclear weapons. But because it removed cameras and seals at its Yongbyon facilities and expelled IAEA inspectors, North Korea is suspected of developing a uranium enrichment capacity for nuclear weapons. The statement of withdrawal said, “We have no intention to produce nuclear weapons,” adding that its nuclear activities were confined to peaceful purposes such as the production of electricity. The IAEA, calling for North Korea to reinstitute safeguards programs, reported to the PrepComm: “The Agency is at present not in a position to conclude that nuclear material in [North Korea] has not been diverted to non-peaceful uses.”

1.2 When North Korea threatened a similar withdrawal in 1993, the U.S. and North Korea entered into a Framework Agreement in which the U.S. agreed to help North Korea with its nuclear power program in return for North Korea shunning the development of nuclear weapons. In 2000, both sides proclaimed their friendship even as it became apparent the agreement was breaking down. The Bush Administration in 2001 adopted a belligerent attitude, and at the 2003 NPT PrepComm accused North Korea of maintaining a nuclear weapons program: “It is only by eliminating its nuclear weapons program that North Korea can hope to improve its international standing and obtain the cooperation it needs for its economic development. If NPT withdrawal and threats to acquire nuclear weapons become the currency of international bargaining, our world will be in chaos.”

1.3 While diplomatic talks continue between the U.S., North Korea and China, Ambassador Molnar effectively removed the issue from the table at the PrepComm by stating that he would keep North Korea's nameplate in his "pocket." No one knew what future lay ahead for North Korea – reinstated or removed from the NPT – and the PrepComm went on with other matters.

2. Iran

2.1 The United States repeatedly accused Iran of developing a nuclear weapons program. Although Iran has stated that its nuclear program centering on the development of its Bushehr power plant is required by the country's growing energy needs and that it is meeting IAEA standards, the U.S. challenged NPT parties to "draw the inescapable conclusion that Iran's newly revealed nuclear facilities make sense only as a means to produce fissile material for nuclear weapons." However, the IAEA has yet to draw such a conclusion. The special investigation it conducted in recent months will be reported on in June, 2003. Nonetheless, U.S. Assistant Secretary of State John S. Wolf posed a series of questions about Iran:

How many other NPT non-nuclear weapons states built an enrichment plant before their first power reactor was finished? None. What responsible country would or could commit to building a production scale plant without extensive research and development? None. How many other NPT non-nuclear weapon states with nuclear programs based solely on light water reactors have also built large-scale heavy water plants? None. Why has Iran sought clandestinely to acquire laser enrichment technology? Iran has not answered, nor even admitted to this effort.

2.2 G. Ali Khoshroo, Iran's Deputy Foreign Minister responded with his own set of questions directed to the U.S.:

How many nuclear weapon states other than the United States have prescribed the use of nuclear weapons in conventional conflicts and developed new types of nuclear weapons compatible with its combat scenarios? None. Which other nuclear weapons states have named non-nuclear weapon states parties to the NPT as the targets of their nuclear weapons?

None. Which other nuclear weapon states have sought to utilize outer space for nuclear purposes more than the United States? None. How many NPT nuclear weapon states other than the United States have legally rejected the CTBT and practically doomed its future? Why did the United States through its unilateral withdrawal from the ABM and its abrogation of Step 7 of the 13 Steps threaten the strategic stability of the world? Which NPT party other than the United States has left such a record of undermining so many international instruments on disarmament and other issues alike? None. Are these not the relevant questions that should be dealt with at this PrepComm and other NPT meetings?

3. Tensions

3.1 In the North Korea and Iran issues, the longstanding tensions in the nuclear non-proliferation regime flared up anew. The Arab states wanted the spotlight put on Israel (not an NPT member) for its nuclear weapons arsenal, but the Western countries virtually ignored the subject. The newly acquired nuclear weapons capacity of India and Pakistan (which also shun the NPT) is now mostly regarded as a *fait accompli*.

3.2 Meanwhile, the gulf between the NWS and the NNWS widens, with the U.S. openly regarding the 13 Practical Steps of the 2000 Review as but a “political” consensus. Having said at the First PrepComm in 2002 that it no longer supported two of the 13 Steps (CTBT and ABM), the U.S. said at the Second PrepComm: “We think it is a mistake to use strict adherence to the 13 Steps as the only means by which NPT parties can fulfill their Article VI obligations.”

3.3 Yet the New Agenda countries (Brazil, Ireland, Egypt, Mexico, New Zealand, South Africa and Sweden) criticized the lack of “constructive implementation of the 13 Steps – the blueprint for achieving nuclear disarmament, not lip service to them.” While the U.S. pointed to the Moscow Treaty of 2002 as a significant step forward in the implementation of Article VI, the New Agenda said, “We question the Treaty’s contribution to nuclear disarmament” because it “does not contain verification procedures and it ignores non-operational warheads.”

3.4 The U.S. emphasized that it has already dismantled 13,000 nuclear weapons and had eliminated more than a dozen different types of warheads. It said nothing about (though other states were aware) of its planned new “bunker-buster” nuclear weapon, the development of which the U.S. Senate authorized a few days after the PrepComm ended. Nor did the U.S. mention its new doctrine of pre-emptive attack (employed in Iraq) and threatened use of nuclear weapons against non-nuclear countries that use chemical or biological weapons, which would be a contravention of the negative security assurances previously given.

3.5 Similarly, Russia declared that it had reduced its strategic warheads to “5,518 units” and lowered its deployed strategic delivery systems to “1,136 units.” But it said nothing of its efforts to match the development of the new U.S. bunker-buster. This was revealed a few days later by Russian President Vladimir Putin in a speech to the Duma: “I can inform you that at present the work to create new types of Russian weapons, weapons of the new generation, including those regarded by specialists as strategic weapons, is in the practical implementation stage.”

3.6 The modernization of arsenals of lower numbers by the U.S. and Russia, the two dominant NWS, is the principal cause of the tensions in the non-proliferation area. The U.S. determination to focus on “counter-proliferation,” i.e., stopping other countries from acquiring nuclear weapons while it not only retains nuclear stocks but threatens to use them, is a direct violation of the legal requirements of the NPT. The credibility of the U.S. position was not helped by its refusal to consider a treaty banning tactical nuclear weapons (it has 180 stationed in six NATO European countries), and its rejection of the attempts made by a number of states to have a reporting requirement of the actual numbers of nuclear weapons. The Non-Aligned Movement, the largest grouping of states in the NPT, severely criticized the U.S. Nuclear Posture Review for setting out rationales for the use of nuclear weapons and added: “The possible development of new weapons and new targeting options to serve aggressive counter-proliferation purposes further undermines disarmament commitments.”

4. Terrorism

4.1 Since September 11, 2001, the possibility of a terrorist attack with nuclear weapons has preoccupied many countries. Thus the G8 Summit (the U.S., U.K., France, Russia, Canada, Japan, Italy and Germany)

in Kananaskis, Canada in 2002 adopted a set of six principles to prevent terrorists, or those harbour them, from acquiring or developing weapons of mass destruction. They also launched a G8 Partnership Against the Spread of Weapons and Materials of Mass Destruction and pledged \$20 billion over 10 years to support this initiative. The Chairman's Factual Summary at the PrepComm hailed this as "a positive contribution toward cooperation in reducing threats from all weapons of mass destruction through practical initiatives."

4.2 Under the Trilateral Initiative – involving the IAEA, Russia and the U.S. – work has started in placing excess nuclear materials from dismantled weapons under international safeguards. The U.S. is purchasing from Russia low-enriched uranium for reactor fuel that has been down-blended from hundreds of tons of highly enriched uranium obtained from dismantled warheads. The U.S. and Russia have agreed to dispose permanently of 34 tons each of weapons usable plutonium.

4.3 These developments attempted to ease concerns at the PrepComm about terrorist acquisition of nuclear materials. Yet nothing was said of the looting of Iraqi nuclear facilities after the Iraq war. Though no nuclear or other weapons of mass destruction were found by the U.S. (the ostensible reason for going to war), Iraq's facilities containing valuable documents, partially enriched uranium and other radiological materials, which could be used for "dirty bombs," were ransacked under the noses of U.S. forces. Susan E. Rice, a senior fellow at the Washington-based Brookings Institution, has written: "The U.S. government has no idea how much radioactive material may have been stolen and could now be available to the highest bidder."

4.4 The G8 countries refuse to couple their fear of terrorist acquisition of nuclear weapons with the legal requirement for total elimination. It was left to the New Agenda Coalition to make the point that the continued possession of nuclear weapons by some states exacerbates the possibility of these weapons falling into the hands of terrorists. "The only complete defence against this prospect is the elimination of nuclear weapons and the assurance that they will never be produced again."

5. The Safeguards System

5.1 The International Atomic Energy Agency is charged not only with maintaining a regular safeguards program involving all declared nuclear facilities, but, since September 11, has also adopted an eight-point plan of action to improve protection against acts of terrorism involving nuclear materials. This extra work is funded through voluntary contributions. Of the \$12.2 million pledged, only \$8.4 million was received. The IAEA is struggling to get its regular budget increased for the safeguarding of 900 facilities in 70 countries. It is seeking an additional \$20 million annually. The U.S. pays \$100 million *per day* to maintain its nuclear weapons program. The IAEA warned the PrepComm: “The risk is real that the ability of the Agency to discover in time evidence of a covert nuclear weapons programme will erode unless the Agency receives the necessary resources.”

5.2 Also, the IAEA is hampered from full implementation of its “integrated safeguards” because of lagging response by states. In the past five years, although 72 states have signed an Additional Protocol with the IAEA, to allow for toughened inspections, these have entered into force in only 32 states. Another 18 NPT states with significant nuclear activities, including sensitive technologies, have not even signed the Additional Protocol.

5.3 The IAEA summed up the challenges facing the 2005 NPT Review:

These include the need to strengthen a safeguards regime that is currently under stress; to create a credible funding base for the Agency’s safeguards system; to establish a strengthened nuclear security framework; to upgrade nuclear safety around the world; and to reinvigorate the nuclear disarmament process including real progress in nuclear weapons dismantlement.

