



Prospects for the 2010 NPT Review Conference

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The eighth Non-Proliferation Treaty (NPT) Review Conference is due to take place between 3 and 28 May 2010. This note examines the main principles of the NPT as the cornerstone of the international non-proliferation regime and the key issues regarding its continued effectiveness and credibility that are expected to be discussed at the conference. It also sets out the position of the British Government on these issues.

Once the NPT Review Conference has concluded, this note, and associated background notes, will be replaced by a more detailed Library Research paper entitled *Progress towards nuclear disarmament?*

Further information on the UK's Trident replacement programme is available in Library Standard Note SN/IA/5150, [Future of the British nuclear deterrent: a progress report](#).

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1 Background – Nuclear Arms Control Regime

In an attempt to reduce the dangers posed by existing nuclear arsenals and prevent the further proliferation of nuclear weapons technology, the current international nuclear arms control architecture has evolved, broadly speaking, into three main strands:¹

- **Disarmament.** The first strand includes treaties and agreements that seek to bring about the gradual disarmament of the five recognised nuclear powers. Given the overwhelming nuclear superiority of the Soviet Union/Russia and the United States, the focus has largely been on bilateral treaties between these two countries aimed at reducing the size of their arsenals. Those bilateral talks began during the late 1960s, as concern mounted over the rapid expansion in the number of warheads and delivery systems. Over the decades that followed a series of arms control regimes emerged including the *Strategic Arms Limitations Talks* (SALT I and II), the *Intermediate Nuclear Forces Treaty* (INF), the *Strategic Arms Reduction Treaties* (START I and II) and the *Moscow Treaty on Strategic Offensive Reductions* (SORT). A series of Presidential nuclear initiatives were also concluded between the US and

¹ It should be noted that the distinction between the three is not entirely clear cut, and a degree of overlap exists between these categories.

Russia in 1991 which sought to limit and reduce nuclear weapons, most notably tactical nuclear weapons.

- **Restrictions on the Development of New Weaponry.** The second strand has sought to restrict the development of new weapons systems by the nuclear powers, by establishing bans on the testing of nuclear warheads (*Partial Test Ban Treaty*, the *Threshold Test Ban Treaty* and the *Comprehensive Test Ban Treaty*), a proposed ban on the production of fissile material (*Fissile Material Cut-off Treaty*) and restrictions on the deployment of missile defence shields (*Anti-Ballistic Missile Treaty*). However, the CTBT has yet to enter into force as both China and the US have so far signed, but not ratified the treaty. Efforts to restrict the development of new weaponry were also considered to have been dealt a potential blow after the US unilaterally withdrew from the ABM Treaty in 2002 to enable the testing and deployment of a new US missile defence system.
- **Non-Proliferation.** The third strand seeks to limit or halt the proliferation of nuclear weapons technology and know-how, by imposing export restrictions on nuclear-related technologies and monitoring the development of civilian nuclear facilities. The most prolific of the treaties and agreements concluded in this area, and considered the cornerstone of the international nuclear non-proliferation regime, has been the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) (examined below). However concerns over the incomplete membership of the NPT and emerging loopholes in the international non-proliferation regime in the 1970s led to the formation of two linked groups of nuclear supplier states: the Zangger Committee and the Nuclear Suppliers Group, which established guidelines on export controls and the exchange of information.

In an attempt to pre-empt the spread of nuclear weapons technology, a series of treaties have also emerged over the last 40 years that declared certain regions of the world to be nuclear-free zones. Those zones include Antarctica,² Latin America and the Caribbean,³ South Pacific,⁴ Africa⁵ and South East Asia. More recently a treaty establishing a nuclear-free zone in Central Asia entered into force in March 2009.⁶

Further detail on the treaties and agreements that have been established as part of the arms control regime over the last few decades is available in Library Standard Note SN/IA/1404, [Arms Control and Weapons of Mass Destruction](#).

1.1 Treaty on the Non-Proliferation of Nuclear Weapons

The cornerstone of the international disarmament and non-proliferation agenda has been the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) which was signed in 1968 and entered into force in 1970. The treaty has near universality with 189 states parties,⁷ with the exception of India, Pakistan, and Israel which are all regarded as nuclear-capable states. North Korea renounced the treaty in 2003 and some disagreement remains as to North Korea's status, with a number of countries arguing that the correct withdrawal procedures

² *Antarctic Treaty 1959*

³ *Treaty of Tlatelolco*

⁴ *Treaty of Rarotonga*

⁵ The *Treaty of Pelindabahas* yet to enter into force

⁶ *Central Asian Nuclear-Weapon-Free Zone Treaty*

⁷ This includes North Korea

were not followed and that the country is therefore still bound by its provisions and needs to be brought back into compliance.⁸

The objective of the treaty is to prevent the spread of nuclear weapons and weapons-related technology, further the goal of nuclear disarmament and general and complete disarmament, and promote cooperation in the peaceful uses of nuclear energy. Significantly, the treaty represents the only binding commitment in a multilateral treaty to the goal of disarmament by the recognised nuclear weapon states. At the heart of the treaty is an implicit bargain between the five recognised nuclear weapon states and the other, non nuclear-weapon states. Under the terms of the treaty, the non nuclear-weapon states are able to access peaceful nuclear technology but pledge to forego the acquisition of nuclear weapons. A safeguards system under the auspices of the International Atomic Energy Agency (IAEA)⁹ is used to verify compliance and to prevent the diversion of fissile material for use in a weapons programme. In return, the five recognised nuclear weapon states are permitted to possess nuclear weapons, but only if they commit themselves to the principles of nuclear arms control and eventual disarmament. This was embodied in Article VI of the NPT:

Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a Treaty on general and complete disarmament under strict and effective international control.¹⁰

The full text of the NPT is available in Appendix One.

However, dissatisfaction among many non nuclear-weapon states at the perceived lack of progress made in achieving the aims of Article VI prompted debate at the Review and Extension Conference in May 1995.¹¹ An indefinite extension to the treaty was subsequently agreed on the condition that the nuclear weapon states “reaffirm their commitment, as stated in article VI, to pursue in good faith negotiations on effective measures to nuclear disarmament.”¹² The conference also reaffirmed the intention to conduct a review of the treaty every five years. The nuclear weapons states also agreed a programme of action which included the completion of negotiations on a *Comprehensive Test Ban Treaty* by 1996, a ban on the production of fissile material for nuclear weapons, and above all “the determined pursuit... of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goals of eliminating those weapons”.¹³

Since 1996 efforts to reach a consensus on how to achieve global nuclear disarmament and strengthen non-proliferation have achieved mixed success. Initial movement towards fulfilling the work programme set by the 1995 Review Conference was sporadic. The adoption of the *Comprehensive Test Ban Treaty* in 1996 was seen as a significant step forward by

⁸ The British Government in its document *the Road to 2010*, for example, discusses North Korea obligations as a state party to the NPT, while the [Final Report of the Preparatory Committee for the 2010 Review Conference](#) acknowledges the uncertainty over North Korea’s status (p.48).

