

ODUMUNC 2010
Issue Brief for the
GA First Committee Disarmament and International Security (DISEC)



Recommendations for the 2010 Nuclear Non-Proliferation Treaty Review

by Przemyslaw Ozierski
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Introduction

Ridding the world of nuclear weapons has been among the most important goals of the United Nations since it was created. Stopping and reversing the spread of nuclear weapons is a vital part of this effort. These efforts expose basic conflicts within the international community. There have been many non-proliferation successes, but also important failures. Many observers believe the non-proliferation systems created in the 1960s and '70s is in serious trouble. The 2010 Review Conference may represent a vital opportunity to strengthen a weakening document.

In 1961 the Assembly adopted resolution on “Prevention of wider dissemination of nuclear weapon” which called for achieving permanent agreement on the issue. The resolution finally evolved into the Treaty on the Non-Proliferation of Nuclear Weapons, also known as *Nuclear Non-Proliferation Treaty* (NPT). The document opened for signature on 1 July 1968, and entered into force on 5 March 1970. Since then the NPT has been reinforced by agreements among nuclear suppliers like the Nuclear Suppliers Group to standardize and tighten nuclear export rules, safeguarding and inspection by the International Atomic Energy Agency (IAEA), embargoes on suspicious states, and special agreement with countries like India outside the NPT system. Many countries have abandoned their nuclear weapons programs, including Argentina, Belarus, Brazil, Kazakhstan, South Africa and Ukraine. But one country has withdrawn from the NPT and tested nuclear weapons (North Korea) and another might (Iran).

From 3 to 28 May 2010 the signatories of the NPT will meet in New York for the five-year review of the Treaty. This is the most important meeting by the international community on proliferation issues. Past meetings have been very tense and controversial. Some meetings have ended in failure, without a final document. Others have been more productive. The guidance for this conference will affect its chances of success and the future of the spread of nuclear weapons.

As the basic UN body responsible for general international principles, the General Assembly plays a major role on all matters of nuclear disarmament. Dominated by the 118 member states of the Non-Aligned Movement, it tends to stress measures that call for nuclear disarmament first by existing nuclear weapons states, and to insure that developing countries are assured free access to nuclear power for civilian uses. By setting the terms of the five-year Review Conferences of the NPT, it determines what those conferences are about, how acrimonious they will be, and whether they will be successful.

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Key terms

NPT: Nuclear Non-Proliferation Treaty of 1968
NNWs: Nuclear Weapons States (have)
NNWS: Non-Nuclear Weapons States (have not)
IAEA: International Atomic Energy Agency
CTBT: Comprehensive Nuclear Test Ban Treaty of 1995, not in force
FMCT: proposed Fissile Material Cutoff Treaty
NFS: proposed agreement to prohibit first use of nuclear weapons

NPT Summary

The 1968 Treaty is built around three main pillars:

- 1) non-proliferation of nuclear weapons and weapons technology;
- 2) promotion of nuclear technology for peaceful purposes; and
- 3) nuclear disarmament (including all Nuclear Weapons States).

In practice there are serious tensions between these three goals. For the existing nuclear powers the commitment to stop new countries from getting the bomb is most important. The non-aligned movement countries tend to stress the universal nuclear disarmament commitment for everyone. Demands for greater access to civilian nuclear technology clash with efforts to control access to military applications. Disputes over these rival visions are so acrimonious they have led to the collapse of previous review conferences.

Despite these tensions, the NPT is one of the most successful disarmament treaties ever, signed by 189 countries. Five parties to the treaty are *Nuclear Weapons States* (NWS): China, France, the United States, Russia, the United Kingdom and United States. All five are also permanent members of the UN Security Council. Four recognized sovereign states are not parties to the treaty: India, Israel, Pakistan and North Korea. India, Pakistan, and Israel never signed the treaty. North Korea ratified the treaty in 1985 but withdrew in 2003. India, Pakistan and North Korea openly declared possession of nuclear weapons, having tested first in 1974, 1998 and 2006 respectively. Despite many revelations about its nuclear program, Israel has never confirmed or denied its program. All NPT other signatories are *Non-Nuclear Weapons States* (NNWS).

