

NPT in Crisis?

**Verified compliance is the key
to moving forward**



**Nigel Chamberlain
Kathryn Crandall**

Authors

Nigel Chamberlain, *Analyst/Press Officer*

Before joining BASIC in October 2002, Nigel worked for the Campaign for Nuclear Disarmament for 3 years as their Press Officer and for 6 years before that as CND Regional Development Worker in Cumbria and North Lancashire. He has written extensively for CND on nuclear, European security and missile defence issues. Formerly a school teacher, Nigel has an MA in Sociology from the University of Alberta in Canada.

Kathryn Crandall, *Analyst*

Kathy joined BASIC's Washington office at the beginning of November. She has worked previously for the Nuclear Disarmament Partnership, Alliance for Nuclear Accountability and Physicians for Social Responsibility. She brings to BASIC a solid knowledge-base on nuclear weapons issues and US policy-making processes.

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BASIC London
Lafone House
11-13 Leathermarket Street
London SE1 3HN
Tel: +44 (0)20 7407 2977
Fax: +44 (0)20 7407 2988
Email: nchamberlain@basicint.org

BASIC Washington
1012 14th Street, NW
Suite 900
Washington, DC 20005
Tel: +1 202 347 8340
Fax: +1 202 347 4688
Email: kcrandall@basicint.org

<http://www.basicint.org>

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NPT in Crisis?

Verified Compliance is the Key to Moving Forward

The Preparatory Committee meeting of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons in Geneva 28 April to 9 May 2003

Introduction

The end of the Cold War promised much for the cause of nuclear disarmament but delivered very little as new justifications for retaining nuclear weapons were devised by the declared Nuclear Weapons States (NWS) Parties to the 1970 Treaty on the Non-Proliferation of Nuclear Weapons (NPT). The objective of 'universality' - every nation in the world signed up to the NPT - has been undermined as Israel, then India and Pakistan unofficially joined the 'nuclear club'.

International norms and control measures to prevent horizontal proliferation began to unravel as several nations, and even non-state actors, decided that they too would invest in the means to acquire fissile material, warhead technology and delivery systems. The historic bargain between the NWS and the Non-Nuclear Weapons States (NNWS) Parties to the NPT is now faced with both 'breakout' and declining legitimacy.

A US 'counter-proliferation' strategy has been in gestation for many years, but was given a fresh impetus by the terrorist attacks of September 11, 2001. The potential nexus between nuclear weapons and terrorism is the leading security issue in the United States and much of Europe today. In light of this new threat, progressive arms control and international diplomacy have been discarded by the Bush administration in favour of disarmament by forceful intervention, pre-emptively if required and with nuclear weapons if necessary.

Several states are now either actively seeking to develop their own nuclear programmes or engaging with states or non-state actors in order to acquire their own 'deterrents'.

The States Parties to the NPT will gather together at the Palais de Nations in Geneva from 28 April to 9 May 2003 to discuss moving forward on the agreements signed up to at the conclusion of the 2000 NPT Review Conference in New York, and against a challenging backdrop of:

- * war in Iraq, and its consequences;
- * the damaged credibility of the United Nations and its uncertain future;
- * Israel, India and Pakistan remaining defiantly outside the NPT;
- * the vacated seat of the Democratic Peoples' Republic of Korea (DPRK);
- * the increasing number of states with nuclear ambitions.

The challenges the NPT regime faces are daunting, to say the least. Sustained engagement and commitment to transparency might save it.

Compliance with the provisions of the NPT, by all States Parties

Given the perilous state of international relations, the looming threats of an enhanced role for nuclear weapons, the developing capabilities of the de facto nuclear weapons states and the prospect of widespread breakout among the NNWS, this briefing will concentrate on 'Strengthening the Review Process for the Treaty' (Decision 1, 1995) and 'Principles and Objectives for Nuclear Non-Proliferation and Disarmament' (Decision 2, 1995). To do this, we will review the extent to which the 'Programme of Action' (often referred to as 'the 13 practical steps towards global nuclear disarmament') agreed at the 2000 NPT Review Conference, has been implemented. Practical suggestions will also be highlighted that reflect both the current political

realities and the absolute necessity of sustaining and strengthening the NPT. The '13 steps' are summarised below:

1. Progress needs to be made on entry-into-force of the Comprehensive Test Ban Treaty (CTBT).
2. The moratorium on nuclear weapon test explosions must be maintained.
3. The Conference on Disarmament (CD) must move forward in establishing a Fissile Material Cut-Off Treaty (FMCT).
4. A subsidiary body with a mandate to deal with nuclear disarmament is needed.
5. The principle of irreversibility on arms control and reduction agreements must be applied to nuclear disarmament measures.
6. Progress on nuclear disarmament (implementation of Article VI) is required.
7. Implementation of arms reduction agreements and pursuit of binding agreements on further irreversible reductions must be instituted.
8. Greater emphasis must be attached to the implementation of the Trilateral Initiative and greater support must be forthcoming for the International Atomic Energy Agency (IAEA).
9. Confidence building measures and progressive steps to lower the nuclear threshold must be offered.
10. Further fissile material stocks must be put under IAEA Safeguards.
11. The ultimate objective of complete nuclear disarmament must be reaffirmed.
12. The formal reporting back by States Parties between Review Conferences - the accountability principle - must be instituted.
13. Enhanced verification measures must be agreed and implemented.

The 2000 Review Conference

Many observers will recall that the outcome of the 2000 Review Conference in New York was in doubt right up to the end of the four weeks of debate and negotiation. The closing remarks by the Conference President, Abdallah Baali of Algeria, were instructive:

Admittedly, our results may not appear commensurate with the magnitude of the tasks and challenges facing us and the expectations of the international community. However, these results must be seen against the background of the prevailing political circumstances.

His key themes were the preservation of the integrity of the NPT, the need for implementation of obligations and full compliance with all the Treaty's provisions, the paramount importance of achieving the goal of universality and the requirement to make the security assurances to the NNWS legally binding.¹

The NWS had issued a joint paper reiterating their 'unequivocal commitment to the ultimate goals of a complete elimination of nuclear weapons.'² This was quickly followed by a New Agenda Coalition (Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa, and Sweden) paper which asked that,

the five nuclear-weapons states make an unequivocal undertaking to accomplish the total elimination of their nuclear arsenals and, in the course of the forthcoming review period 2000-2005, to engage in an accelerated process of negotiations and to take steps leading to nuclear disarmament to which all states parties are committed to under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons.³

Attached to Step 9 of the '13 steps' were six suggested means of moving towards nuclear disarmament. They can be summarised as:

- * increased effort by the NWS to reduce their nuclear arsenals unilaterally;
- * increased transparency by the NWS about their nuclear weapons capability;

1. 'Closing Remarks by Conference President Abdallah Baali', 2000 NPT Review Conference, 19 May 2000.
2. Statement by UN Permanent Five (P5) Nuclear Weapons States, 1 May 2000.
3. Statement by the New Agenda Coalition, Main Committee 1, 2 May 2000.

- * further reduction of non-strategic nuclear weapons;
- * a reduction in the operational status of nuclear weapons (de-alerting);
- * a diminished role for nuclear weapons in security policies (doctrines); and
- * the engagement of all NWS in facilitating the elimination of nuclear weapons.

Despite the prevarications and lack of substantive progress until the very last minute, when the prospect of failure forced a compromise, particularly by the NWS, the 2000 Review Conference was considered a success, on paper at least.

However, in a thought-provoking address to the UK All-Party Group on Global Security and Non-Proliferation in July 2000, Under-Secretary-General for Disarmament Affairs, Jayantha Dhanapala, spoke about the challenge of 'sustainable disarmament'.⁴ This, according to Dhanapala, requires an educated public, enlightened leaders and strong institutions. Unfortunately, it is clear that in 2003, public understanding of these issues is poor, world leaders of adequate stature do not appear to exist (or if they do, their attention is focused elsewhere), and international institutions are being undermined or simply ignored.

It is timely to promote Jayantha Dhanapala's suggestion of convening a fourth General Assembly special session on disarmament or UN Secretary General Kofi Annan's Millennium Declaration suggestion of a major international conference focusing on the elimination of nuclear dangers. Such efforts might both heal the diplomatic wounds caused by the war in Iraq and restore belief in the practicability of arms control, non-proliferation and nuclear disarmament.