⁹ The IAEA was established as a specialised agency of the United Nations in 1957. It has three main responsibilities: to act as the world’s nuclear inspectorate and verify that safeguarded material and activities are not diverted to weapons programmes; to help countries upgrade their nuclear safety and security protocols and help countries exploit peaceful applications of nuclear science and technology.

¹⁰ The full text of the NPT is available at <http://www.state.gov/www/global/arms/treaties/npt1.html>

¹¹ The treaty initially entered into force for a 25-year period.

¹² ‘Principles and Objectives for Nuclear Non-Proliferation and Disarmament’, *Decision Paper from the NPT Review and Extension Conference*, 17 April - 12 May 1995

¹³ ‘Principles and Objectives for Nuclear Non-Proliferation and Disarmament’, *Decision Paper from the NPT Review and Extension Conference*, 17 April - 12 May 1995

proponents of nuclear disarmament, but the treaty will not enter into force until it has been ratified by the USA and China. Negotiations on a *Fissile Material Cut-off Treaty* stalled in the UN Conference on Disarmament and there are few signs that a break-through is imminent.

Subsequent calls for negotiations to begin on a convention on banning all nuclear weapons as opposed to focusing on partial disarmament measures were also met with resistance, largely from the nuclear weapons states. In December 1998 the UN General Assembly voted on a resolution entitled 'Towards a nuclear-weapon-free world: the need for a new agenda', which was sponsored by the New Agenda Coalition. That resolution received the backing of 114 countries with 18 opposed and 38 abstentions, including China.¹⁴ The United Kingdom, along with the United States, Russia and France, voted against, arguing that "effective measures" towards nuclear disarmament could be better achieved by means of bilateral Strategic Arms Reduction Treaty (START) negotiations between the USA and Russia than by trying to achieve a universal ban on nuclear weapons.

Similar disputes have surfaced at the UN General Assembly First Committee on Disarmament and International Security. In December 1996 Malaysia sponsored a resolution in the First Committee, citing the July 1996 advisory opinion of the International Court of Justice (ICJ), which recommended progress towards general nuclear disarmament as the best way out of the dispute over the legality of nuclear weapons.¹⁵ The resolution called for the immediate opening of multilateral negotiations with a view to achieving comprehensive nuclear disarmament. It was passed by 115 votes to 22, with 32 abstentions.¹⁶ Four of the five acknowledged nuclear weapon states voted against this resolution (Britain, France, Russia and the USA but not China). Follow-up resolutions in 1997 and 1998 received 116 and 123 votes in favour respectively.¹⁷

The sixth five-yearly NPT Review Conference took place in New York between 24 April and 19 May 2000. Given the disputes in the UN General Assembly and at the Conference on Disarmament and the sporadic progress elsewhere, there was considerable pessimism prior to the conference over the prospects for a successful conclusion. Furthermore, little of substance had resulted from the three Preparatory Committee meetings, which had been set up to improve the review process and to produce detailed recommendations for the Review Conference to consider. In the event, though, the Review Conference was widely perceived to be a success. A key element that emerged was an unequivocal undertaking by the nuclear weapon states to pursue the complete elimination of nuclear weapons; while a 13-step work plan was also agreed to reduce the size and operational status of both strategic and non-strategic nuclear stockpiles, and to increase transparency.¹⁸ The conference also called for further progress on the *Comprehensive Test Ban Treaty*, the proposed ban on the production of fissile material, and a third START treaty to be negotiated.

The Final Document issued by the conference referred to:

¹⁴ A/RES/53/77 Y

¹⁵ More detail on the ICJ Advisory Opinion can be found in Section III of Library Research Paper 96/90, *Defence Update*, 8 October 1996

¹⁶ 'First Committee Gives Little Hope of Resolving Disarmament Deadlock', *Disarmament Diplomacy*, Issue 20

¹⁷ *Disarmament Diplomacy*, Issue Number 36, April 1999, p.7

¹⁸ 'Final Document issued by the NPT Review Conference', taken from the USIS web site at <http://www.usinfo.state.gov/topical/pol/arms/stories/finaldoc.htm>

6. An unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament to which all States parties are committed under Article VI.¹⁹

This undertaking, which was considered a minimum condition for the New Agenda Coalition, was welcomed by the Mexican ambassador, Antonio De Icaza, who said it meant that “what had always been implicit has now become explicit and this act both reinforces and revitalises the Treaty”.²⁰

However, several areas of debate and ambiguity remained, and the conference participants avoided a number of potentially divisive issues, such as the US plans to deploy a ballistic missile defence system,²¹ and the question of no-first use of nuclear weapons. Furthermore, some observers expressed concern over the lack of target dates or timetables for implementation of the work programme, a point that was highlighted by the then British Secretary of State for Defence, Geoff Hoon, who was asked if he thought the outcome of the conference marked a major step towards global disarmament?

... what we've agreed there, together with the United States, is that in principle we would like to see the end of nuclear weapons. I think every sensible person around the world agrees to that but there's no specific timetable agreed and obviously it is dependent on every other nuclear weapons state agreeing the same and taking appropriate action.²²

Rebecca Johnson, the Director of the Acronym Institute offered a cautionary note however:

The NPT review conference gives political underpinning to the ICJ advisory opinion and provides a much stronger tool for the non-nuclear-weapon states and civil society to use, if they can continue to employ effective strategies and tactics. But, like Article VI for much of the 1970s and 1980s, the words adopted in 2000 will mean nothing without political will and pressure to get the steps implemented.²³

Indeed those words seemed fully justified after the NPT review conference in 2005 failed to reach a consensus on a practical way forward on disarmament and non-proliferation. Despite extensive work in three preparatory sessions ahead of the review conference, no recommendations or commitments of substance were agreed. Although the conference foundered at the outset due to procedural wranglings and the inability to agree an agenda and work programme until late on in the conference proceedings, the overarching failure of the conference has been attributed among commentators to the political manoeuvrings by a small number of states that had an interest in keeping their nuclear options open in the future and a lack of leadership by the nuclear weapon states.²⁴ Then President of the Review Conference, Ambassador Sergio Duarte, noted:

¹⁹ Para 15, Point 6, 'Final Document Issued by 2000 Review Conference', 20 May 2000, taken from the USIS web site at <http://www.usinfo.state.gov/topical/pol/arms/stories/finaldoc.htm>

²⁰ Rebecca Johnson, 'The 2000 NPT Review Conference: A Delicate, Hard-Won Compromise', *Disarmament Diplomacy*, No.46, May 2000

²¹ See Library Research Paper 03/28, Ballistic Missile Defence and Library Standard Notes SN/IA/4378, *Ballistic Missile Defence: Recent Developments* and SN/IA/4664, *UK Participation in US Missile Defence* for more detail.