In conclusion, as stated by the IAEA Director General, ‘Impartial and independent verification is at the core of international efforts over the last 30 years to underpin the non-proliferation of nuclear weapons. The world has learned over three decades that only through impartial, international inspections can credibility be generated.’

6. Comprehensive Test Ban Treaty Organization

6.1 The Comprehensive Test Ban Treaty Organization (CTBTO), established to provide a verification regime for the Comprehensive Test Ban Treaty once it enters into force, made a presentation at the first PrepComm. But it was blocked by a procedural technicality from doing so at this meeting. Instead, it submitted a written report showing that 167 states have signed and 98 have ratified the Treaty. It did not mention the few holdout states required to ratify it (because they have nuclear reactors). Since the U.S. has withdrawn its support of the CTBT, entry-into-force is presently blocked.

6.2 Meanwhile, according to the CTBTO, the establishment of the International Monitoring System, which consists of a worldwide network of 321 seismic, hydro-acoustic, infrasound and radionuclide stations and 16 radionuclide laboratories, is advancing well. Throughout 2002, installations were completed at 39 additional stations; 23 more stations were certified as meeting the technical requirements of the Preparatory Commission, bringing the total number of certified facilities to 47. Thus at the end of 2002, 46 per cent of the stations in the International Monitoring Systems, including two Antarctic stations, were completed and met the Commission's specifications. Since the beginning of 2003, three additional stations have been certified, bringing the total to 50 certified facilities. A further 80 stations are under construction or in the stage of contract negotiation.

7. New Agenda Coalition

7.1 The obstacles to the implementation of Article VI of the NPT notwithstanding, the New Agenda Coalition (NAC) held its ground and introduced a Working Paper, which said:

We remain determined to pursue, with continued vigour, the full and effective implementation of the substantial agreements reached at the 2000 NPT Review Conference. That outcome provides the requisite blueprint to achieve nuclear disarmament.

7.2 The NAC called for multilaterally negotiated legally binding security assurances to be given by the five NWS. The Coalition also urged more unilateral reductions and the formalization of such reductions in

legally binding agreements ensuring transparency, verification and irreversibility. Further reduction of tactical nuclear weapons should be a priority.

7.3 The NAC, which has been reaching out to NATO NNWS to get support for its resolutions at the U.N. First Committee, made some headway in linking with Germany's concerns that tactical nuclear weapons have not yet been given a priority in disarmament talks. And a Working Paper, submitted by Austria, Mexico and Sweden explicitly called for the U.S. and Russia to include tactical nuclear weapons within the framework of the Moscow Treaty.

8. Non-Aligned Movement

8.1 As usual, the Non-Aligned Movement (NAM), now led by Malaysia, took the strongest stands for nuclear disarmament.

We continue to believe 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. In this regard, we reiterate our call to establish, as soon as possible, and as the highest priority, an Ad Hoc Committee on Nuclear Disarmament. The Movement underlines once again the unanimous conclusion of the International Court of Justice that there exists an obligation to pursue in good faith and to bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control. NAM regrets that no progress has been made in the fulfillment of this obligation despite the lapse of almost seven years.

8.2 The NAM once more called for a fourth U.N. Special Session on Disarmament (the first three were in 1978, 1982 and 1988), and also drew attention to the lack of progress on the Millennium Declaration's reference to an international conference on nuclear dangers. The Movement reiterated, as did the New Agenda Coalition, that "the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons."

9. High Level Action?

9.1 The recognition that the erosion of the non-proliferation regime requires some dramatic action beyond the structure of the Non-Proliferation Treaty itself is now starting to spread through some Western countries. Calling for the implementation of robust inspections under the authority of the U.N. Security Council to combat proliferation, France said:

The involvement of the Security Council is indeed necessary. It is for this reason that France is proposing that a meeting of the Council should be held for the Heads of State and Government during the next General Assembly of the United Nations. Such a Summit would have two aims: to take stock of the results of non-proliferation policy and to give decisive impetus to that policy.

9.2 Germany followed up by recalling the 1992 Security Council Summit in which a firm commitment was made “to prevent proliferation in all its aspects of all weapons of mass destruction.” This foundation could be built on by a new Security Council Summit Meeting “to give a new impetus to non-proliferation efforts against the backdrop of recent crises.”

Germany added:

Overall the goal should be the establishment of a new strategic consensus on how to deal with serious cases of non-compliance effectively and by making use of the possibilities provided in the U.N. Charter.

9.3 It is not at all certain that, when Western states refer to “non-compliance” in the non-proliferation regime, they mean to include the states that possess – and flaunt – their nuclear weapons as distinct from the states that are suspected of trying to join the nuclear club. But when the NAM and the NAC refer to “non-compliance” they mean to include the vertical aspects of proliferation, not just the horizontal. In today’s climate, any Summit of the Security Council or international conference on nuclear dangers (open to India) would certainly find a focus put on those states that continue to ignore the ruling of the International Court of Justice for the conclusion of negotiations for the elimination of nuclear weapons. The anticipation of

such a conflict puts the approval of all the Western countries of the exercise in some doubt.

9.4 Since Russia and China have again put themselves on record in support of negotiating a treaty on complete nuclear disarmament, the focus swings back to whether the Western countries will actually let higher level discussions go ahead. At the PrepComm, Russia said:

We are committed to decisions of the 2000 Conference and take specific steps to implement them. We consider the Final Document of the Conference as a real future program of multilateral, regional and other measures that contains benchmarks for negotiations on the step-by-step and consensus basis under strict observance of interests of security of all the NPT parties under conditions of stability and predictability and therefore it should be implemented entirely and not selectively.

9.5 China, calling for dialogue and cooperation rather than confrontation and the use of military force, said it held these positions:

First, a complete prohibition and thorough destruction of nuclear weapons must be realized and a world free of nuclear weapons established. Second, nuclear deterrence policy based on the first use of nuclear weapons should be abandoned. Third, existing nuclear arsenals must be reduced in an irreversible, effectively verifiable and legally binding manner.

9.6 For its part, the United Kingdom, drawing attention to the work it has done on verification for nuclear disarmament, said its stockpile of operationally available nuclear warheads had been reduced to fewer than 200, “which represents a reduction of more than 70 percent in the potential explosive power of our deterrent since the end of the Cold War. Nonetheless, the U.K. said it would not engage in multilateral negotiations until the world-wide number of nuclear weapons was reduced considerably. The U.K. attempted to shift the focus away from those who possess nuclear weapons by framing its call for a strengthened NPT in these words:

We can only do this if we combine the focus on disarmament with renewed and strengthened attention to compliance and verification: if we deal effectively with the challenge from the

DPRK; if we strengthen safeguards and fund them properly; and if we resolve concerns about the Iranian programme. We also need to keep the fight against all forms of terrorism, including the risk of nuclear and radiological terrorism at the front of our minds.

9.7 On the question of the viability of the NPT, the U.S. was emphatic. Assistant Secretary of State Wolf said: “Many observers are too quick to write the epitaph for the NPT ... The United States of America rejects that view.”

The NPT’s core purpose is preventing the spread of nuclear weapons. While the Treaty has been largely successful in this respect, irresponsible NPT parties are taking actions that pose fundamental challenges to the Treaty.

Today, each of us must make a choice. The time for business as usual is over. The time for resolute action is here. Without full compliance by all states, the security benefits of the Treaty will erode. Without strict enforcement, the international confidence that has underpinned the Treaty will dissolve, and the basis for peaceful sharing of nuclear technology will be destroyed. The world will become a far more dangerous place as more nations contemplate their future amid growing numbers of nuclear weapon states.

9.8 The NPT dilemma is summed up in that statement. The “core purpose” of the NPT is not just to stop the spread of nuclear weapons but to construct a world free of nuclear weapons. That means the countries which possess them must eliminate them. Otherwise, nuclear weapons are bound to spread. There cannot be a double standard. This is the message from much of the world that the U.S. Administration has a hard time hearing.

10. NGO Statements

10.1 Despite being barred from the detailed discussions of the PrepComm once the general debate had concluded, the expert NGO representatives made a significant contribution to the meeting through their statements and seminars. The Chairman’s Factual Summary noted: “Many states parties emphasized the value of the involvement and contribution of

civil society in the process of Treaty review. Substantive proposals were made for the enhanced participation of non governmental organizations.” One of the proposals came from Canada in a paper written by Ernie Regehr, Executive Director of Project Ploughshares and a member of the Canadian delegation. The Canadian paper set out options for deeper NGO involvement, such as permitting NGOs to attend and speak at the detailed meetings, suitable seating and more access to documentation, and consultation between governments and NGOs on particular agenda items.

10.2 The NGO statements, made to a plenary meeting of the PrepComm, were compiled by Reaching Critical Will, a project of the Women’s International League for Peace and Freedom (WILPF) and the NGO Committee for Disarmament. The following highlights are from the document at www.reachingcriticalwill.org.

- **The NPT Under Siege.**
Speaker: Rhianna Tyson (WILPF)

It is all too obvious that the Nuclear Weapons States have failed to implement the practical, attainable 13 step nuclear disarmament plan, agreed to unanimously at the conclusion of the 2000 NPT Review Conference, in some cases blatantly casting aside or repudiating its central elements....

What are the implications for the NPT in this precarious context? Why, thirty- three years after it entered into force, does the threat of nuclear weapons still haunt our existence? Why is the threat of nuclear war now greater than at any time since the height of the Cold War? Thirty- three years of asymmetrical compliance has created unsustainable pressure on the Treaty, and today it faces near collapse. If the world community allows the Nuclear Weapons States to continue demonstrating their contempt for the Treaty, the NPT will crumble and we will find ourselves in the deadly grip of a new and uncontrollable global arms race....

The world’s people have been begging to be rid of these genocidal, ecocidal, and suicidal nuclear weapons for more than fifty years. The NPT has more member states than any other arms limitation agreement, a testament to the Treaty’s significance. Although some Non Nuclear Weapons States seem to be working towards proliferation, those which desire nuclear disarmament are the vast majority. The moral high ground is yours for the taking: together, you must reiterate your pledge never to use these weapons, never

to unleash the indiscriminate, unimaginable horrors of nuclear explosions on any people. You must stand up and refuse to be threatened with such atrocity. Any state that believes in the viability and justification for such use can be isolated, if the majority of you, together with the burgeoning new global peace movement, can muster the common political will to do so....