Was any progress made at the 2002 PrepCom?

The 2002 PrepCom was a difficult and sometimes contentious series of meetings with the NWS generally unwilling to move forward on the agreements in the final document of the 2000 Conference and the NNWS coalescing around the principle of standardised reporting by States Parties on their progress on measures to achieve nuclear disarmament - the so called 'accountability principle'. This one issue, and the lack of preparedness of NWS to compromise on it, almost resulted in Conference Chairman, Henrik Salander, suspending the PrepCom.

In the event, a Chairman's factual summary was presented and the conference was closed without further debate. The key conclusions in the factual summary were as follows:

- * preserving and strengthening the NPT is vital to international peace and security;
- * a reminder that States Parties had stressed their commitment to the Final 2000 Conference document;
- * the achievement of 'universality' is essential;
- * non-proliferation is best strengthened by full compliance of all Member States;
- * strong support was expressed for the enforcement of existing multilateral treaties;
- * transparency and confidence-building measures are essential in pursuit of Article VI, as are balanced, incremental and reinforcing steps towards nuclear disarmament;
- * concern was widely expressed about the continued reliance on nuclear weapons and the prospect of the development of a new generation of nuclear warheads;
- * further reductions in non-strategic nuclear weapons should be pursued;
- * greater support for the IAEA in its monitoring, inspection and verification roles in addition to the need for a strengthened safeguards system would be advantageous;
- * NWS Parties reporting back on progress on Article VI was considered appropriate;
- * further development of, and more recognition for regional nuclear weapon-free zones, particularly in the Middle East and South Asia;
- * negative security assurances should become unconditional and legally binding;

4. 'Eliminating Nuclear Arsenals: The NPT Pledge and What It Means' by Jayantha Dhanapala, House of Commons, 3 July 2000.

This was a comprehensive summary, welcomed by most delegations and NGO observers to the 2002 PrepCom, but non-compliance and the lack of any political will to move towards compliance remains a major, even debilitating problem. Specifically, ratification of the CTBT, progress on Article VI issues, the reaffirmation of negative security assurances, weakness and overstretch at the IAEA and standardised reporting by States Parties require much greater impetus in advance of the 2005 Review Conference.

The Comprehensive Test Ban Treaty and related issues

There are currently 166 Member States to the CTBT and 98 have ratified the treaty including all Member States of NATO, except the United States.⁵ Support for the CTBT's entry into force must be an issue for discussion in Geneva. Attention should also be focused on the work of the International Monitoring System (IMS), the International Data Centre (IDC) and the Preparatory Commission of the CTBT Organisation (CTBTO) in order to enhance confidence that the treaty can be effective and verified.

Meanwhile the international moratorium on testing must be maintained and its success should be promoted and reinforced in Geneva, including reference to the restraint shown by India and Pakistan following their series of earlier reciprocal tests. In 1999, The US Senate rejected ratification of the CTBT after a hasty and partisan debate. The Bush Administration has indicated that it will not pursue ratification of the CTBT and has taken steps to undermine efforts to advance entry into force of the treaty, including voting against consideration of the treaty at the UN General Assembly and refusing to provide funding for parts of the treaty's verification inspection regime. The United States did not send a representative to the November 2001 Article XV Entry-into-Force Conference.⁶

At the same time, the Administration has sought funding to 'enhance' test readiness and shorten the preparation time for the resumption of full-scale nuclear explosions from the current 24-36 months requirement to 18 months.⁷ Despite expert analysis to the contrary, some US testing advocates believe that resumption of nuclear weapons testing may be required to certify the safety and reliability of the ageing US nuclear stockpile. In contrast, a recent National Academy of Sciences study 'Technical Issues Related to the Comprehensive Nuclear Test Ban Treaty' concluded, 'No need was ever identified for a program that would periodically subject stockpile weapons to nuclear tests.'⁸