²² BBC 'Breakfast with Frost', 22 May 2000

²³ Rebecca Johnson, 'The 2000 NPT Review Conference: A Delicate, Hard-Won Compromise', *Disarmament Diplomacy*, No.46, May 2000, available on line at <http://www.acronym.org.uk/46npt.htm>

²⁴ For detail on the negotiations at the 2005 review conference, and in particular the differing negotiating positions of some of the key players see "Politics and protection: why the 2005 NPT review conference failed", *Disarmament Diplomacy*, Autumn 2005 and the [British American Security Information Council](http://www.basiscouncil.org).

At the Conference it soon became clear that some would not accept any result unless their national concerns were fully represented in the final outcome of the discussions, to the detriment or exclusion of other parties' views. Delegations were so entrenched in their positions, opinions were so strongly held and mistrust so pervasive, that mutual accusations frequently replaced serious discussion, and at the end of the day no common ground could be found [...] it became clear that wider questions would have to be resolved before any meaningful results could be achieved.²⁵

Although some observers regarded the lack of progress neither a success nor a failure as it largely left the existing situation in place, the majority position was one of concern that the failure to achieve even those expected results pointed toward a worrying trend that would in the longer term weaken the multilateral disarmament and non-proliferation regime. Then UN Secretary General, Kofi Annan, deemed the conference "a missed opportunity" while Ambassador Duarte commented:

International efforts to achieve enhanced security for all seem to be now in serious jeopardy [...] I believe that it is more constructive to see the failure of the Conference as a warning signal that may encourage responsible governments, both in nuclear and non-nuclear States, to search for realistic, multilaterally acceptable ways to face the hard choices of our time.²⁶

The perceived success/failure of the review conference process aside, a major loophole in the NPT regime, with the potential to undermine its credibility and resilience in the longer term, is the presence of three nuclear-capable powers outside of its provisions: namely India, Pakistan and Israel. While these states have been encouraged by the international community to act as responsible nuclear powers the fact remains that they are not party to the NPT's provisions and as such are not party to any commitments on disarmament or non-proliferation that the NPT states parties may establish.

As Rebecca Johnson has noted:

Having never been party to the NPT, these states cannot be accused of violating it. Yet they are free-riders on the regime, deriving security benefits from the fact that rivals and neighbours are kept in check by the NPT and its associated instruments.²⁷

Michael Krepon and Samuel Black, writing in *Arms Control Today* have also argued:

The pattern of nuclear-tinged threats over the past two decades has changed markedly from the Cold War. The most harrowing crises since the Cold War ended have involved outliers to the NPT. India and Pakistan have experienced four crises since 1990 in which veiled or blunt nuclear threats have been exchanged, and North Korea periodically engages in nuclear bluster when it wishes to raise temperatures on the Korean peninsula. Verbal threats in periods of heightened tension in South and East Asia have been complemented by the flight testing or movement of nuclear-capable missiles. The record is clear: states that seek political utility from nuclear weapons during periods of heightened tension now reside primarily outside the NPT.²⁸

The undetermined status of North Korea with respect to the NPT's obligations is also seen as an issue. Not only is it a potentially nuclear capable state which considers itself to be outside

²⁵ Sergio Duarte, "A president's assessment of the 2005 NPT review conference", *Disarmament Diplomacy*, winter 2005

²⁶ *ibid*

²⁷ Rebecca Johnson, "Politics and protection: why the 2005 NPT review conference failed", *Disarmament Diplomacy*, autumn 2005

²⁸ Michael Krepon and Samuel Black, "Good news and bad news on the NPT", *Arms Control Today*, March 2010

of the treaty's obligations (regardless of the ongoing debate about its actual status), but that very act of withdrawal has raised the issue of the NPT's ability to robustly address issues of non-compliance and the capacity of a state to withdraw from the treaty without any consequences. As Rebecca Johnson has noted:

NPT states and international lawyers may be in disagreement about whether North Korea has legally accomplished its withdrawal and is no longer a party to the NPT, or whether it is still bound by its treaty obligations and needs to be brought back into compliance; what is incontestable is that both the UN Security Council and the NPT have proved incapable of addressing this issue intelligently.²⁹

Recognising this latter issue as a potential problem, in 2003 former Director General of the IAEA, Dr Mohamed El Baradei, called for membership of the NPT to be regarded as a peremptory norm of international law, thereby placing obstacles in the way of any state that wished to withdraw from the NPT framework and that a price would have to be paid for non-compliance.³⁰

This concern has also translated into the debate over Iran's nuclear programme which as Krepon and Black observe "casts a long shadow over the NPT regime".³¹ The bigger question of whether the goal of "global zero" can ever be achieved without the inclusion of Pakistan, India, Israel and North Korea in the either the NPT itself or party to the disarmament commitments that States agree is one worth posing.

1.2 IAEA Safeguards Agreement

Under the NPT the transfer by a nuclear weapon state, to any recipient whatsoever, of any nuclear weapon or nuclear explosive device, as well as the provision of assistance to any non-nuclear weapon state, is prohibited. Article III also stipulates that NPT non-nuclear weapon states conclude safeguards agreements with the IAEA in order to prevent the diversion of nuclear energy from peaceful uses to the manufacture of development of nuclear weapons. Although not required to do so under the NPT, all five declared nuclear weapon states subsequently concluded voluntary safeguard agreements with the IAEA.³² Whilst these follow the basic structure of the standard model agreement they are based on fundamentally different safeguards undertakings which, in effect, recognise that the NWS continue to have nuclear activities outside the scope of IAEA safeguards and thus limit IAEA activities to all or part of the NWS' civil nuclear activities.

The IAEA safeguards system functions as a confidence-building measure, an early warning mechanism and the trigger that sets in motion other responses by the international community if and when the need arises. A central purpose of the safeguards system is to prevent the diversion of fissile material for use in weapons and therefore under the safeguards agreement a state has an obligation to declare to the IAEA all nuclear materials and facilities under the agreement, update this information as necessary and submits its

²⁹ Rebecca Johnson, "Politics and protection: why the 2005 NPT review conference failed", *disarmament Diplomacy*, Autumn 2005

³⁰ Dr Mohamed ElBaradei, "Towards a safer world", *The Economist*, 16 October 2003

³¹ Michael Krepon and Samuel Black, "Good news and bad news on the NPT", *Arms Control Today*, March 2010. Iran's nuclear programme is examined in greater detail in Library Research Paper RP09/92, *The Islamic Republic of Iran: an introduction*, 11 December 2009

³² The UK Safeguards Agreement, covering all of the UK's nuclear activities for civil purposes, was signed on 6 September 1976 and entered into force on 14 August 1978 (Cm 6730)

facilities to inspection and monitoring by the IAEA in order for it to verify State reports of declared nuclear material and activities.³³

During the early 1990s, however, the failure of the international community to detect the development of clandestine nuclear weapons programmes in Iraq and North Korea prompted a re-evaluation of the effectiveness of the original IAEA safeguards system. Both states were parties to the NPT and had the status of non-nuclear weapons states. Critics argued that the system failed to recognise that the real danger of proliferation lay in clandestine enrichment or reprocessing plants that lay outside the safeguard system, rather than from small amounts of material going missing from safeguarded plants.