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Review Process 1975-2005

The Nuclear Non-Proliferation Treaty entered into force in 1970 with a duration period of 25 years. The review process set in Article VIII of the Treaty calls for a review conference every five years. There have been seven review conferences so far. If not carefully arranged and skillfully led, these can collapse in bickering. Only the NPT Review Conferences in 1975, 1985 and 2000 concluded with the adoption of a *Final Declaration*. The most important was the *1995 NPT Review and Extension Conference*. This failed to adopt final document, but reached the essential agreement to extend the Treaty “indefinitely”, insuring it will not expire. In effect, the 1995 review made the NPT permanent.

The *2000 NPT Review* conference was a success, adopting a Final Document. Skillful leadership for the conference chairman and a committed American delegation rescued what threatened to be another failure. The *2000 Final Document* called the five nuclear weapons states to follow *Thirteen Practical Steps* for the systematic and progressive efforts to implement Article VI of the Treaty, and achieve nuclear disarmament. They call for a variety of disarmament measures, including entry into force of The 1995 Comprehensive Nuclear-Test-Ban Treaty (CTBT) , preserving the 1972 Russian-American Anti-Ballistic Missile (ABM) Treaty (subsequently abrogated by President Bush) and early entry into force of a new Russian-American strategic arms treaty. None of the Thirteen Steps has been fully implemented and some were repudiated by President George W. Bush.

The *2005 NPT Review* failed to find consensus about major issues concerning the treaty and was unable reach the final document. The conference characterized by strong division between division between regional and political groups, parties of treaty and non-signatories, NNWS and NWS.

NPT Review Issues

The outlook for 2010 is heavily affected by the greater willingness of America under President Obama to participate in international consensus. If a new strategic arms treaty is completed by Russia and America, as expected, in the winter of 2009-2010, the world will have greater evidence of great power respect for NPT disarmament commitments. But drawing in other recalcitrant countries remains extremely challenging.

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The first group of major issue to NPT is concentrated around the compliance to non-proliferation. Many States believe that the stronger mechanism should be created to respond its violation. The idea is not strongly opposed but the Non-Aligned Movement (NAM) states underline the central role of the IAEA. The issue within is the answer of international community to the Treaty violation by Iran. The United States argue that Iran is non compliant to the NPT and is developing a clandestine nuclear-weapons program. The NAM, China and Russia do not share America's confrontational approach to proliferation, but prefer cooperative solutions. Iran itself affirms full compliance with the NPT, rejects the development of nuclear weapons and accents the right for peaceful use of nuclear technology guaranteed by NPT.

The second group is concentrated around the peaceful use of nuclear technology and the right of non-discriminate access to such technology. The discussion arouse around the proliferation sensitivity of the nuclear cycle, particularly enrichment technology. IAEA supports restricted access to such technology and creation multinational fuel cycle center under its control. The United States support this idea while many NNWS, especially NAM voiced strong opposition to proposals and even question its legality. The similar issue is the enforcing of nuclear export controls. Most of countries support the strengthening of export control regime and call for determination of standards. The steep is again perceived by most of NAM states as attempt to limit free access to peaceful nuclear technology.

The third group concerns the nuclear disarmament and compliance of NWS to achieve this goal. NWS stretched the need of further reduction of non-strategic nuclear weapons. Russia links further reduction with removing American nuclear weapons from NATO states. Others are suspicious of the United States because of its failure to ratify the *Comprehensive Nuclear Test Ban Treaty* (CTBT). Also in doubt it the proposed *Fissile Material Cutoff Treaty* (FMCT). America initially supported the negotiations but later did not play active role. In his speech in Prague in April 2009, President Obama presented a new American approach toward nuclear disarmament, stressing ratification of the CTBT and completion of a FMCT. Washington and Moscow also are working on a new Strategic Arms Reduction Treaty (START). Whether such measures will satisfy the demands of the NAM is unclear.