- **Evolving Nuclear Strategy of the U.S. and U.K.**
Speaker: Fiona Simpson (BASIC)

The U.S. abandonment of the ABM Treaty, the refusal to press for ratification of the CTBT, the acceptance of the nuclear status of India and Pakistan, the termination of the START process in favor of the questionable viability of the SORT process, together with the inadequate support for the threat reduction and non-proliferation programmes, are all signs that this administration has abandoned diplomatic non-proliferation. The ‘End of Arms Control’ has been announced in Washington DC, and the end of non-proliferation is implicit in the Nuclear Posture Review, the National Security Strategy, and the latest Strategy to Combat WMD. NATO too, at US insistence, amended its position on the CTBT in two communiqués in 2001....

Germany, the Netherlands, Belgium, Italy, Greece and Turkey participate in the controversial nuclear sharing programs within the alliance. These countries need to state if they would be prepared to sanction the use of nuclear weapons against a non-nuclear state if called upon to do so by the Alliance Supreme Command. An exercise in the spring of 2002 posed this very question in the context of a chemical or biological weapons threat to Turkey, and resistance to even conventional pre-emptive strikes by NATO was strong. But the NPT regime is threatened from within as much as from without, and member states of NATO, nuclear sharing countries in particular, must decide if they stand behind the norms of the NPT, or behind the emerging policies of the United States.

- **Earth-Penetrating Nuclear Weapons, Nuclear Testing and Depleted Uranium Weapons: Medical Consequences.**
Speaker: Dr. Vic Siddal (IPPNW)

Any use of nuclear earth-penetrating weapons (EPWs) – such as the B61-11 currently in the U.S. stockpile or any new “bunker busters” developed by the U.S. Department of Energy – would cause serious local health and

environmental damage. Development of new nuclear EPWs is called for in the U.S. Nuclear Posture Review delivered to Congress in December 2001 and the Bush administration has requested funds for the Robust Nuclear Earth Penetrator in both its Fiscal Year 2003 (\$15.5 million) and FY 2004 (\$15 million) budgets. A nuclear EPW research and development program would greatly increase pressure to resume nuclear test explosions by the U.S. and would place additional – perhaps fatal – stress on the non-proliferation regime.

... the development, deployment, and use of *any* nuclear weapons by the U.S. or any other State would undermine global security and further weaken the NPT and the CTBT, along with the non-proliferation regime built upon these treaties. Crossing the nuclear threshold for the first time since the U.S. used nuclear weapons on the cities of Hiroshima and Nagasaki – even with a “low-yield” nuclear weapon -- would be not only morally repugnant, it would signal the start of a nuclear war – something the entire world has been trying to prevent for more than 50 years.

- **Nuclear Disarmament and Ballistic Missile Elimination**
Speaker: Regina Hagen (INESAP)

We propose the following systematic and progressive steps be undertaken:

Stop testing missiles and missile defense systems.

With test restrictions, the design of new missiles types would be effectively prevented, and even modifications to existing missile technology would be drastically limited. In combination with a stop to missile development and deployment and a halt to missile exports, such a ‘missile freeze’ would immediately end horizontal – i.e. geographical – as well as vertical – i.e. qualitative – missile proliferation....

Initiate negotiations for an international treaty banning tests of ballistic missiles and of missile defense systems.

Verification of a missile flight test ban can be done with existing technology. In setting up a verification system, the competent treaty organization could draw on the knowledge and experience of Provisional Technical Secretariat of the Comprehensive Test Ban Treaty Organization, among other verification agencies. It is therefore particularly regrettable that the CTBTO representative has been denied the opportunity to speak directly to you. We

strongly urge that this situation is rectified in the time for the CTBTO to address the 2005 Review Conference.

Any research, development, testing, building, and deployment of weapons for use in space should be prohibited.

Stopping the development of space weaponization now should have highest priority. We have the opportunity to prevent an arms race in outer space now. Negotiations on a treaty to ban weapons in space should therefore be started immediately.

Until a space weapons ban is in place, a moratorium on the weaponization of space by all space user states would help to build trust in the feasibility of such an endeavor.

- **Northeast Asia Nuclear Weapon-Free-Zone.**
Speaker: Hiro Umebayashi (Peace Depot)

I [make] following recommendations to this Preparatory Committee,

1) to encourage the Northeast Asian states, the ROK, the DPRK and Japan, to initiate talks to establish a NWFZ with provisions for legally binding security assurances by nuclear weapon states, as a means to resolve regional security issues, including nuclear problems, while at the same time, encouraging the DPRK to rejoin the NPT, and

2) to call upon ASEAN leaders to make best use of the upcoming ASEAN Regional Forum (ARF), the sole Asia-Pacific regional multilateral forum devoted exclusively to security issues, to be held in Cambodia on June 18, in order that it may play a mediating role to advance constructive talks among Northeast Asian states and other concerned states including China, Russia and the United States, which are all member states of the ARF.

3) To call upon the United States to abandon its dangerous nuclear policy that targets certain designated states, including North Korea, with preemptive nuclear strikes. It is posing a great threat to international peace and security by increasing unnecessary tensions and suspicions as well as undermining security assurances given under NPT.

- **Needed: NPT Emergency Response Mechanisms.**
Speaker: Aaron Tovish (NGO Committee on Disarmament)

The NPT community needs a mechanism for convening on an emergency basis.

Whenever any party or group of parties feels that the treaty faces a serious, urgent challenge, they should be able to instigate a process that could lead to the convocation of a meeting of the parties on short notice.

The meeting of the parties must be able to take decisions by voting.

If the collective voice is to be heard, the option to vote must be available. The parties should remain seized of the issue until it is resolved, or deemed manageable within the regular review process....

This response mechanism must be available equally for NPT nonproliferation compliance crises and for NPT disarmament compliance crises.

A good example of the latter would be an announcement by a nuclear-weapon state that it plans to resume nuclear weapon testing. Advance warning of an impending test could be relatively short, so the need for rapid consideration of the issue would be great.

By general treaty standards, the NPT is rather bare-boned in the mechanisms department. If it is going to handle the difficult times ahead, it must beef up a bit. Aside from an emergency response mechanism, other institutional mechanisms that deserve consideration are NPT task forces - such as one on NSAs -- and a permanent treaty secretariat.

- **An Urgent Call for the Total Abolition of Nuclear Weapons.**
Speaker: Tadatoshi Akiba (Mayor of Hiroshima)

We stand today on the brink of hyper-proliferation and perhaps of repeating the third actual use of nuclear weapons. As the mayor of Hiroshima, I can assure you that the path we are walking leads to unspeakable violence and misery for us all. And as the mayor of Hiroshima, I am well aware that we must do more than talk about this danger. For over fifty years, mayors of

Hiroshima have been raising the alarm about nuclear weapons. For 30 years, this august body has been fine-tuning the wording and debating the implications of the NPT. Hiroshima celebrated in 2000 when the final document that emerged from the review conference included an "unequivocal undertaking" on the part of nuclear-weapon states to eliminate their nuclear arsenals. And yet, we are forced to conclude that the United States, the prime mover in all things nuclear, relentlessly and blatantly intends to maintain, develop and even use these heinous, illegal weapons.

Given US intransigence, other nuclear-weapon states cling to their weapons, and several non-nuclear-weapon states appear to be reevaluating the need for such weapons.

Therefore, it is incumbent upon the rest of the world, the vast majority of the international community, to stand up now and tell all of our military leaders that we refuse to be threatened or protected by nuclear weapons. We refuse to live in a world of continually recycled fear and hatred. We refuse to see each other as enemies. We refuse to cooperate in our own annihilation.

We demand here and now that, when the States Parties review the NPT in 2005, you take that opportunity to pass by majority vote, regardless of any nations that may oppose it, a call for the immediate de-alerting of all nuclear weapons, for unequivocal action toward dismantling and destroying all nuclear weapons in accordance with a clearly stipulated timetable, and for negotiations on a universal Nuclear Weapons Convention establishing a verifiable and irreversible regime for the complete elimination of nuclear weapons.

"Impossible," some will say. "The nuclear powers will never agree." But just as plants can get along fine without human beings, people are ultimately the power behind their leaders. The time has come for the people to arise and let our militarist, competitivist leaders know where the real power lies. The time has come to go beyond words, reason and non-binding treaties. The time has come to impose economic sanctions on any nation that insists on maintaining nuclear weapons. The time has come to use demonstrations, marches, strikes, boycotts, and every nonviolent means at our disposal to oppose the destruction of millions of our brothers and sisters, the destruction of our habitat and the extermination of our species. The time has come to fight, nonviolently, for our lives.

“The military industrial complex is too powerful," some will say. I have no illusions about what happens when the people seek to correct their rulers. It took a hundred years and a terribly bloody war to free the slaves in the US, then another century to free them from the terror of lynchings and the humiliation of segregation. It took 30 years for Gandhi to free India from British rule. It took 15 years to stop the Vietnam War. Bottom-up change takes time and great sacrifice, but, unfortunately, people of moral and spiritual vision must again take up the struggle. The abolition of nuclear weapons is no less important and no less just than the abolition of slavery.

- **Israel and the Middle East.**

Speaker: Mohammed Shakir (Egyptian Council for Foreign Affairs)

The 2000 NPT review conference reaffirmed the importance of the [1995] Resolution on the Middle East and recognized the resolution to be valid until its objectives are achieved. The conference also reaffirmed the importance of Israel's accession to the NPT and placement of all of its nuclear facilities under comprehensive IAEA safeguards, realizing the goal of universal adherence to the NPT in the Middle East.

We believe that the 2005 conference should follow suit and should emphasize a time frame within which the zone is established. In view of the challenges facing the NPT, several voices are being raised in a number of Arab countries, why should we continue to be parties to the NPT while all these decisions and resolutions are not implemented? This situation would be aggravated if implementation were further delayed.