Additionally, the US Nuclear Posture Review (NPR) calls for exploration of advanced weapons concepts, including development of new and modified nuclear weapons capabilities that could lead to the resumption of testing.⁹ Currently, work is underway on a Robust Nuclear Earth Penetrator (RNEP) - a modified nuclear weapon designed to destroy deeply buried hardened targets. This current effort is unlikely to involve nuclear testing but future advanced concepts work on new or modified nuclear weapons capabilities may require full-scale nuclear test explosions. The Bush Administration has also stated its wish that Congress rescind a legislative prohibition on the development of low-yield nuclear weapons below five kilotons. This bar on the development of low-yield nuclear weapons has been in place for nearly a decade, but the Administration claims that the legislation 'impedes the effort' spelled out in NPR to explore new nuclear weapons capabilities.¹⁰

These developments stand in contradiction to US commitments to the NPT and must be addressed in Geneva as they send the wrong message to the world community and will, effectively, lower the nuclear threshold by blurring the distinction between conventional and nuclear weapons. Other NWS

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5. This is the CTBT Organization's tally on March 25, 2003. The updated list can be viewed at <http://www.ctbto.org>
 6. D. Kimball and C. Kucia, 'The International Security Value of the Nuclear Test Ban Treaty', Arms Control Association Issue Brief, November 2002. See also K. Crandall "Test Ban AWOL from Washington's WMD Strategy' *BASIC Notes* 24 January 2003 (<http://www.basicint.org/pubs/Notes/TBAWOL.htm>).
 7. The US Department of Energy FY 2004 Budget Request. National Nuclear Security Administration / Weapons Activities / Readiness in Technical Base and Facilities (RTBF) / Program Readiness / Nevada Test Site Readiness and Test Readiness (<http://www.mbe.doe.gov/budget/04budget/content/weapons/rtbf.pdf>). In Congress there have been efforts to reduce the test readiness posture to one year or less. See K. Crandall, 'The Bush Nuclear Posture Review's First Budget in Congress', *BASIC Paper Number 43*, February 2003.
 8. 'Technical Issues Related to the Nuclear Test Ban Treaty', National Academy Press, 2002. (<http://www.nap.edu/books/0309085063/html>). For further consideration of testing polices and test readiness see K. Crandall *ibid*.
 9. The US Department of Defense, Nuclear Posture Review Report, [Excerpts] <http://www.globalsecurity.org/wmd/library/policy/dod/npr.htm>

might feel justified to follow such a lead, thereby offering justification for a resumption of testing in India and Pakistan and encouraging 'breakout' elsewhere.

The UK was an early signatory to the CTBT, and Foreign Secretary Jack Straw signed a Joint Ministerial Statement supporting a call for ratification of the treaty, concluding, 'we will spare no effort in seeking to realise the vision of a ban on nuclear weapons test explosions'.¹¹

Scientists from the UK Atomic Weapons Establishment (AWE) at Aldermaston have close working relations with scientists at the nuclear weapons laboratories in the United States. As well as extensive work on certifying the safety and reliability of the UK's stockpile of 200 Trident warheads, AWE also has a responsibility to maintain a capability to design and develop new warheads. The UK has participated in the US sub-critical test programme, of which one explicit purpose is to maintain the readiness the Nevada Test Site for a resumption of full-scale nuclear test explosions.¹²

While the UK denies that it is considering work on either a RNEP or a low-yield warhead, it is not clear what information US and UK scientists share related to advanced concepts and new nuclear weapons capability developments. Given the US open declaration of its intent in this regard, the UK must be pressed to be more forthcoming about the nature of its cooperation. This grey area should be further examined as a possible breach of the provisions of Article III of the NPT. As a country obligated to working toward the CTBT's entry into force, the UK should make clear, public efforts to encourage the United States to ratify and comply with the CTBT. **At the very least, the UK should not continue nuclear cooperation with the United States should there be a US decision to resume full-scale nuclear weapons testing.**

Lack of progress on Article VI

President Bush and President Putin signed the Strategic Offensive Reduction Treaty (SORT) in Moscow on 24 May 2002. This treaty committed both countries to reduce their operationally-deployed warheads by approximately two-thirds from 6,000 each to between 1,700 and 2,200 by 2012, but it is unlike the strategic nuclear weapons reduction agreements of the past. Warheads removed from missiles may be placed in a responsive posture and held in reserve for possible re-deployment, thus undermining the principle of 'irreversibility'. Aware that SORT would in no way restrict the further development of upgraded delivery systems, or require dismantlement of a single warhead, the US Senate unanimously ratified the treaty on 6 March 2003. Reacting to the US-led military strike on Iraq, the Russian Duma declined to ratify it on 18 March 2003, but has stated that it will later consider ratification.