Between 1992 and 1993 the Board of the IAEA approved a number of steps to tighten the existing safeguards system, including the introduction of a voluntary reporting scheme on transfers of nuclear material and equipment. However, it quickly became apparent that further measures were required to strengthen the ability of the IAEA to detect undeclared nuclear activities in the non nuclear weapons states. A strengthened safeguards regime, as set out in a new Additional Protocol to the Safeguards Agreements, was therefore approved by the IAEA Board of Governors in May 1997.

Essentially, the Protocol is intended to provide the IAEA with a more comprehensive picture of a state's nuclear-related activities, thereby enabling it to look for inconsistencies or anomalies that could be indicative of clandestine activities. The Protocol places a legal obligation on states parties to provide a full report on all their production and holdings of nuclear source material, on their activities involving the reprocessing of nuclear material, and on key facilities involved directly in the current or planned nuclear fuel cycle. The Protocol also provides increased access (often at short notice) for inspectors to ensure that undeclared activities are not concealed at declared nuclear sites and to check for inconsistencies between the information available to the IAEA and the declarations made to the Agency by states parties. It also provides greater surveillance and monitoring powers to the IAEA.³⁴

The UK Additional Protocol between the United Kingdom, the European Atomic Energy Community (EURATOM) and IAEA, was agreed by the EU Council of Ministers on 8 June 1998, approved by the Board of Governors of the IAEA on 11 June, and signed, along with the Protocols involving the other Member States of the European Union, in Vienna on 22 September 1998.³⁵ The UK Additional Protocol entered into force on 30 April 2004.³⁶

2 Progress towards disarmament

In the last few years the issue of multilateral nuclear disarmament has moved back up the international agenda as support for the vision of a nuclear weapons free world has gained ground. In January 2008, a cross-party group of senior US statesmen not previously associated with anti-nuclear positions - former Secretaries of State Henry Kissinger and

³³ Typical activities by IAEA inspectors may include auditing a facility's accounting and operating records and comparing them to the State's accounting reports submitted to the agency; verifying the nuclear material inventory and any changes that have been made; taking environmental samples; and applying containment and surveillance measures such as the installation of surveillance equipment.

³⁴ [IAEA Safeguards Overview: Comprehensive Safeguards Agreement and Additional Protocols](#)

³⁵ Cm 4282

³⁶ The *Nuclear Safeguards Act 2000* implements the Additional protocol in UK legislation; while the *Nuclear Safeguards (Notifications) Regulations 2004* implement certain provisions of that Act.

George Shultz, former Secretary of Defense Bill Perry and former Senator Sam Nunn - launched an initiative to this end.³⁷ Former UK Foreign and Defence Secretaries Lords Hurd, Owen and Robertson and Sir Malcolm Rifkind have aligned themselves with the initiative,³⁸ as have the German statesmen Helmut Schmidt, Richard von Weizsäcker, Egon Bahr and Hans-Dietrich Genscher.³⁹ A separate campaign for 'Global Zero: a World Without Nuclear Weapons', launched in December 2008, has also secured significant support, from figures including ex-heads of state, prime ministers, foreign ministers and national security advisers.⁴⁰

In the spirit of furthering that debate, in October 2008 the UN Secretary General, Ban Ki Moon, also set out a five-point proposal for progressing the disarmament and non-proliferation regime. As a starting point he called upon all states parties to the NPT, in particular the nuclear weapon states, to fulfil their obligations and undertake negotiations on effective measures leading to disarmament. That objective, he argued, could be achieved by agreement on a framework of separate, yet mutually reinforcing instruments or through the long standing proposal to negotiate a nuclear weapons convention, supported by a strong verification regime. Secondly, he suggested that the P5 unambiguously offer security assurances to all non-nuclear weapon states and that the non-NPT nuclear states should freeze their own capabilities and establish their own disarmament commitments. He also called for new efforts to bring the CTBT into force, immediate negotiations on the FMCT to begin and for all NPT states parties to conclude their safeguard agreements with the IAEA, including the Additional Protocol. Noting that "the lack of an authoritative estimate of the total number of nuclear weapons testifies to the need for greater transparency", the Secretary General suggested as a fourth measure that the nuclear powers could expand the amount of information that they publish on the size of their respective nuclear arsenals, stockpiles of fissile material and specific disarmament objectives. Finally he also called for greater complementary efforts in the elimination of other types of WMD, new efforts against WMD terrorism and limits on the production and trade in conventional arms.⁴¹

Significantly, the Obama administration has also demonstrated its resolve to reclaim leadership of the multilateral disarmament and non-proliferation regime. In March 2009 President Obama indicated during a speech in Prague that the US would be committed to "seeking the peace and security of a world without nuclear weapons", although he acknowledged that "This goal will not be reached quickly - perhaps not in my lifetime. It will take patience and persistence. But now we, too, must ignore the voices who tell us that the world cannot change".⁴²

In the last year, the principal focus of the new disarmament agenda has subsequently been on the conclusion of a new US-Russian successor treaty to the Strategic Arms Reduction Treaty (START) which was agreed at the end of March 2010;⁴³ the publication of the new US

³⁷ "A World Free of Nuclear Weapons", *Wall Street Journal*, 4 January 2007; "Toward a Nuclear-free World", *Wall Street Journal*, 15 January 2008

³⁸ "Start worrying and learn to ditch the bomb", *The Times*, 30 June 2008

³⁹ "Toward a nuclear-free world: a German view", *International Herald Tribune*, 9 January 2009

⁴⁰ Further information is available at: www.globalzero.org

⁴¹ Address to the East-West Institute, *the United nations and security in a nuclear-weapon-free world*, 24 October 2008

⁴² <http://prague.usembassy.gov/obama.html>. This was followed by a special session of the UN Security Council in September 2009 chaired by President Obama which agreed [resolution 1887 on nuclear security and non-proliferation](#).

⁴³ <http://www.whitehouse.gov/the-press-office/remarks-president-announcement-new-start-treaty> and <http://www.whitehouse.gov/the-press-office/key-facts-about-new-start-treaty>

Nuclear Posture Review on 7 April 2010⁴⁴ and on preparatory work for the US nuclear security summit which will be held on 12-13 April 2010 and the next five-yearly review conference of the Nuclear Non-Proliferation Treaty (NPT) in May 2010.