11. The Moral Case

11.1 The strong moral case against nuclear weapons made by Mayor Akiba of Hiroshima and some other NGOs was not echoed in the government statements. The sheer horror of what nuclear weapons are all about is lost in regular governmental discussions. An exhibit of the human suffering caused in Hiroshima and Nagasaki, set up in an adjoining room, was mostly ignored by delegates. For this reason, the words of the Holy See, an NPT party, were especially compelling as well as needed in the PrepComm. Archbishop Diarmuid Martin, Permanent Representative to the United Nations office in Geneva, said:

The end of the Cold War should never permit us to overlook the calamitous damage which the use of nuclear weapons would cause. A so-called “peace” based on nuclear weapons cannot be the type of peace that we seek for the 21st century. The proliferation of nuclear weapons can only make the possibility of their use ever more real. No State – big or small – can morally justify escalating such a risk.

The Holy See added that the preservation of the NPT demands “unequivocal action” towards the elimination of nuclear weapons. The fight against terrorism ought to galvanize the world to strengthen the NPT. The peace process requires that the Middle East be made a zone free of all weapons of mass destruction.

11.2 Against the backdrop of the paramount moral issue posed by nuclear weapons, the suggestion that better reporting methods in the NPT process will make the world a safer place is diverting if not disingenuous. Some Western countries, such as Canada, have invested time and energy into developing reporting formats. While it is, or course, better to have full disclosure by the NWS of their nuclear arsenals than not to have such information, the focus on the need for reporting shows how reluctant the allies and friends of the Western nuclear powers are to challenge them directly on their illegal rejection of comprehensive negotiations for elimination. It is not information about nuclear weapons that is the real issue; it is rather the possession, deployment and threat to use nuclear weapons. Western-oriented states, particularly those in NATO living under the nuclear umbrella of the U.S., are shirking their responsibilities to challenge directly the nuclear powers. Standardized reporting may increase the ability to make fissile materials more secure. But it may also increase the comfort level of governments with the status quo. It is the status quo – the maintenance of nuclear weapons by the powerful – that renders the NPT a discriminatory regime. The double standard must be ended, and nations which sincerely believe that the safety of the world can only be assured by the application of international law must start speaking out loudly.

11.3 The effect of the double standard was subtly depicted by Jayantha Dhanapala, Under-Secretary-General for Disarmament Affairs, who would in a few days leave the U.N. post he has held for five years. Pointing out that the number of nuclear weapons today is scarcely below the number that existed when the NPT came into force in 1970, he said: “...

nuclear disarmament is proceeding at a rate of only about 42 weapons a year. Can the world afford to wait literally hundreds of years to fulfill the promise of Article VI?"

Adding to this problem, some nuclear-weapon States are devising new rationales and doctrines to expand the circumstances in which these weapons would be used -- including doctrines that threaten preemptive nuclear strikes, even against non-nuclear-weapon States, and that reaffirm the great value of such weapons in advancing key security interests. They are also considering the development of new nuclear weapons. Many other NPT non-nuclear-weapon States, while supporting disarmament as a goal, continue to enjoy the security benefits from the nuclear umbrella, which remains based on the deadly doctrine of nuclear deterrence and first-use.

He asked whether the war in Iraq would serve as a deterrent to future proliferation, "or will it only encourage states to seek nuclear weapons?" Then, turning to the future, he warned that the "endless pursuit" of unilateral defensive measures and the "perpetual drive" for military superiority would produce a world full of nuclear weapons. "The more the horrible flaws in such strategies are critically examined, the more attractive nuclear disarmament becomes as a practical and effective alternative."

He closed in the same manner as in his final address as President of the 1995 NPT Review and Extension Conference: with an appeal to civil society. "I have valued for many years the persistent efforts of non governmental organizations in furthering the goals of the Treaty ..."

It is an historical fact that the Final Document of the 2000 NPT Review Conference reaffirmed that "the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons." I believe that an informed, united, and determined public offers the only absolute guarantee of actually achieving this goal. Where does the future of the NPT lie? It lies most of all in the support it enjoys among the people and its leaders.

Dhanapala's speech, aimed at shaking up the complacency of governments, was one of the most perceptive given during the two-week

PrepComm. Unfortunately, it was not heard by the government delegates, since it was given during a noon-hour event sponsored by the Middle Powers Initiative and the Global Security Institute.

12. Conclusion: Assessment

12.1 Because it had to appeal to all delegations, the Chairman's Factual Summary, negotiated among delegations in private meetings, was bland and certainly not a ringing call to action. The governments are so deeply divided on the issue of nuclear weapons that it would be unrealistic to think that problems which extend beyond the NPT itself can be resolved by the limited authority of a PrepComm. The issue of compliance with the NPT is less one of technical considerations and more one of the philosophy of power. The five permanent members of the Security Council exercise a hegemony over the rest of the world through their power, which is sustained by their possession of nuclear weapons. If they were sincere about living up to the fundamental bargain of the NPT, they would have acted – in a joint and collaborative manner – to shut down the nuclear weapons enterprises that they foster. They have had plenty of time to do this. And they have been given many citations for action, not least by the International Court of Justice.

Now the non-proliferation regime is further threatened by the emergence of a new ideology aimed at disbanding arms control and disarmament treaties. The ABM and the CTBT are but two examples. The diminishment of the qualitative value of the 13 Practical Steps undermines the protestations of an “unequivocal undertaking” to total elimination. The NPT is thus in a shaky state today, but it can only be strengthened by outside forces. The call for U.N. Security Council action at the Summit level may be a start, even if such a meeting were to begin with only a limited interpretation of what “non-proliferation” truly means. At least the discussion would be lifted out of the ritual of the NPT process. Left to itself in the present atmosphere, the NPT will fall apart. It simply cannot hold together in one compact two such divisive views and sets of actors. If the atmosphere were to change, then the NPT could make genuine progress because it has already shown a tremendous capacity for handling all the technical questions contained within the drive for nuclear disarmament. In the end, the fundamental question – do nations want to achieve nuclear disarmament – can only be answered by the governments concerned.

Here the question of public opinion, as Dhanapala has repeatedly said, will be a determining factor. Will the publics manifest to their political leaders their aversion to nuclear weapons, and make governments respond to deeply held feelings of the immorality, illegality and sheer danger of the continued possession of nuclear weapons? The answer to that question is uncertain. Though publics around the world manifested their aversion to war in the run-up to the 2003 Iraq war, they have been largely silent on the nuclear weapons issue. While public opinion polls have shown that people generally would like to get rid of nuclear weapons, there has not been a vibrant expression of that opinion. It lies rather flat and flabby in the list of public concerns. There are so many crises in the world that the nuclear weapons issue seems remote. Even educators seem perplexed by the immensity of the issue.

Yet the world is inexorably moving to some form of nuclear warfare. That this should be happening in what has been termed the “Post-Cold War” era is a paradox of immense consequences.

The questions of political power and the rule of law must be addressed if the Non-Proliferation Treaty is to play its part in world safety. These questions are essentially moral ones. People do understand moral issues. When they understand the moral consequences of present trends, they will not put up with the ritualistic façade that the NPT review process has become.

Appendix "A"

Chairman's Factual Summary, May 9, 2003

1. States parties reaffirmed that the Treaty on the Non-Proliferation of Nuclear Weapons is the cornerstone of the global non-proliferation regime and the essential foundation for the pursuit of nuclear disarmament. In the current international climate, where security and stability were increasingly challenged, both globally and regionally, by the proliferation of weapons of mass destruction and their means of delivery, preserving and strengthening the Non-Proliferation Treaty was vital to peace and security.
2. States parties stressed their commitment to the effective implementation of the objectives of the Treaty, the decisions and the resolution of the 1995 Review and Extension Conference adopted without a vote, and the Final Document of the 2000 Review Conference, adopted by consensus.
3. States parties reaffirmed that the Treaty rests on three pillars: non-proliferation, disarmament and peaceful nuclear cooperation. It was also reaffirmed that each article of the Treaty is binding on the respective States parties at all times and in all circumstances. It is imperative that all States parties be held fully accountable with respect to the strict compliance with all of their obligations under the Treaty.
4. States parties stressed the increasingly grave threat to the Treaty and international security posed by the proliferation of weapons of mass destruction, nuclear, biological and chemical and their means of delivery, as well as the possibility that non-state actors might gain access to these weapons. The tragic events of 11 September, 2001 highlighted the dangers of weapons of mass destruction falling into the hands of terrorists. The gravity of this threat reinforces the need to strengthen the Treaty. States parties also expressed the view that the Treaty can only fulfil its role if there is confidence in the compliance by all States parties. Recent challenges to the Treaty and to the nuclear non-proliferation regime have further increased the necessity of full compliance and the need to actively work towards universal adherence. In this respect, States parties expressed the readiness to reinforce the efficiency of the regime, as well as instruments and procedures to react to case of non-compliance. Some States parties suggested that recommendations for the 2005 Review Conference should be examined in this area. It was also remarked that all States parties have a responsibility for addressing non-compliance and that the price of proliferation is unacceptably high.
5. It was stressed that the best way to strengthen the nuclear non-proliferation regime was through full compliance by all States parties with all of the provisions of the Treaty. While recognizing and supporting the legitimate right of all States to utilize the atom for peaceful purposes, ownership of the capability that could be utilized to develop nuclear weapons places a special responsibility on the States concerned to build confidence with the international community that would remove any concerns about nuclear weapon proliferation. Such States need to ensure that the International Atomic Energy Agency is able to verify that these capabilities are being used for peaceful purposes only, including through the mechanisms available under the Additional Protocol for strengthened safeguards.
6. Multilateralism was emphasized as a core principle in the area of disarmament and non-proliferation with a view to maintaining and strengthening universal norms and enlarging their scope. Strong support was expressed for the enforcement of existing multilateral treaties. The need to seek treaties and other international agreements that respond to today's threats to today's threats to peace and stability was underlined. Support

was expressed for the Security Council to take effective action to deal with non-compliance with weapons of mass destruction undertakings.