The UK Government, while expressing commitment to the NPT, has indicated that it has gone as far as it feels able towards nuclear disarmament until such time as the two major NWS reduce their arsenals closer to the UK's operational stockpile of 200 warheads. Each of the four Trident nuclear-powered submarines can carry up to 16 US-fabricated and maintained D-5 missiles but will deploy no more than 48 warheads while on patrol according to the 1998 Strategic Defence Review. HMS Vanguard, the oldest Trident submarine, is currently undergoing extensive refit in the Devonport naval dockyard. The Ministry of Defence has indicated that this system will remain in service until 2030.

Non-strategic or tactical nuclear weapons are the forgotten issue of the NPT and remain outside formal arms control agreements. Reciprocal, unilateral reductions by the United States and Russia in the early 1990s

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10. The US Department of Defence Draft Defense Authorization Bill, Sec. 211. This was sent to Congress the first week of March 2003. The DoD justification for this provision states, 'It is prudent national security policy not to foreclose exploration of technical options that could strengthen our ability to deter, or respond to, new or emerging threats. In this regard, the Congressionally-mandated NPR urged exploration of weapons concepts that could offer greater capabilities for precision, earth penetration (to hold at risk deeply buried and hardened bunkers), defeat chemical and biological agents, and reduce collateral damage. The PLYWD legislation [restriction prohibiting development of nuclear weapons with a yield below five kilotons] impedes this effort.' For further background on recent legislative developments on testing and new nuclear weapons capabilities see K. Crandall, *op cit* note 7. For in depth background on new nuclear weapons capabilities see M. Bromley, D. Grahame, and C. Kucia, "Bunker Busters: Washington's Drive for New Nuclear Weapons", BASIC Research Reports 2002.2, July 2002. (<http://www.basicint.org/pubs/Research/2002BB.pdf>)
 11. Joint Ministerial Statement on the CTBT, presented at the UN, New York, September 14, 2002 by Australia, Japan and the Netherlands, paragraph 8.
 12. 'Test Ban AWOL from Washington's WMD Strategy' by K. Crandall, BASIC Notes, 24 January 2003. (<http://www.basicint.org/pubs/Notes/TBAWOL.htm>)

have never been subject to any accountability or verification. **Given that there may still be thousands of tactical nuclear weapons in Russia and heightened tension about them falling into the hands of non-state actors, it is surely time that this deficiency was addressed by States Parties as suggested in a working paper to the 2002 PrepCom by Germany.**¹³ This subject would, of course, require the United States to address their much smaller number of tactical nuclear weapons deployed on the territory of Member States of NATO in Europe.

It is perhaps not surprising there has been no substantive progress on nuclear disarmament given the unwillingness to consider the possession of nuclear weapons as anything other than the ultimate guarantee of security. Disturbingly, nuclear policy is being modified in a way that seeks to legitimise the use, not merely the threat of use, of nuclear weapons as an extension of conventional warfare, or as a counter to unconventional attack. For example, recent US strategies and policy directives indicate that pre-emptive strikes are now defined as an effective method of deterrence, and pre-emptive use of nuclear weapons is being seriously contemplated.¹⁴

Unless, and until, the NWS acknowledge that their adherence to nuclear deterrence theory stands in fundamental contradiction to their NPT obligations, a nuclear weapon-free world will remain an admirable, but unobtainable aspiration. Already weary of the obduracy and blocking tactics of the NWS on implementation of Article VI, most of the NNWS are losing patience, while a significant minority are using this impasse as justification for seeking their own 'deterrents'.

The NPT was drafted to acknowledge two different groups: the nuclear 'haves' and the 'have-nots'. The so-called P5 countries that joined the NPT as NWS, believe they have special status as 'recognised' nuclear powers. This has resulted in a form of arrogance that tends to overlook the P5's special responsibilities. Being a 'declared' NWS is not the same as being a 'recognised' NWS. In all of this the objective of the NPT is to have all States Parties sharing the same nuclear weapon-free status.