3 The NPT Review Conference – May 2010

The political push towards multilateral disarmament and non-proliferation and the progress that has been achieved over the last few years, has left the majority of observers optimistic for the prospects of the 2010 NPT review conference. In its response to the June 2009 report of the Foreign Affairs Committee, *Global Security: Non-Proliferation*, the Government identified “a significant change in the tone of the debate since the last review conference, not least due to the UK’s forward-leaning advocacy of a world free from nuclear weapons.”⁴⁵

Indeed, extensive work in the three sessions of the NPT Preparatory Committee which were held in May 2007, April-May 2008 and May 2009 respectively has resulted, for the first time in 15 years, in a provisional agenda, draft rules of procedure and a President-elect and other officers being agreed prior to the onset of the 2010 review conference.⁴⁶ In contrast, the failure of the 2000 NPT Review Conference to reach any substantive agreement on how to take the multilateral disarmament and non-proliferation agenda forward was, in large part, due to procedural wrangling which saw an agenda and programme of work only adopted by the states parties at the end of the third week of the conference session, leaving no time for key issues to be either discussed or adopted.

3.1 Key Issues for Consideration

The intention of every review conference is to assess the implementation of the treaty’s provisions thus far, and make recommendations on measures to strengthen it further. During the preparatory committee sessions that have taken place since 2007 various initiatives and proposals for progress and reform have been tabled which will now be taken forward through the work of the three Main Committees of the Review Conference.

Those preparatory committee reports and proposals are available online at:

<http://www.un.org/en/conf/npt/2007/documents.html>

<http://www.un.org/NPT2010/SecondSession/documents.html>

<http://www.un.org/disarmament/WMD/Nuclear/NPT2010Prepcom/PrepCom2009/documents.html>

Prioritising those proposals during the review conference and achieving consensus on progress in a number of key areas has been acknowledged as difficult. As a first step the preparatory committee agreed a number of [draft recommendations to the review conference](#), although with the acknowledgement that “these elements are conveyed without regard to their priority, without prejudice to other initiatives that States parties may wish to offer, and without any intention to represent a comprehensive summary of all initiatives proposed”.⁴⁷

⁴⁴ Department of Defense, *Nuclear Posture Review Report*, April 2010

⁴⁵ FCO, *Fourth Report from the Foreign Affairs Committee Session 2008-09, Global Security: Non-Proliferation, Response of the Secretary of State for Foreign and Commonwealth Affairs*, Cm 7692, August 2009, p 9

⁴⁶ Set out in detail in the [Final Report of the Preparatory Committee](#), which was adopted on 15 May 2009

⁴⁷ [Draft recommendations to the review conference](#) (NPT/CONF.2010/PC.III/CRP.4/Rev.1)

After several versions the final text of those recommendations was not adopted at the final session of the Preparatory Committee, although they do provide a useful framework going into the review conference. As Rebecca Johnson noted “by not adopting recommendations in 2009 the PrepCom has voided tying the hands of delegations to the 2010 Review Conference to lowest common denominator positions when it may be possible to achieve more next year”.⁴⁸

The extent to which states parties are prepared to progress each pillar of the NPT (ie. disarmament, non proliferation and peaceful use) independently of each other could therefore prove fundamental to the overall success of the review conference. One of the biggest questions will be how much the nuclear weapon states are prepared to advance the disarmament agenda, without requisite non-proliferation and peaceful use commitments from the non-nuclear weapon states, and vice versa; or whether states will demand an equitable balance between all three pillars. As Deepti Choubey of the Carnegie Endowment for International Peace has noted:

Averting failure and achieving some modest success at the 2010 NPT review Conference will require nuclear-weapon states and non-nuclear-weapon states alike to take up the call of restoring the NPT as a joint endeavour. Because each state’s security is affected by the outcome of these efforts, every state has a stake in fixing problems.⁴⁹

Given the prevailing political mood many have expressed a sense of optimism going into the conference, although Choubey does caution that “it is in jeopardy of being overloaded by expectations” and that “It cannot solve all that ails the broader non-proliferation regime”. She goes on to conclude that “thinking about 2010 as an opportunity to reset the future course of the non-proliferation regime may yield better results for the longer term”.⁵⁰

Disarmament

The 2000 NPT review conference agreed a 13 step plan for the implementation of Article VI of the NPT, including the ratification of the CTBT, establishing negotiations within the conference on Disarmament on a Fissile Material Cut-off Treaty within five years, and further reductions in strategic and non-strategic nuclear weapons.

Given the limited progress of that plan in the last decade, the reinvigoration and extension of that plan has therefore been identified as a key priority for the conference. As Henning Riecke has noted “it is now more crucial for the overall balance of the NPT that nuclear weapons lose value, to signal that the political advantages based on nuclear capabilities are limited”.⁵¹ Dr Ian Davis also argues:

All of the NWS should reaffirm their commitment to nuclear disarmament, and do so in a meaningful way that goes beyond paying lip service to Article VI. This might be achieved by setting out some initial tangible steps and, for those NWS that have not

⁴⁸ “Laying substantive groundwork for 2010: report of the 2009 NPT PrepCom”, *Disarmament Diplomacy*, Summer 2009

⁴⁹ Deepti Choubey, “Restoring the NPT: Essential steps for 2010”, Carnegie endowment for International peace, November 2009

⁵⁰ *ibid*

⁵¹ Henning Riecke, *Nuclear Disarmament and the 2010 NPT review conference*, Deutsche Gesellschaft für Auswärtige Politik, April 2008

already done so, by announcing at the highest political level (President or Prime Minister) that a nuclear weapon-free world is a shared goal.⁵²

Indeed, during the preparatory committee sessions several proposals were put forward including a plan proposed by the German government for a new disarmament implementation baseline to be established. That proposal envisaged a twin track approach, reflecting the grand bargain at the heart of the NPT, that would set down a number of commitments on non-proliferation including making the IAEA Additional protocol the verification standard, developing a joint understanding on withdrawal and strengthening the role of the UN security Council as the final arbiter on the consequences of non-compliance; while the other track would pursue disarmament objectives including overcoming the deadlock on the FMCT by securing a political commitment to enter into negotiations, establishing an incremental arms control approach to non-strategic nuclear weapons, capping nuclear arsenals and bringing both the CTBT and all of the nuclear weapons free zone treaties into force.⁵³

However, rather than establish a new baseline from which to work a number of states expressed support for the opinion proffered by New Zealand that “present circumstances do not require new bargains, but rather the implementation of past agreements and measures”.⁵⁴

Beyond calls for the implementation of the 13-step plan, including ratification of the CTBT and negotiation of a Fissile Material Cut-off Treaty, the preparatory committees also discussed additional measures for promoting disarmament. Among the most notable was a proposal put forward by the New Agenda Coalition to increase transparency and strengthen reporting mechanisms, including the establishment of a reporting mechanism for existing arsenals that would provide clarity on the status of holdings and future plans for reductions. In its working paper on disarmament measures China also suggested that policies of deterrence based on ‘first use’ principles should be abandoned; negative security assurances should be extended to all non-nuclear weapon states; that all nuclear weapons currently deployed outside of the territories of the NWS should be withdrawn and repatriated; that low-yield nuclear weapons should not be developed and that “nuclear umbrella” and “nuclear sharing” policies and practices should also be abandoned.⁵⁵