7. States parties welcomed the accession of Cuba, as well as of Timor Leste, as State parties to the Treaty, which brings the Treaty closer to its universality.

8. States parties further stressed that continued support to achieve universality of the Treaty was essential. Concern was expressed about the ongoing development of nuclear weapons and missile programmes in different regions, including those of States not parties to the Treaty. States parties called upon States outside the Treaty - India, Israel and Pakistan - to accede unconditionally to the Treaty as non-nuclear-weapon States, promptly and without condition, and bring into force the required comprehensive safeguards agreements, together with the Model Additional Protocol, for ensuring nuclear non-proliferation, and to reverse clearly and urgently any policies to pursue any nuclear weapons development or deployment and to refrain from any action that could undermine regional and international peace and security and the efforts of the international community towards nuclear disarmament and the prevention of nuclear weapons proliferation.

9. The view was expressed that the Treaty should be seen in its larger context of coherent commitments and credible progress towards nuclear disarmament. Without the fulfilment of Article VI over time, the Treaty, in which non-proliferation and disarmament were mutually interdependent and reinforcing, would lose its true value.

10. The importance of increased transparency with regard to the nuclear weapons capabilities and the implementation of agreements pursuant to Article VI, and as a voluntary confidence-building measure to support further progress on nuclear disarmament, was confirmed. It was emphasized that accountability and transparency of nuclear disarmament measures by all States parties remained the main criteria with which to evaluate the Treaty's operation. The nuclear-weapon States were called upon to increase transparency and accountability with regard to their nuclear weapons arsenals and their implementation of disarmament measures.

11. States parties remained committed to implementing Article VI of the Treaty and paragraphs 3 and 4 (c) of the 1995 Decision on "Principles and objectives of nuclear non-proliferation and disarmament" and the Final Document of the 2000 Review Conference, in particular the unequivocal undertaking and the thirteen practical steps for systematic and progressive efforts to implement nuclear disarmament that were agreed to. Disappointment continued to be expressed in the progress made in implementing these steps, notwithstanding the recognition of the incremental nature of the process involved. It was also noted that the goal of nuclear disarmament could best be achieved through a series of balanced, incremental and reinforcing steps. States parties stressed the importance of irreversibility in this context. Concern was expressed that despite the intentions of, and past achievements in, bilateral and unilateral reductions, the total number of nuclear weapons deployed and stockpiled still amounts to thousands.

12. The nuclear-weapon States reiterated their commitment to nuclear disarmament and informed other States parties of their respective measures taken in accordance with Article VI of the Treaty, for example, reductions of nuclear weapons arsenals, reduced reliance on nuclear weapons, and that new nuclear weapons were not being developed. In particular, the Russian Federation and the United States of America made a joint submission to the Preparatory Committee on the Treaty on Strategic Offensive Reductions (Moscow Treaty) signed by the Russian Federation and the United States of America on 24 May 2002. The Treaty provides for legally binding reductions of strategic nuclear warheads by two thirds in comparison to the level established under the START Treaty. Several States parties welcomed the Moscow Treaty as a significant step toward nuclear disarmament and strategic stability. The hope was expressed that the Treaty

would enter into force at an early date. Other achievements in nuclear disarmament over the past 20 years through unilateral and bilateral measures were also emphasized. France indicated that it was pursuing dismantlement of its fissile material installations and had dismantled its nuclear weapons testing site. The United Kingdom announced that it was taking forward work on the verification of nuclear disarmament. China presented a Working Paper on its basic positions on nuclear disarmament.

13. Concern and uncertainty about existing nuclear arsenals, new approaches to the future role of nuclear weapons, as well as the possible development of new generations of nuclear weapons were expressed. With regard to the Moscow Treaty, the view was expressed that reductions in deployments and in operational status cannot substitute for irreversible cuts in, and the total elimination of, nuclear weapons.

14. Strong support was expressed for the Comprehensive Nuclear-Test-Ban Treaty, as reflected in the Final Declaration adopted at the Conference on Facilitating the Entry into Force of the CTBT in November 2001, and in the Joint Ministerial Statement on the CTBT, launched by the CTBT Foreign Ministers' Meeting organized by Australia, Japan and the Netherlands in September 2002. The importance and urgency of the early entry into force of the Treaty was underscored. States which had not ratified the Treaty, especially those remaining 13 States whose ratification was necessary, and in particular those two remaining nuclear-weapon States whose ratification was a prerequisite for its entry-into-force, were urged to do so without delay. Strong hope was expressed that more countries will sign and ratify the Treaty between now and the 2003 Conference on Facilitating the Entry into Force to be held on 3-5 September in Vienna. States parties reaffirmed the importance of maintaining a moratorium on nuclear-weapon-test explosions or any other nuclear explosions and noted the progress made by the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization in establishing the international monitoring system.

15. The withdrawal from the Anti-Ballistic Missile Treaty (ABM) by the United States of America and its decision on the development of missile defense systems was noted. Certain concerns were expressed that the withdrawal has brought an additional element of uncertainty to international security, has impacted negatively on strategic stability, and will have negative consequences on nuclear disarmament and non-proliferation. Concern was also expressed about the risk of a new arms race on earth and in outer space. It was noted that the Joint Declaration by the Russian Federation and the United States of America signed in May 2002 confirms close interconnection between strategic offensive and defensive armaments.

16. The importance of further reductions in non-strategic nuclear weapons, based on unilateral initiatives and as an integral part of the nuclear arms reduction and disarmament process, was emphasized. There were calls for the formalization and increased transparency in the implementation of the Presidential Nuclear Initiatives of 1991 and 1992 of the Russian Federation and the United States of America on reducing non-strategic nuclear weapons. It was also pointed out that substantial reductions of non-strategic nuclear weapons had taken place through unilateral actions, and that the dismantling of these weapons under the 1991 Presidential Nuclear Initiative had been partly concluded. It was stressed by some States parties that non-strategic weapons must be further reduced in a transparent, accountable, verifiable and irreversible manner, and that negotiations should begin on further reductions of those weapons as soon as possible. Substantive proposals were made on this issue. It was argued that these proposals would also serve the purpose of helping to ensure that terrorists would not be able to gain access to non-strategic nuclear weapons, and the importance of enhancing security of transport and storage with regard to these weapons was also emphasized. A view was expressed that the issue of non-strategic nuclear weapons is of a comprehensive nature and is linked

to other aspects of strategic stability and therefore cannot be considered separately from other types of weapons.

17. States parties emphasized that the commencement of negotiations on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, in accordance with the Shannon report and mandate contained therein, was the next logical step in the process of nuclear disarmament. States that had not yet done so were called upon to declare moratoria on the production of fissile material for nuclear weapons or other nuclear explosive devices. The Conference on Disarmament was urged to agree on a programme of work. States parties reiterated the agreement to establish a subsidiary body to deal with nuclear disarmament. States parties encouraged the Conference on Disarmament to overcome the impasse so that the Conference may resume its substantive work. In this regard, States parties took note of a cross-group effort to develop a programme of work.

18. The importance of arrangements by all nuclear-weapon States to place, as soon as practicable, fissile material designated by each of them as no longer required for military purposes, under IAEA or other relevant international verification, and arrangements for the disposition of such material for peaceful purposes was stressed. Some nuclear-weapon States reported on the actions they have taken in this regard.

19. It was noted that the first phase of the Trilateral Initiative - involving IAEA, the Russian Federation and the United States of America - for placing excess nuclear materials from dismantled weapons under international safeguards was successfully completed by September 2002. A model legal framework has been agreed that is now available to be used in new verification agreements between the IAEA and the Russian Federation or the United States of America. The Russian Federation and the United States of America were urged to approach the IAEA to carry out the verification requirements set forth in the Plutonium Management and Disposition Agreement signed by the two States. The Agency was urged to continue research and development into the practical aspects of verifying plutonium declared excess to military use. Consideration should also be given to the possible inclusion of other nuclear-weapon States. States parties were informed by the United States of America of the placement of fissile material under IAEA safeguards. It was also noted that several hundred tons of fissile material had been removed from military stockpiles and would be disposed of so that it is no longer usable in nuclear weapons. Progress was welcomed in agreements for disposing of highly enriched uranium and plutonium. The G-8 Global Partnership announcement in June 2002 was highlighted as a positive contribution toward cooperation in reducing threats from all weapons of mass destruction through practical initiatives. Some States parties also noted the safeguards experience of IAEA in verifying nuclear materials and expressed the view that the Agency could play an important role in verifying nuclear disarmament agreements.

20. The view was held that the attainment of a nuclear-weapon-free world should be accompanied by the pursuit of other effective arms control agreements at the global and also particularly at the regional level, in line with the goal of general and complete disarmament.

21. Many States parties recalled that regular reports should be submitted by all States parties on the implementation of Article VI as outlined in paragraph 15, subparagraph 12, of the 2000 Final Document. It was stressed that such reporting would promote increased confidence in the overall nuclear Non-Proliferation Treaty regime through transparency. It was also expressed that such transparency provides valuable means to address and respond to compliance concerns. States parties recognized the value of

reports and used them in substantive deliberation, in line with their wish for enhanced interaction.

22. States parties recalled the 2000 Final Document and the request that all States parties, particularly the nuclear-weapon States, the States of the Middle East and other interested States, should report to the United Nations Secretary-General, to the President of the 2005 Review Conference, as well as the Chairpersons of the Preparatory Committee meetings to be held in advance of that Conference, on the steps that they had taken to promote the achievement of a nuclear-weapon-free zone in the Middle East and the realization of the goals and objectives of the 1995 resolution on the Middle East.