The forth important area is creation of legally binding negative security assurances – legal guarantees that the NWS would not use nuclear weapons against NNWS. NAM states and NNWS argue that the extension of NPT in 1995 make such steps essential. The NWS, with the exclusion of China oppose introduction of legal binding language. They prefer to keep open the

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option of using their nuclear weapons. The United States, the first country to use nuclear weapons, continues to lead resistance to a *No First Use* agreement (NFU).

The fifth major issue is standardization of comprehensive safeguards agreements and additional protocols. The IAEA, the European Union or the United States call for recognizing the protocols as new standard for safeguards and condition of nuclear technology supply. The NAM opt for keeping voluntary character of the Additional Protocol. The last issue is strengthening withdrawal provision. The discussion was built around the North Korea's withdrawal from NPT and fears that Iran might do the same. Many states express the view that states should not be allowed to use technology acquired as an NPT party for military purposes and insist that withdrawing states should remain responsible for Treaty violations. The NAM opposes any additional conditions on withdrawal as an attack on state sovereignty.

Conclusion

Since almost forty years the NPT play fundamental role in limiting nuclear proliferation. The creation of the Treaty did not stop non-parties to acquire the weapon but still it is the most widely accepted international instrument to regulate the issue. The NPT as the law adopted by the United Nations cannot be ignored by the non-signatory parties. The access of such states to the discussion makes the Treaty universal and keeps it open character. However the dynamics of present world and growing concerns need to enforce the non-proliferation system because it can be seen as limitation to access to technology even in peaceful purposes.

The Review process plays important role as it can update. Nowadays the review conferences also provide the platform to discuss about present threat to international relations caused by nuclear weapon. The preparatory work put optimism toward the 2010 Treaty Review Conference. The 2009 NPT Preparatory Committee session adopted final report. The revised American policy can unblock the initiatives and push disarmament on new track. The IAEA expects that the 2010 Review will produce effective outcomes to safeguards system. However the process is still affected by unresolved issues as the character of Iranian nuclear program and the North Korean nuclear military program.

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Recommended Resources

The UN Department for Disarmament Affairs – the section devoted to the nuclear issue.
<http://www.un.org/disarmament/WMD/Nuclear/index.shtml>

The Preparatory Committee (PrepCom) for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) - Third Session
<http://www.un.org/disarmament/WMD/Nuclear/NPT2010Prepcom/PrepCom2009/>

The IAEA – “the IAEA and the NPT”
<http://www.iaea.org/NewsCenter/Focus/Npt/index.shtml>

For country positions, see the Nuclear Threat Initiative:
http://www.nti.org/h_learnmore/npttutorial/

“The Reaching Critical Will” is website devoted to coverage of the UN GA First Committee.
<http://www.reachingcriticalwill.org/>

The British American Security Information - the section devoted to the NPT -
<http://www.basicint.org/npt/index.htm>

The Federation of American Scientist – the Nuclear Information Project
<http://www.fas.org/programs/ssp/nukes/index.html>

The World Nuclear Association – the Nuclear Cycle Information
<http://www.world-nuclear.org/info/inf03.html>

The Arms Control Association
<http://www.armscontrol.org/>

The Partnership for Global Security – “Obama Administration Nonproliferation Tracker”
<http://www.partnershipforglobalsecurity.org/obama.asp>

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Documents:

Treaty on the Non-Proliferation of Nuclear Weapons

<http://www.un.org/Depts/ddar/nptconf/21e6.htm>

Preopcom 2010 – collection of documents

1995 NPT Review and Extension Conference Package of Decisions

<http://www.reachingcriticalwill.org/legal/npt/1995dec.html>

Final Report of the 2000 Review Conference.

<http://www.un.org/disarmament/WMD/Nuclear/2000-NPT/2000NPTDocs.shtml>

Comprehensive Nuclear-Test-Ban Treaty. <http://www.ctbto.org/the-treaty/treaty-text/>

General Articles:

Restoring the NPT: Essential Steps for 2010, November 2009

<http://www.carnegieendowment.org/publications/index.cfm?fa=view&id=24177>

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