A proposal submitted by Costa Rica and Malaysia also suggested revisiting the concept of a Nuclear Weapons Convention; while calls (primarily by Finland, Sweden, Lithuania, Switzerland, Ukraine and Austria) have been made for the US and Russia to codify the 1991 Presidential Nuclear Initiatives on non-strategic nuclear weapons as a first step towards the reduction and elimination of such weapons. Other states, including Norway, have argued however that steps toward dealing with non-strategic nuclear weapons should be taken on a bilateral basis between Russian and the US, possibly along the lines of START and SORT treaties. The idea of establishing a global convention abolishing all nuclear weapons is one that has been supported by Rebecca Johnson, UK Director of the Acronym Institute:

⁵² Dr Ian Davis, “The 2010 NPT review conference: looking to a future without nuclear weapons”, *European Security Review*, February 2010

⁵³ Working Paper submitted by Germany to the second session of the Preparatory Committee, 30 April 2008: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/610/60/PDF/G0861060.pdf?OpenElement>

⁵⁴ “Laying substantive groundwork for 2010: report of the 2009 NPT PrepCom”, *Disarmament Diplomacy*, Summer 2009

⁵⁵ *Nuclear disarmament and reduction of danger of nuclear war*: working Paper submitted by China, NPT/CONF.2010/PC.1/WP.46

While the current nuclear weapons non-proliferation regime should be supported and strengthened, the existing treaty [...] does not have the right mix of obligations and powers to bring about a world free of nuclear weapons.

Achieving that goal requires a universal nuclear weapons abolition treaty [...] the 2010 disarmament talks should aim to transform the Cold War non-proliferation regime into a nuclear abolition regime for security in the 21st century and beyond [...] In 2010, generalized concerns and exhortations will not suffice. If that is all that the conference can achieve, then the ink will barely be dry before cracks in the non-proliferation regime begin to reappear and widen.⁵⁶

In its report of draft recommendations, the preparatory committee called for states to:

Reaffirm and update commitments relating to disarmament made at the 1995 review and Extension Conference and at the 2000 Review Conference. Recommend, on the basis of the principles of promotion of international stability and undiminished security for all, several practical disarmament measures and goals contributing to the fulfilment of Article VI, including, but not limited to: facilitating the early entry into force of the Comprehensive Nuclear Test Ban Treaty and, pending its achievement; maintaining the moratoria on nuclear test explosions; commencing negotiations at the Conference on Disarmament on a verifiable fissile material [cut off] treaty, building upon the positive momentum of efforts by its 2009 Presidents to adopt a programme of work; implementing an immediate moratorium on the further production of fissile material for weapons pending conclusion of the treaty; and pursuing deep reductions in nuclear arsenals.

Discuss related ways and means to ensure the irreversibility, verifiability and transparency of disarmament activities. Recognize the benefits for disarmament of reducing the operational status of nuclear forces, reducing non-strategic nuclear weapons pending their elimination, and reducing reliance on nuclear weapons in security policies. Affirm the importance of effective assurances that nuclear-weapon States will not use or threaten to use nuclear weapons against non-nuclear weapon States parties. Examine ways and means to achieve additional assurances that are legally binding.

Commence open-ended discussions to identify possibilities available to establish an international legal framework for the achievement of global nuclear disarmament. Engage no-parties to the Treaty with the aim of attaining a world free of nuclear weapons.⁵⁷

The possibility for progress on disarmament objectives has received a significant boost from the conclusion of a US-Russian START successor treaty toward the end of March 2010. Many observers have regarded the conclusion of a treaty as a vital first step in the pursuit of Article VI obligations.⁵⁸ Indeed, in an interview with the Arms Control Association in March 2010, the US Special Representative for Nuclear Non-proliferation, Susan Burk, reaffirmed the Obama administration's commitment to the overall disarmament agenda. Of note, is the administration's intention to pursue ratification of the CTBT which the US Senate previously rejected in 1999:

The President made clear that the United States has a special responsibility for the nuclear disarmament provisions of the NPT and accepts that responsibility, and to that end has committed to negotiate with Russia a new START agreement, to pursue CTBT

⁵⁶ Rebecca Johnson, "A world free of nuclear weapons", *eJournal USA*, February 2010

⁵⁷ [Draft recommendations to the review conference](#) (NPT/CONF.2010/PC.III/CRP.4/Rev.1)

⁵⁸ The treaty still has to be ratified by the US Senate and the Russian Parliament however.

ratification, and to participate in negotiations in Geneva on a verifiable fissile material cut off treaty, and he has talked about reducing the role of nuclear weapons. How that will be translated after the Nuclear Posture Review is still to be determined, but I think we will make the case that we are committed to a number of the major initiatives that have been on the agenda. The president is determined to achieve them.⁵⁹

On the issue of the CTBT Patricia Lewis of the Monterey Institute of International Studies, has argued, however, that ratification in the US Senate may not be as forthcoming as observers may expect, or wish. In an article for *Arms Control Today* in March 2010 she noted:

There is deep concern that this US administration will not be able to deliver on its promises and the CTBT may remain off the statute books. It is not that friends, allies and even enemies do not believe in the good intentions of the current US government; there is a great deal of goodwill in the wider world for Obama's nuclear disarmament policies. Rather, it is a widespread lack of confidence in the ability of the administration to persuade the US Senate to cast 67 votes in favour of ratification within the next year or so. After all, the 1999 decision not to ratify the CTBT took place when President Bill Clinton was in office, and he was one of the lead instigators of the CTBT in 1994-96. Analysts believe that it will be no easy achievement to obtain the votes necessary for the START follow-on once that comes before the Senate, and the CTBT is far more difficult.⁶⁰

How the disarmament commitments of the P5 can be squared against their respective current plans for nuclear modernisation, renewal, and in China's case expansion of its nuclear capabilities, is a question worth posing.

Non-proliferation

Safeguards and Verification

As outlined above the NPT places two obligations on the non-nuclear weapon states: not to acquire nuclear weapons and to conclude comprehensive safeguard agreements with the IAEA for the purpose of preventing the diversion of nuclear materials from peaceful uses to a nuclear weapons programme. At present, 22 non-nuclear weapon states in the NPT do not have a safeguards agreement in force (7 of those states have not negotiated one with the IAEA); while 97 non-nuclear weapon states do not have the Additional Protocol in force (53 of those states have not negotiated an Additional Protocol with the IAEA).⁶¹

One of the key priorities for the NPT review conference is therefore considered to be achieving a strengthening of the safeguards system by pushing for universal adoption of the IAEA Safeguards Agreement and Additional Protocol as the verification standard. The EU has proposed that the review conference adopt a decision that would make the safeguards agreement and the Additional Protocol the safeguard standard required by Article III of the NPT, therefore making the Additional protocol a legal requirement. This position has been supported by the US, Russia, Turkey and the Vienna Group of 10⁶² who have all declared the view that the Additional Protocol constitutes the current verification standard. A number of states have also specifically called for adherence to the Additional Protocol to become a condition of nuclear supply, a position supported in the [Report of the International](#)

⁵⁹ "Taking stock of the NPT: an interview with US Special Representative Susan Burk", *Arms Control Today*, March 2010

⁶⁰ "Life at 40: prospects for the NPT and the 2010 review conference", *Arms Control Today*, March 2010

⁶¹ Correct as of 3 March 2010. The status of the IAEA Safeguards Agreement and Additional Protocol is available at: http://www.iaea.org/OurWork/SV/Safeguards/sir_table.pdf

⁶² Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden

[Commission on Nuclear Non-proliferation and Disarmament](#).⁶³ Opposition to this proposal has been longstanding however among the non-aligned states, which have argued that the Additional Protocol is voluntary and as such should not be imposed as a legal requirement.⁶⁴ This position has also been supported by the Arab League, with the focus instead being the achievement of universality of the NPT.