23. Support was expressed for the concept of internationally recognized nuclear-weapon-free zones (NWFZs) established on the basis of arrangements freely arrived at among States in the regions concerned. The contribution of such zones to enhancing global and regional peace and security, including the cause of global nuclear non-proliferation, was emphasized. It was noted that the number of States covered by the nuclear-weapon-free zones has now exceeded 100. The establishment of nuclear-weapon-free zones created by the Treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba was considered as a positive step towards attaining the objective of global nuclear disarmament. Cuba's accession to the Tlatelolco Treaty was welcomed, as it made the nuclear-weapon-free zone in Latin America and the Caribbean complete. The importance of the entry into force of all the existing nuclear-weapon-free zone treaties was stressed. Support for Mongolia's nuclear-weapon-free status was also reiterated. Efforts aimed at establishing new nuclear-weapon-free zones in different regions of the world were welcomed. Some States parties were encouraged by the fact that Central Asian countries had been engaged in consultations and reached a draft agreement to establish a nuclear-weapon-free zone in the region, which would contribute to regional security and the prevention of nuclear terrorism. Hope was expressed that the consultations between the Central Asian States and the nuclear-weapon States would lead to a successful outcome. In this context, Central Asian and South-East Asian States were invited to respond to nuclear-weapon States' comments and suggestions. States parties noted that no progress had been achieved in the establishment of nuclear-weapon-free zones in the Middle East, South Asia and other regions.

24. On the issue of universality, States parties reaffirmed the importance of the resolution on the Middle East adopted by the 1995 Review and Extension Conference and recognized that the resolution remained valid until its goals and objectives were achieved. The resolution was an essential element of the outcome of the 1995 Conference and of the basis on which the Treaty on the Non-Proliferation of Nuclear Weapons had been indefinitely extended without a vote in 1995. States parties reiterated their support for the establishment of a Middle East zone free of nuclear weapons as well as other weapons of mass destruction. States parties noted that all States of the region of the Middle East, with the exception of Israel, were States parties to the Non-Proliferation Treaty. States parties called upon Israel to accede to the Treaty as soon as possible and to place its nuclear facilities under comprehensive IAEA safeguards. Some States parties affirmed the importance of establishing a mechanism within the Non-Proliferation Treaty review process to promote the implementation of the 1995 resolution on the Middle East.

25. Some States parties noted the "road map" - the authoritative international plan for peace developed by the Quartet Group of the United States, the United Nations, the European Union and the Russian Federation - delivered on 30 April 2003. A view was expressed, that the "road map" could be an important step in the direction of the establishment of a Middle East zone free of nuclear weapons as well as other weapons of mass destruction.

26. States parties recalled that there remained unresolved questions regarding Iraq's programmes of weapons of mass destruction and their means of delivery, and noted the importance of clarifying those outstanding issues. In this context, the view was expressed that the objective of disarming Iraq of its weapons of mass destruction capabilities in accordance with United Nations Security Council Resolution 687 (1991) represented a step toward establishing in the Middle East a zone free of weapons of mass destruction and their means of delivery. Some States parties took note of the IAEA's readiness to resume its verification activities in Iraq.

27. States parties expressed concern at the increased tension in South Asia and the continuing retention of nuclear weapons programmes and options by India and Pakistan. States parties urged both States to accede to the Non-Proliferation Treaty as non-nuclear-weapon States and to place all their nuclear facilities under comprehensive IAEA safeguards. States parties noted that both States have declared moratoria on further testing and their willingness to enter into legal commitments not to conduct any further nuclear testing by signing and ratifying the Comprehensive Nuclear-Test-Ban Treaty, and both States were called upon to sign the Comprehensive Nuclear-Test-Ban Treaty. States parties noted the willingness expressed by both States to participate in negotiations on a treaty banning the production of fissile material for nuclear weapons and other nuclear explosive devices. Pending the conclusion of a legal instrument, States parties urged both States to commit to a moratorium on the production of such fissile material. The importance of the full implementation by both States of Security Council resolution 1172 (1998) was emphasized.

28. A wide range of concerns was expressed on the recent developments regarding the Democratic People's Republic of Korea's nuclear issue. In this regard, States parties called upon the DPRK to show its political will to cooperate with the international community in increasing mutual confidence. In particular, States parties expressed concern about or deplored the DPRK's nuclear weapons programme, which undermines peace and security on the Korean Peninsula and beyond. States parties felt that the DPRK's decision to withdraw from the Treaty represented a serious challenge to the global non-proliferation regime. States parties called upon the DPRK to dismantle its nuclear weapons programme in a prompt, verifiable and irreversible way. States parties called for a denuclearised Korean Peninsula and urged the DPRK to reconsider its course of action and to comply with all safeguards obligations pursuant to the Treaty. They stressed that the DPRK nuclear issue should be resolved peacefully, through diplomatic means, and urged the DPRK to take the necessary action to de-escalate and improve the situation and to engage in talks with countries concerned in a responsible, forthcoming and constructive manner. States parties welcomed the talks between the US, the DPRK and China held in Beijing from 23 to 25 April, 2003 and expressed the hope that these talks would prove to be an important first step towards resolution of the DPRK nuclear issue. States parties believed that this issue should continue to be dealt with multilaterally, with the participation of the concerned countries. The view was expressed that the nuclear-weapon-free status of the Korean Peninsula should be maintained, that the legitimate security concerns of the DPRK should be addressed, and that the relevant sides should exercise restraint and demonstrate sincerity and flexibility. The Preparatory Committee took note of a statement by the Chair at the first meeting of the Session related to the views of States parties on the DPRK's status in the Treaty.

29. It was recalled that both the 1995 Review and Extension Conference and the 2000 Review Conference had underscored the importance of security assurances. It was further recalled that the Final Document of the 2000 Review Conference calls upon the Preparatory Committee to make recommendations to the 2005 Review Conference on security assurances. It was emphasized that negative security assurances, a key basis of the 1995 extension decision, remained essential and should be reaffirmed. Many States

parties reaffirmed that non-nuclear-weapon States parties should be effectively assured by nuclear-weapon States against the use or threat of use of nuclear weapons. Reaffirmations were expressed of commitments under Security Council resolution 984 (1995). Many States parties stressed that efforts to conclude a universal, unconditional and legally binding instrument on security assurances to non-nuclear-weapon States should be pursued as a matter of priority. Some States parties were of the view that this could take the form of an agreement or protocol to the Treaty, without prejudice to the legally-binding security assurances already given by the five nuclear-weapon States in the framework of the treaties regarding nuclear-weapon-free zones. Pending the conclusion of such negotiations, the nuclear-weapon States were called upon to honour their commitments under the respective Security Council resolutions. Concern was expressed that recent developments might undermine commitments taken under the respective Security Council resolutions. A view was held that the issue of security assurances was linked with fulfilment of the Treaty obligations. Several States parties, including one nuclear-weapon State, emphasized the importance of a no-first use policy. A proposal was also made that a further subsidiary body be established to Main Committee I at the 2005 Review Conference to address the issue of security assurances for non-nuclear-weapon States.

30. States parties agreed that education on disarmament and non-proliferation was important to strengthening disarmament and non-proliferation for future generations. In that connection, they welcomed recommendations for utilizing education in pursuit of this objective, which were contained in the report of the United Nations Secretary-General on disarmament and non-proliferation education, submitted by the Secretary General to the General Assembly at its 57th session. It was recalled that the General Assembly, in its resolution 57/60 entitled "United Nations study on disarmament and non-proliferation education", conveyed the recommendations for implementation, as appropriate, by Member States, the United Nations and other international organizations, civil society, non-governmental organisations and the media. States parties were encouraged to include in their education and training programmes information on the Treaty, including its Review Conferences and the work of States parties to implement the Treaty.

31. States parties recognized IAEA safeguards as a fundamental pillar of the nuclear non-proliferation regime and commended the important work of the IAEA in implementing the safeguards system to verify compliance with the non-proliferation obligations of the Treaty. States parties reaffirmed their convictions that IAEA safeguards provide assurance that States are complying with their undertakings, and also provide the mechanism for States to demonstrate this compliance. IAEA safeguards thereby promote further confidence among States, help to strengthen their collective security and play a key role in preventing the proliferation of nuclear weapons and other nuclear explosive devices.

32. States parties welcomed the efforts of the IAEA in strengthening safeguards and the Agency's completion of the conceptual framework for integrated safeguards, as well as the first steps taken towards their application. The importance of the Model Additional Protocol as an essential tool for the efficient and effective functioning of the IAEA safeguards system was underlined. Attention was drawn to the fact that States parties must have both a comprehensive safeguards agreement and an Additional Protocol in place for the IAEA to be able to provide assurance of both non-diversion of declared material and the absence of undeclared activities or material. States parties recognized that the efforts by the IAEA and interested States contributed to a wider adherence to a strengthened safeguard system. Many States voiced their expectation that the strengthened safeguards system (ie a comprehensive safeguards agreement coupled with the Additional Protocol) constitute the Non-Proliferation Treaty's safeguards standard,

and that this will come to be recognized as a requirement for new arrangements for nuclear supply to non-nuclear-weapon States by the 2005 Review Conference. States that had not yet concluded comprehensive safeguards agreements with the IAEA were called upon to do so without further delay. States parties reaffirmed the need for the Additional Protocol to be universalized, and expressed their support for the implementation of the updated IAEA action plan. Many States parties called upon those that had not yet signed or ratified the Additional Protocol to do so as soon as possible. It was also stated that efforts to achieve the universal application of the Model Additional Protocol should not hamper efforts towards achieving universality of comprehensive safeguards agreements. Support was expressed for a properly funded IAEA safeguards system, and it was noted that the IAEA Director-General has proposed an increase in the 2004-05 budget for safeguards.

33. States Parties reaffirmed that IAEA is the competent authority responsible for verifying and assuring, in accordance with the Statute of IAEA and the IAEA safeguards system, compliance with its safeguards agreements with States parties undertaken in fulfilment of their obligations under Article III, paragraph 1, of the Treaty, with a view to preventing the diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. It was also reaffirmed that nothing should be done to undermine the authority of the IAEA in this regard. It was recalled that States parties that have concerns regarding non-compliance with the safeguards agreements of the Treaty by other States parties, should direct such concerns, along with supporting evidence and information, to the IAEA to consider, investigate, draw conclusions, and decide on necessary actions in accordance with its Statute.