Negative Security Assurances

The redefinition of nuclear policy alluded to earlier has a direct and detrimental impact on the viability of the negative security assurance (NSA) commitments given by the NWS to the NNWS. These assurances, initially made in 1978, strengthen the NPT and were reiterated by the unanimous adoption of UN Security Council resolution 984 on 11 April 1995.

According to excerpts published in the *Washington Times* on 31 January 2003, President Bush signed National Security Presidential Directive 17 stating:

The United States will continue to make clear that it reserves the right to respond with overwhelming force - including potentially nuclear weapons - to the use of [weapons of mass destruction] against the United States, our forces abroad, and friends and allies.¹⁵

Although there has been no formal UK Government statement, comments by Prime Minister Blair and Defence Secretary Hoon seem to suggest a line similar to the United States. In March 2002, Geoff Hoon indicated to a Parliamentary Committee that he would consider the use of nuclear weapons in response to a chemical or biological attack by Iraq on British forces.¹⁶ He repeated this position under close questioning in a television interview the following weekend.¹⁷ In January 2003, Tony Blair told a Parliamentary Committee that 'we would deal with it in any way that we thought necessary', in response to a question about threatening the use of nuclear weapons against Iraq if British forces were under attack from non-conventional weapons.¹⁸

Similar statements have been made by previous US and UK governments. Following the end of the Cold War, nuclear policy doctrines in both countries were redefined to meet new circumstances, including the threat to use of 'sub-strategic' nuclear weapons to deter potential aggression against deployed forces overseas and worldwide 'interests'. This redefinition was partly responsible for the refusal to agree to a 'no

13. 'Non-strategic nuclear weapons', a working paper submitted by Germany to the NPT PrepCom, 11 April 2002.

14. 'The Nuclear Option in Iraq', article by William M. Arkin in *Los Angeles Times*, 26 January, 2003.

15. 'Bush approves nuclear response' article by Nicholas Kravov in *The Washington Times*, January 31, 2003.

16. Statement before the House of Commons Defence Committee, 20 March 2002.

17. Transcript from the Jonathan Dimbleby Programme, 24 March 2002.

18. Oral evidence before the House of Commons Liaison Committee, 21 January 2003.

first use' policy by the US and UK individually, and by NATO collectively. Unquestionably, NSAs have been marginalised as a result.

NSAs have been further undermined by the growing use of the generic and emotive term 'Weapons of Mass Destruction' (WMD) to describe nuclear, chemical and biological weapons. Such terminology reduces the understanding of the unparalleled destructive capacity of nuclear weapons compared to the less destructive effects of chemical and biological weapons. It also gives licence to policy makers to plan for nuclear use against chemical or biological weapon attack using the term WMD, when it is clear no nuclear weapons are held by the perceived aggressor nation or non-state actor.

It is imperative that the negative security assurance obligations of the NWS are reaffirmed in Geneva and that it is understood that they take precedence over nuclear policy statements made by individual States Parties and alliances of States Parties. As NSAs are such important confidence-building factors on the road to a nuclear weapon-free world, it is time they were awarded legally-binding status.

IAEA and safeguards

Established in 1957, the International Atomic Energy Agency (IAEA) was given the dual role of promoting the peaceful use of 'atomic energy' whilst simultaneously trying to ensure that this use was not put to any military purpose. Article III of the NPT reinforced this dual role.

Safeguards have thus always been the IAEA's responsibility, although the Agency acknowledges that they 'cannot physically prevent diversion of nuclear materials or the setting up of an undeclared or clandestine nuclear weapons programme'.¹⁹ Rather the aim is to 'detect' the diversion of a 'significant quantity' (SQ) of nuclear material in a timely manner. Based on a 1968 Report to the UN, the IAEA defines an SQ as 8 kg of plutonium and 25 kg of highly enriched uranium.