In its draft recommendations on strengthening safeguards the preparatory committee called for States to:

Affirm the need for full cooperation with the International Atomic Energy Agency to resolve any outstanding verification issues.

Reaffirm that IAEA safeguards are a fundamental pillar of the nuclear non-proliferation regime, play an essential role in the implementation of the Treaty and contribute to create an environment conducive to achieving nuclear disarmament and cooperation in the peaceful uses of nuclear energy.

Reaffirm that the International Atomic Energy Agency is the competent authority responsible for verifying compliance with its safeguards agreements undertaken in fulfilment of article III, paragraph I of the Treaty, and, in this context, reaffirm the importance of acceptance of the Agency's full-scope safeguards. Identify specific measures that would serve to promote the universalisation of the IAEA safeguards system. Welcome the efforts of the Agency to strengthen safeguards and to increase the Agency's ability to detect undeclared nuclear activities, as well as the steps taken to assist states in their application.⁶⁵

The longstanding division of opinion over safeguards and verification has led many observers to conclude that achieving progress on this particular issue at the forthcoming review conference may therefore be minimal.⁶⁶ The recent civil nuclear co-operation agreement that was signed between the US and India, a non-NPT signatory, has also angered a number of states which view the agreement as a violation of Article III while at the same time benefitting a state that does not even adhere to the obligations and responsibilities of the NPT. A Brazilian diplomat was quoted by Deepti Choubey in 2009 as commenting "the first victim of the India deal is support for the AP [Additional protocol] in Brazil. We have done everything right, the Indians have not, but they have gotten the better result. We are not taking on any more obligations".⁶⁷ In response, to those allegations, however, the US has asserted that the India co-operation deal "was seen as a way to bring India closer to the non-proliferation norm, to an agreement that would bring more of their facilities under safeguards".⁶⁸ In its response to the Foreign Affairs Committee report *Global Security: Non Proliferation* in August 2009, the FCO also argued that the deal would "bring India closer to the non-proliferation mainstream" and that it provided the opportunity to

⁶³ That report also called for the IAEA Additional Protocol to be strengthened to make clear the IAEA's right to investigate possible weaponisation activity, adding specific reference to dual-use items, reporting on export denials and the right to interview specific individuals.

⁶⁴ *Working Paper submitted by the Group of Non-aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons*, NPT/CONF.2010/PC.III/WP.30

⁶⁵ [Draft recommendations to the review conference](#) (NPT/CONF.2010/PC.III/CRP.4/Rev.1)

⁶⁶ See "Proposals, positions and prospects: issues facing the 2010 NPT review Conference", *Disarmament Diplomacy*, Spring 2009

⁶⁷ Deepti Choubey, "Restoring the NPT: Essential steps for 2010", Carnegie endowment for International peace, November 2009

⁶⁸ "Taking stock of the NPT: an interview with US Special Representative Susan Burk", *Arms Control Today*, March 2010

“engage in a constructive non-proliferation dialogue [...] including continuing to encourage them to ratify the CTBT” and “the opportunity to discuss nuclear security issues”.⁶⁹

Compliance

Concerns over the nuclear programmes of Iran and North Korea have once again brought into sharp focus the strength of the compliance and enforcement regime associated with the NPT. As the Acronym Institute has observed:

The NPT itself lacks institutional provisions for compliance assessment and enforcement. The role of the IAEA is limited to judging compliance with safeguards agreements – not with the treaty generally – and it lacks effective means to enforce its judgements. The IAEA can seek recourse to the UN Security Council in a limited range of circumstances, typically upon agreement by the Board of governors following a report from inspectors about clandestine nuclear operations or the diversion of nuclear materials. However there are considerable grey areas in its authority, especially absent the Additional Protocol [...]

Ultimately compliance judgement and enforcement is left in the hands of NPT state parties.⁷⁰

The Report of the International Commission on Nuclear Non-proliferation and Disarmament has also noted:

The NPT is notable for having no executive machinery: in particular, no decision making mechanism for determining compliance with the treaty. Effectively this function is entrusted to the IAEA, through the agency’s conclusions regarding compliance with safeguards agreements [...]

It is important, if credibility is to be maintained, that the IAEA confine itself essentially to technical criteria, applying them with consistency and credibility, and leaving the political consequences for the Security Council to determine [...]

But so far it has shown itself to be either unable or very reluctant to take strong action. In the case of North Korea, for example, the Security Council was unable to reach a decision, and the matter was referred to the Six-Party talks. In the case of Iran, key states have been reluctant to apply sanctions or other measures with any real bite [...]

In this respect it is important for the future integrity of the system, that the Security Council takes reporting violations and, in particular, failures to respond satisfactorily to requests for information, just as seriously as evidence of physical diversion of nuclear material.⁷¹

Discussing compliance enforcement without allowing the Iran issue to derail the overall objectives of the review conference and hold it to hostage has been recognised as a challenge. Several proposals to address compliance and enforcement have subsequently been put forward for discussion at the review conference. The United States has called for states parties to adopt legal mechanisms, develop institutions and internal infrastructure and respond to non-compliance through their own domestic jurisdiction. The US proposal also suggests that states, regional groupings and international organisations should provide

⁶⁹ Foreign Affairs Committee, *Global Security: Non-Proliferation, Response of the Secretary of State for Foreign and Commonwealth Affairs*, Cm 7692, Session 2008-09

⁷⁰ “Proposals, positions and prospects: issues facing the 2010 NPT review conference”, *Disarmament Diplomacy*, Spring 2009