34. The importance of building confidence in the peaceful character of nuclear activities, in particular through transparency measures required by the IAEA, was emphasized. All States parties, particularly those with advance nuclear programmes, were called upon to conclude, bring into force and implement an Additional Protocol to their comprehensive safeguards agreement at the earliest opportunity, which enhances the confidence of States parties and helps eliminate concerns regarding their nuclear programmes. In this context, and in light of the scope of its nuclear programme, Iran was called upon to sign an Additional Protocol and to ensure full and forthcoming cooperation with the IAEA, whose Secretariat is expected to provide a comprehensive report at the June 2003 meeting of the IAEA Board of Governors. The inalienable right of all States parties in full compliance with the Treaty to develop the research, production and use of nuclear energy for peaceful purposes without discrimination, as well the inviolability of nuclear facilities, were reaffirmed. States parties noted Iran's statement of 29 April 2003 solemnly declaring that it does not seek to acquire nuclear weapons and that it is engaged in addressing in a detailed and substantiated manner the questions which have been raised about its nuclear programme. States Parties also noted Iran's statement of 8 May 2003 underlining the need to avoid prejudgement about Iran's nuclear program in order to maintain the integrity of the IAEA process.

35. It was reiterated that export controls were a key element of the non-proliferation regime under the Non-Proliferation Treaty. State parties underlined that effective export controls, together with comprehensive safeguards, are central to cooperation in the peaceful uses of nuclear energy, which depends on the existence of a climate of confidence about non-proliferation. The important role of the international export control framework for nuclear related materials and technologies, namely the Zangger Committee and the Nuclear Suppliers Group were noted, in particular their utility in guiding States in setting up their national export control policies. The importance of transparency in export controls was widely recognized. It was reaffirmed that nothing in the Treaty should be interpreted as affecting the inalienable right of all parties to the Treaty to develop research, production and the use of nuclear energy for peaceful

purposes in keeping with the non-proliferation obligations of Articles I and II of the Treaty.

36. States parties noted the importance of combating nuclear terrorism and strongly supported existing IAEA initiatives in this regard. The IAEA action plan on protection against nuclear terrorism was widely noted and supported. The Agency's work in support of States' efforts to prevent the illicit trafficking of nuclear and other radioactive material was also commended. In this context, States parties stressed the importance of contributions to the Nuclear Security Fund of the IAEA. States parties called for support of the G8's Kananaskis principles to prevent terrorists, and those harbouring them, from acquiring weapons of mass destruction and related material.

37. States parties urged the strengthening of the physical protection of nuclear material and facilities as an element of the non-proliferation regime that should be emphasized particularly in the light of the heightened risk of nuclear terrorism. They noted the conclusion of the work to prepare a well-defined draft amendment to the Convention on the Physical Protection of Nuclear Material (CPPNM) and called for early action with respect to the strengthening of CPPNM. States parties recommended the early convening of a diplomatic conference to amend the CPPNM. Many States parties called upon States that had not yet done so to accede to the CPPNM. Support was expressed for the IAEA's International Physical Protection Service (IPPAS). States parties welcomed the organizing in March 2003 of the International Conference on the Security of Radiological Sources by the Russian Federation, the United States of America and the IAEA as well as its call for stronger national and international security over radioactive sources, especially those that could be used by terrorists to produce a "dirty bomb". The urgent need to deal with orphan sources was highlighted by many States. Support was expressed for a new initiative sponsored by the Russian Federation, the United States and the IAEA on the safe management of radioactive sources. All States were urged to implement the principles incorporated in the IAEA's Code of Conduct on the Safety and Security of Radiological Sources.

38. The importance of strengthening nuclear safety, radiation protection, the safety of radioactive waste management and the safe transport of radioactive materials was stressed. The need for maintaining the highest standards of safety at civilian nuclear installations through national measures and international cooperation was also emphasized. The efforts of the IAEA in the promotion of safety in all its aspects were welcomed. States parties that had not yet acceded to the Convention on Nuclear Safety, as well as the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, were encouraged to do so.

39. States parties emphasized that all transport of nuclear and radioactive material, including maritime transport should be carried out in a safe and secure manner in strict conformity with international standards established by the relevant international organizations, such as the IAEA and the International Maritime Organization. Some States parties called for effective liability arrangements, prior notification and consultation. States carrying out international transport stated that those transports are carried out in a safe and secure manner and in strict conformity with all relevant international standards. States parties welcomed the conclusions on safety contained in the IAEA General Conference resolution GC(46)RES/9. States parties commended and looked forward to the International Conference on the Safety of Transport of Radioactive Material, to be organized by the IAEA in July 2003, which will facilitate mutual understanding on transport safety among participants.

40. States parties attached importance to resolution 56/24 L of the United Nations General Assembly on the Prohibition of the Dumping of Radioactive Wastes and called upon States to take appropriate measures to prevent any dumping of nuclear or

radioactive wastes that would be in breach of established international law. Support for the effective implementation of the Code of Practice on the International Transboundary Movement of Radioactive Waste of the IAEA as a means of enhancing the protection of all States from the dumping of radioactive wastes on their territories, was also expressed.

41. States parties reiterated their strong support for Article IV of the Treaty, which provides a framework for cooperation and confidence in the peaceful uses of nuclear energy. The inalienable right of the States parties to engage in research, production and use of nuclear energy for peaceful purposes without discrimination was reaffirmed. It was noted that full and transparent implementation of strengthened safeguards is necessary to build the confidence which is a prerequisite for international nuclear cooperation. A call was also made to fully ensure free, unimpeded and non-discriminatory transfer of nuclear technology for peaceful purposes. In this context, States parties expressed wide support for the technical cooperation activities of the IAEA, underlining that technical cooperation plays an important role in further developing the application of nuclear energy for peaceful purposes. It was also stated that full compliance with all provisions of the Treaty is the basic condition for receiving the benefits of Article IV. The importance of aligning technical cooperation programmes with the development goals and needs of the country concerned was emphasized, as well as the need to increase public awareness in this regard. States parties stressed the importance of providing the Agency with adequate voluntary resources for those activities. Attention was drawn to the significance of developing proliferation resistant nuclear technologies and support was expressed for the work being carried out by the IAEA under the INPRO (International Project on Innovative Nuclear Reactors and Fuel Cycles) project.

42. States parties took note of proposals for the further strengthening of the Treaty's review process. The importance of interactivity was emphasized and broader participation of States parties was encouraged.

43. Many States parties emphasized the value of the involvement and contribution of civil society in the process of Treaty review. Substantive proposals were made for the enhanced participation of non-governmental organizations.

Appendix "B"

Keynote Address

The NPT -- Yesterday, Today, and Tomorrow

by
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The NPT -- Yesterday, Today, and Tomorrow
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I am grateful for the opportunity to speak with you today -- actually, grateful in three respects. First -- for the privilege of addressing an audience that cares deeply about the goals of nuclear disarmament and non-proliferation. Second -- for the honour of discussing these issues in this historic city of peace. And third -- for this invitation to provide some personal reflections upon the Nuclear Non-Proliferation Treaty (NPT), a legal instrument that has contributed enormously to international peace and security, but that still has much to accomplish. Indeed, obituaries of the NPT are already being written by some, but - as Mark Twain famously commented upon reading his own obituary - the reports of the treaty's demise are "greatly exaggerated."

The NPT is of course much more than just a "non-proliferation" treaty. It also obligates all its parties to pursue negotiations in good faith on effective measures relating to nuclear disarmament, a duty unanimously reaffirmed by the International Court of Justice in its historic advisory opinion of 1996. Yet while the original architects of this treaty appreciated the inseparable link between disarmament and non-proliferation, nobody ever argued that the NPT alone offers any "silver bullet" that will instantly produce a nuclear-weapons-free world.

After many years of dealing with this treaty, I am more convinced than ever that the fulfillment of its basic goals depends upon one crucial factor -- the existence, persistence, and ultimate triumph of political will of all the States parties. It would therefore make good sense for all of us to consider the current state of that political will and what is needed -- from civil society and its leaders -- to strengthen it in the years ahead.

This approach recognizes that political will does not appear out of thin air -- it is nurtured and practiced by human beings who are, after all, the ultimate beneficiaries of the success of global non-proliferation and disarmament efforts. Treaties can say many significant things, but if there is no political will to implement them -- or to defend them when they are challenged by contradictory policies -- they risk becoming mere ornamental offerings to dead or dying concepts, ready to be cast aside by the course of events. Nobody can afford to remain ambivalent about the outcome of such events, especially when they might one day include a nuclear war.

The Treaty Yesterday

If all States parties to the NPT back in 1995 were fully content with the treaty's implementation, the crucial Review and Extension Conference that year would have been a *pro forma* event yielding only one, unsurprising outcome: an indefinite extension. Yet such a decision was anything but a foregone conclusion. I was fortunate to serve as the President of that Conference and to this day I often think about the process that led to that fateful decision and its aftermath. In his recent memoirs, entitled Disarmament Sketches, then-US Ambassador Thomas Graham - who was a key member of the US delegation to this conference -- wrote that I was not at the time sanguine about the NPT's indefinite extension. He wrote that I viewed successive twenty-five-year extensions -- with automatic transitions from one period to the next -- as "the best possible outcome for the NPT," and that I "was not sure even this could be achieved."

It is true, I did have my doubts about the outcome, up to virtually the last day of the event - doubts that were heightened by an unresolved procedural dispute over how we would vote if consensus was not possible. While the treaty was indefinitely extended as a result of a key decision, other decisions provided for enhanced accountability through a strengthened review process, and a set of Principles of Objectives for Nuclear Non-Proliferation and Disarmament. These decisions, plus the Middle East Resolution, together constitute the integrated "package" that led to the indefinite extension. This outcome was the result of resolute political will that forged the parochialism of separate

national perspectives into a unity representing the common interest of humankind -- it was, as it were, multilateralism at one of its finest moments.

Expressing my personal views in closing the conference, I stated that the final decision on the indefinite extension was not as a zero-sum triumph of one bloc of countries over another, but a triumph of the Treaty itself -- a treaty whose full implementation would serve the interests of all. I also cautioned, however, against "smug complacency" of progress in the fields of disarmament and non-proliferation. Unfortunately, various events in the intervening years have only reinforced my concerns. The incomplete and uneven implementation of the treaty's review process offers many warning signs of trouble ahead for the NPT.