Many criticisms can be made of the safeguards regime:

- * it is often slow, secretive and bureaucratic;
- * states can make nuclear weapons with far less material than the SQ;
- * measurement uncertainties limit the adequacy of safeguards at bulk handling facilities such as reprocessing plants and Mixed Oxide (MOX) fuel manufacturing plants;
- * the IAEA has no executive powers and its work is constrained by the amount of verification that states are willing to accept; and
- * the Agency's role in promoting nuclear power sits uneasily alongside its safeguards role.

Nonetheless, with safeguards expertise in limited supply, the IAEA is the only currently viable organisation for safeguarding plutonium and highly enriched uranium on a worldwide basis. Ideally its role in international security and safety should be strengthened at the expense of its work on technical assistance and the promotion of nuclear energy.

However, the Agency faces a major problem in relation to resources. Since the mid-1980s its budget has seen zero real growth even though the number of countries, facilities and amounts of nuclear material it has to safeguard have increased dramatically. In 2001 it was responsible for monitoring over 900 facilities while the number of SQs of nuclear material it safeguarded had risen from 37,890 in 1985 to 117,162.²⁰

Following the discovery of Iraq's clandestine nuclear weapons programme after the first Gulf War, the IAEA attempted to beef up safeguards procedures, culminating in the adoption of an Additional Protocol in 1997. This gives the Agency wider inspection and information access abilities. Unfortunately, the budgetary constraints are limiting the speed at which the new Additional Protocol can be introduced and by September 2002 it was in force in only 26 states.²¹

19. IAEA, 'The IAEA Safeguards System: Ready for the 21st Century', Part VI (<http://www.iaea.org/worldatom/Press/Booklets/Safeguards2/info.html>).

20. IAEA, Annual Report 2001, p. 130. (<http://www.iaea.org/worldatom/Documents/Anrep/Anrep2001>).

21. IAEA, 'Non-Proliferation of Nuclear Weapons and Nuclear Security: IAEA Safeguards Agreements and Additional Protocols', 2002, p. 14. (http://www.iaea.org/worldatom/Press/News/PDF/Engl_Nuke.pdf).

Since September 11, 2001, the IAEA has been asked to take on new responsibilities in relation to nuclear terrorism and the control of radioactive sources. Its appeals for additional resources to undertake this work have largely fallen on deaf ears. The Agency is also expected to take on new missions such as policing a Fissile Material Cut-Off Treaty (FMCT) and overseeing the disposition of excess weapons material. Against this background, the budgetary crisis in the IAEA is now in danger of weakening the effectiveness of the international safeguards system.

Standardised reporting

The issue of 'reporting' was highlighted at the 2002 PrepCom by Canada and in an NGO Presentation.²² Much has been said recently about the implementation and enforcement of UN resolutions. The provisions of the NPT do not include consideration of enforcement and, if implementation of the '13 steps' agreed at the 2000 Review Conference is to be realised, transparency and accountability are imperatives, which must be adopted.

Canada first introduced the term 'permanence with accountability' at the 1995 Review Conference in an effort to reinforce and strengthen the review process and encourage the effective implementation of the NPT. Continuing this theme at the 2000 Review Conference, we heard that, 'for Canada, the NPT always has been, and will always remain, a Treaty of commitment, not convenience' and the delegation called for the strengthened review process to be 'product-oriented'.²³ In a working paper to the 2002 PrepCom, Canada drew attention to the 2000 Final Document, which contained reporting requirements with regard to Article VI and the 1995 Middle East resolution.²⁴ The paper notes that the NWS carry a special responsibility for the fulfilment of Article VI but that all States Parties are subject to the reporting requirement.

Given the growing concerns about horizontal proliferation, diversion from safeguards to weapons programmes and non-state actors' reported interest in acquiring either fissile material or radioactive elements for incorporation into so-called 'dirty bombs', it is surely time for the introduction of the principle and practice of standardised reporting to be supported by all States Parties.

Key Issues for the Geneva PrepCom

BASIC believes that States Parties must address a number of key issues in Geneva, some of which we have referred to in this briefing paper; including:

- * the IAEA report on Iraq's nuclear programme and its need for an enhanced role and increased budget in order to more adequately respond to the growing demands made up it;
- * the future credibility of the United Nations and subsidiary bodies;
- * Israel, India and Pakistan's continuing defiance of NPT norms;
- * the withdrawal of the Democratic Peoples' Republic of Korea from the NPT;
- * the apparently increasing number of nuclear weapons-aspirant states;
- * the changes in nuclear policy by the United States and some of its NATO allies; and
- * the importance of strengthening the moratorium on testing and efforts to advance CTBT entry-into-force.