Let us recall that the basic tasks of the NPT's review process are to assess results and to consider ways to promote the treaty's full implementation. Accountability is the *raison d'être* of the review process. In the years immediately after 1995, however, the NPT has suffered many blows from both outside and inside the treaty regime. In 1998, the eleven nuclear tests in South Asia by two non-NPT states were a harsh reminder of the treaty's lack of universality and a "vote of no confidence" by these states in the value of the treaty in advancing their security interests.

Concerns also persisted in this period about the proven non-compliance of two NPT States parties -- the Democratic People's Republic of Korea and Iraq - and how compliance was to be restored. Some states made additional allegations about another State party, Iran. The non-nuclear-weapon States, meanwhile, objected to the lack of concrete evidence of progress on nuclear disarmament, and the lack of transparency with respect to the P5's nuclear-weapons programmes.

Nevertheless, the 2000 NPT Review Conference marked several steps forward for the treaty -- and for multilateralism -- including agreement on thirteen practical steps for the systematic and progressive efforts to implement article VI of the treaty, relating to nuclear disarmament. Among these steps was an "unequivocal undertaking" by the nuclear weapon States "to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament." While the ability of the States parties to agree on a Final Document was itself a significant achievement, the thirteen steps were especially welcome, for they provided an invaluable set of benchmarks for assessing progress in achieving nuclear disarmament.

The Treaty Today

My musings about the NPT in 1995 and the succeeding years, however, are not intended purely for historical interest -- I raise them because of their direct bearing upon the status of the NPT today and its future.

The complacency I feared in 1995 is now running rampant -- many states view the 1995 indefinite extension as a "done-deal," rather than a continuing work-in-progress.

While the overwhelming majority of States parties have demonstrated an excellent record of living up to their NPT obligations, compliance issues nevertheless continue to arise with respect both to disarmament and non-proliferation. The IAEA's Additional Protocol would help significantly in strengthening safeguards in non-nuclear-weapon States - and thereby alleviate potential compliance concerns - yet the Protocol has only entered into force in only 32 States.

Universality raises another challenge that remains very much with us today -- and I mean "universality" here in a double sense: in retaining States parties as members of treaty, and in bringing in new members. The DPRK's announcement last January of its intention to withdraw from the NPT raises a closely related issue of the "irreversibility" of NPT commitments and the confidence they engender -- an issue that is not at all fully resolved and that will continue to shape the future of the treaty.

Another serious and persisting problem facing the treaty is its lack of transparency, both with regard to peaceful uses of nuclear energy and to details about the size of the five nuclear-weapons programmes and their respective stocks of fissile nuclear material. Without doubt the clearest indicator of a problem in this latter area relates to the futility of persistent efforts by the non-nuclear-weapons States and many groups in civil society to obtain a definitive answer to the most fundamental question of all -- how many nuclear weapons exist in the world?

The Stockholm International Peace Research Institute and the US-based Natural Resources Defense Council each claim that over 30,000 such weapons remain. Yet what is the right figure and how is the world to verify such claims? The answer is more than academic -- if SIPRI's estimate for 2002 is compared with the NRDC's estimate for 1970 - when the NPT entered into force -- this shows a net reduction of 1,353 weapons over the life of the treaty. According to these figures, nuclear disarmament is proceeding at a rate of only about 42 weapons a year. Can the world afford to wait literally hundreds of years to fulfill the promise of Article VI?

Adding to this problem, some nuclear-weapon States are devising new rationales and doctrines to expand the circumstances in which these weapons would be used -- including doctrines that threaten preemptive nuclear strikes, even against non-nuclear-weapon States, and that reaffirm the great value of such weapons in advancing key security interests. They are also considering the development of new nuclear weapons. Many other NPT non-nuclear-weapon States, while supporting disarmament as a goal, continue to enjoy the security benefits from the nuclear umbrella, which remains based on the deadly doctrine of nuclear deterrence and first-use.

Meanwhile, the votes each year on nuclear disarmament resolutions in the General Assembly's First Committee remain deeply divided, the Conference on Disarmament has been unable to make any progress on nuclear disarmament for many years, and earlier this month, the UN Disarmament Commission -- following three years of deliberations (not counting its failure to meet last year for its 50th anniversary) -- adjourned its 2003 session without any consensus on "ways and means to achieve nuclear disarmament."

My intention here is not to gainsay the welcome progress in recent years, but to point to some very serious challenges that continue to face the treaty in such a climate. The Strategic Offensive Reductions Treaty is reportedly reducing significantly the numbers of deployed strategic nuclear weapons possessed by the United States and the Russian Federation -- a welcome development indeed, even considering that the treaty did not require the physical destruction of a single warhead or delivery system. From the perspective of the other NPT States parties, there is virtually no transparency in these reductions -- and certainly no independent verification. The nuclear-weapon States, meanwhile, continue to resist efforts by some states -- notably Canada and Germany -- to address the transparency problem through improved reporting requirements. Many countries are also noting the lack of substantial progress in fulfilling most of the other thirteen steps for nuclear disarmament.

Another great challenge facing the treaty relates to questions that have arisen in the context of the recent war in Iraq, particularly with respect to enforcement. While enforcement concerns existed long before the war, the inability of the Security Council to reach a consensus on a common approach to enforce disarmament norms in Iraq has profound implications for the NPT - if not the rule of law in general. Will the war serve as a deterrent to future proliferation or will it only encourage states to seek nuclear weapons? How has the war affected the future of multilateral inspections as a means to eliminate proliferation risks? What is the future of multilateral sanctions, up to and

including the use of force, if the Council is divided? Clearly, how these questions are eventually answered will have a profound effect upon the future of the NPT.

The Treaty Tomorrow

The treaty undoubtedly faces many very serious challenges in the years ahead. One of the most serious relates to the basic legitimacy or fairness of the treaty -- there is a persisting, widespread perception amongst many States parties that the fundamental NPT bargain is discriminatory, as many of its critics have long maintained. If the States parties are ever going to exorcise the ghost of "nuclear apartheid" from this treaty, this can only be achieved through the full implementation of the 1995 package and the nuclear disarmament commitments made at the 2000 NPT Review Conference. This will also require some substantial progress in establishing highly-credible and legally-binding security assurances. The road ahead for this treaty will be influenced greatly by the road behind.

The road traveled thus far has, regrettably, not included much by way of internal institutional reform of the NPT system. While the treaty has demonstrated its resilience in responding to new challenges, I have long advocated the establishment of an NPT Executive Council to assist the States parties between the various plenary meetings, to monitor relevant developments, and more generally to strengthen the treaty's institutional memory.

This of course requires a great deal of progress in international cooperation - for just as the spirit of multilateralism allowed the NPT to be extended indefinitely in 1995, so too is that spirit needed today to guide the efforts of the world community in the disarmament and non-proliferation fields in the years ahead. There is, in fact, no alternative path to a more peaceful and secure world.

It is a truism to say that accomplishing the total elimination of nuclear weapons will not be an easy task, yet I find it hard to believe that the people of the world are willing to rush to the currently available alternatives as a basis for world security. Neither the endless pursuit of unilateral defensive measures nor the perpetual drive for military superiority can produce a world free of nuclear weapons -- such steps are more likely to produce a world full of nuclear weapons. The more the horrible flaws in such strategies are critically examined, the more attractive nuclear disarmament becomes as a practical and effective alternative.

With respect to the need to strengthen non-proliferation controls in the future, I can think of no better single initiative than to make the IAEA's Additional Protocol mandatory as a condition for cooperation in the peaceful use of nuclear energy. The existence of this Protocol is living proof that the IAEA safeguards system is capable of learning from its experiences. Reinforced by a multilateral ban on the production of weapons-usable nuclear material, these enhanced safeguards would in the years ahead strengthen substantially the peaceful-use and non-proliferation norms in the treaty.

These initiatives will also help significantly in addressing the growing dangers of nuclear material and expertise being acquired by terrorist groups - illustrating once again the variety of ways the NPT contributes to international peace and security.

No discussion of the future of the NPT would be complete without mention of Article VII, dealing with the right of any group of States to create a regional nuclear-weapon-free zone. Given that such zones now cover virtually the entire Southern Hemisphere, there is great merit in extending this concept north of the Equator. I have been working for many years to assist the five Central Asian states to establish such a zone. Last September, these states reached a consensus in Samarkand on the text of treaty to achieve this goal. Its signature, however, has been delayed for several months due to consultations with the nuclear-weapon States. If these consultations are carried on

in a cooperative spirit, I am confident they will succeed - if not, they could result in a de facto veto. All NPT States parties -- especially the nuclear-weapon States -- should support the early creation of this zone as a urgent priority.

The future of the treaty will also be shaped in extremely important ways by the support it receives from civil society. This applies particularly to the younger generation, and strongly underscores the importance of disarmament and non-proliferation education. I have valued for many years the persistent efforts of non-governmental organizations in furthering the goals of the Treaty -- not just in 1995 or 2000, but throughout the NPT's existence. How appropriate it is that here in Geneva -- once home to Jean-Jacques Rousseau -- we would be reaffirming the role of civil society in promoting collective interests. He would have recognized the 1995 package -- if not the NPT itself -- as a form of "social contract" intended to serve the general will -- something far more than just the sum of the particular wills of the members of international society. He would have appreciated Secretary-General Kofi Annan's repeated references to civil society as "the new superpower" -- for even as the power of states continues to grow, so too do the underlying forces of popular sovereignty that provide the foundation for all political authority.

It is an historical fact that the Final Document of the 2000 NPT Review Conference reaffirmed that "the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons." I believe that an informed, united, and determined public offers the only absolute guarantee of actually achieving this goal. Where does the future of the NPT lie? It lies most of all in the support it enjoys among the people and its leaders.

In closing, allow me to call upon the words of another great citizen associated with the city of Geneva -- Voltaire -- whose character, *Candide*, called us all to "cultivate our garden." The destiny of the NPT is not foreordained -- it will be cultivated by human effort and shaped by the forces of political will. I welcome the support you have shown in this important cause and wish you well in your efforts in the years ahead.