BASIC's NPT PrepCom 2003 webpage has background information and details of some preliminary transatlantic work on NSAs. (<http://www.basicint.org/nuclear/NPT/2003prepcom/main.htm>)

We are also producing several BASIC NPT Notes on some of these key issues in the two weeks prior to the start of the PrepCom on 28 April. Official conference papers will be posted, as and when they are made available. A brief final report of the outcome of the PrepCom will conclude this section by 12 May.

BASIC provides monthly e-mail updates of US nuclear weapons developments. To register to receive Washington Nuclear Updates directly, go to: <http://www.basicint.org/nuclear/NMD/email.htm>

22. 'Reporting by States Parties to the Non-Proliferation Treaty' by Carol Naughton, Campaign for Nuclear Disarmament, UK, April 2002.

23. Statement by Tariq Rauf, advisor to Canada's NPT Delegation, 5 May 2000.

24. 'Reporting by States Parties'; working paper submitted by Canada, 9 April 2002

Conclusions and Recommendations

1. Prioritise multilateral engagement on this issue

All States Parties should consider Under-Secretary-General for Disarmament Affairs Jayantha Dhanapala's suggestion of convening a fourth General Assembly special session on disarmament, or UN Secretary General Kofi Annan's suggestion of a major international conference focusing on the elimination of nuclear dangers. A major issue should be how best to respond to the DPRK withdrawal from the NPT and its wider implications.

2. Maintain the moratorium on nuclear testing

The international moratorium on nuclear testing must be maintained and its success should be promoted and reinforced in Geneva, including reference to the restraint shown by India and Pakistan following their earlier series of reciprocal tests. At the same time efforts to promote entry into force of the Comprehensive Test Ban Treaty should be addressed - nations that have not yet ratified the CTBT should be urged to do so.

3. Reject plans to develop 'low yield' nuclear weapons

US plans to develop 'low yield' nuclear weapons directly contradict NPT commitments. This issue must be highlighted in Geneva as it sends the wrong message to the world community and will, effectively, lower the nuclear threshold by blurring the distinction between conventional and nuclear weapons.

4. Scrap tactical nuclear weapons

Given that there may still be thousands of deployed or stored tactical nuclear weapons, and heightened tension about them falling into the hands of non-state actors, it is surely time that this deficiency was addressed by States Parties.

5. Reassess nuclear deterrence

Unless, and until, the NWS acknowledge that their adherence to nuclear deterrence theory stands in fundamental contradiction to their NPT obligations, a nuclear weapon-free world will remain an admirable, but unobtainable aspiration.

6. Reaffirm negative security assurances

It is imperative that the negative security assurance obligations of the NWS are reaffirmed in Geneva and that it is understood that they take precedence over nuclear policy statements made by individual States Parties and alliances of States Parties. As NSAs are such important confidence-building factors on the road to a nuclear weapons-free world, their elevation to legally-binding status is overdue.

7. Increase funding for the IAEA

Against the background of extra monitoring missions, the budgetary crisis in the IAEA is now in serious danger of weakening the effectiveness of the international safeguards system. Increased funding for the IAEA is an imperative.

8. Standardise reporting

Given the growing concerns about horizontal proliferation, diversion from safeguards to weapons programmes and non-state actors' reported interest in acquiring either fissile material or radioactive elements for incorporation into 'dirty bombs', it would be appropriate for all States Parties to support the introduction of the principle and practice of standardised reporting in advance of the 2005 Review Conference.

BASIC London
Lafone House
11-13 Leathermarket Street
London SE1 3HN
Tel: +44 (0)20 7407 2977
Fax: +44 (0)20 7407 2988
Email: nchamberlain@basicint.org

BASIC Washington
1012 14th Street, NW
Suite 900
Washington, DC 20005
Tel: +1 202 347 8340
Fax: +1 202 347 4688
Email: kcrandall@basicint.org

Website

<http://www.basicint.org>

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