⁷¹ *Eliminating Nuclear Threats*, Report of the International Commission on Nuclear Non-Proliferation and Disarmament, December 2009

assistance to those countries that have identified gaps in their own capacities. Another proposal supported by several countries is for the role of the UN Security Council to be affirmed and in particular in its ability to take appropriate measures in cases of non-compliance. While the majority of countries have endorsed some role for the UN Security Council in enforcing compliance with the treaty and IAEA safeguards, the manner in which it does so has been widely contested. Of particular concern is the ability of the UNSC to conduct compliance assessments in a professional, fair and balanced manner. Indonesia, for example, has expressed the view that the expansion of the Council's authority risked undermining the authority of the IAEA.⁷² In its draft recommendations to the review conference the preparatory committee called on the states parties to:

recognize the fundamental importance of full compliance with all the provisions of the Treaty and the relevant IAEA safeguards agreements, and of consequences for breaches of Treaty obligations. Emphasize that responses to concerns over compliance with any obligation under the Treaty should be pursued by diplomatic means.⁷³

The ability of a state to withdraw from the NPT, with little or no international consequence, has also been raised as a key concern which many hope will be addressed during the May conference. Undoubtedly the debate has been prompted by North Korea's renunciation of the NPT in 2003 and its subsequent pursuit of a nuclear weapons capability. Indeed ongoing discussion about the status of North Korea under the NPT (see above) has led many to conclude that, if nothing else, interpretation of the language of Article X must be clarified. Several states, including Canada and the EU member states have argued that there should be some liability for past violations, that eligibility to withdraw should be restricted to compliant states, that a notice of withdrawal must be given in writing and that the IAEA should continue to apply safeguards or the Additional Protocol to states that have withdrawn. It has also been suggested that withdrawing states should be required to return any third party materials or equipment acquired while under the treaty.⁷⁴ Canada, for example has argued that a state should not be able to "retain the fruits of its adherence to the treaty, while abandoning its obligations".⁷⁵ Positions have been mixed, however, on the response mechanisms to be adopted once a state expresses its intent to withdraw. While several support the concept that a withdrawal notice should prompt a meeting of the UN Security Council to discuss its implications; others, such as Indonesia have expressed concern in light of the limited membership and veto powers of the P5 and have argued therefore in support of a South Korean proposal that withdrawal cases should be dealt with through an emergency meeting of NPT parties instead.

Peaceful use of Nuclear Energy

The peaceful use of nuclear energy and associated issues of nuclear security and the physical protection of nuclear materials have received increasing attention in the last few years, particularly in light of the perceived threat of non-state/terrorist acquisition of nuclear material; a possibility that many have argued could rise if nuclear power is regarded more favourably amidst the debate on climate change. In a speech in October 2008 the UN Secretary General commented:

⁷² Reported in "Proposals, positions and prospects: issues facing the 2010 NPT review conference", *Disarmament Diplomacy*, spring 2009

⁷³ [Draft recommendations to the review conference](#) (NPT/CONF.2010/PC.III/CRP.4/Rev.1)

⁷⁴ This view was also set down as a recommendation in the report of the International Commission on Nuclear Non-proliferation and Disarmament

There are concerns that a “nuclear renaissance” could soon take place, with nuclear energy being seen as a clean, emission-free alternative at a time of intensifying efforts to combat climate change. The main worry is that this will lead to the production and use of more nuclear materials that must be protected against proliferation and terrorist threats.⁷⁶

This idea of the ‘nuclear renaissance’ has also been raised by the British government in its paper *The Road to 2010*:

Nuclear power will have to be an integral part of any successful response to the interlinked challenges of climate change and security of energy supplies. But nuclear power can only play this role if there is international confidence that its expansion does not exacerbate the risk of further proliferation of nuclear weapons, or of shortcomings in security that would leave the world increasingly vulnerable to nuclear attacks from terrorism. In combating what is arguably the single biggest threat of this century – climate change – we must not risk reviving the great concern of the second half of the last century: the use of nuclear weapons.⁷⁷

Multilateral Approaches to the Nuclear Fuel Cycle

Within the context of expanding global interest in nuclear energy and the anticipation that more states may seek to develop their own nuclear fuel production capabilities, coupled with the debate on Iran’s nuclear programme, states have recently been giving increasing attention to ways in which the nuclear fuel cycle could potentially be managed in order to cut the proliferation risks.

Although the IAEA has been the focus of many of those proposals thus far, many observers have acknowledged that the NPT review conference presents a vital opportunity to make progress in this key area. The most broadly supported concepts centre around the idea of establishing nuclear fuel supply assurances and possibly a multilateral nuclear fuel ‘bank’, in order to provide states with an incentive not to pursue their own national programmes. While many states (including the P5)⁷⁸ have expressed support for these initiatives, a number of non-aligned states have expressed reservations that such measures would erode the fundamental right to develop peaceful uses of nuclear energy, which lies at the heart of the NPT. Others have expressed concern over how any proposed mechanism would work in practice.

The preparatory committee’s report of draft recommendations concluded that states parties should:

Stress the importance of extensive and transparent consultations in the consideration of multilateral approaches to the nuclear fuel cycle and assurances of the supply. Indicate that such proposals should be addressed in a multilateral, economically viable and non-discriminatory manner under the auspices of the IAEA, without infringement of the rights of States parties under article IV of the Treaty. Confirm that each country’s choices and decisions in the field of peaceful uses of nuclear energy should be

⁷⁵ “Laying substantive groundwork for 2010: report of the 2009 NPT PrepCom”, *Disarmament Diplomacy*, Summer 2009

⁷⁶ Address to the East-West Institute, *The United Nations and security in a nuclear-weapon-free world*, 24 October 2008

⁷⁷ Cabinet Office, *The Road to 2010*, Cm 7675, July 2009

⁷⁸ *Statement on behalf of China, France, the Russian federation, the United Kingdom and the United States of America to the 2008 non-proliferation treaty preparatory committee*, 9 May 2008

respected without jeopardizing its policies or international cooperation agreements and arrangements for peaceful uses of nuclear energy and its fuel-cycle policies.⁷⁹

While supporting the broad principles of these ideas, the US in particular has expressed support for these proposals to be pursued through the IAEA. Susan Burke has commented:

It is clearly a debate that is generating a lot of interest and raising a lot of issues – technical, commercial, legal, political – that need to be worked through. But our thinking is that the review conference is not the place to solve those problems. It's not going to answer the questions and come up with the right answer on multilateral fuel banks and fuel assurances. But it is a legitimate topic of discussion because it really goes to the heart of Article 4, particularly if we're moving in the direction of increased use of nuclear power. But the review conference could encourage the discussions in Vienna to continue because it's important to have the right experts addressing these hard questions and urge the IAEA to continue to address them. So, we think that would be a good outcome. The review conference could usefully give a boost to these discussions and encourage that they continue, without prejudice to how they would come out.⁸⁰

Nuclear Security

At the 2000 NPT review conference nuclear security issues were given minimal attention with the conference calling for increased co-operation rather than any concrete proposals for moving forward. As set out below, the UK has called for nuclear security to be made the fourth pillar of the NPT regime; while the Vienna Group of 10 have called for action in a variety of areas including ratification and implementation of the *Convention on the Physical Protection of Nuclear Materials* and establishing appropriate and effective controls and physical protection measures over materials related to nuclear weapons and their means of delivery, as well as measures to combat illicit trafficking and brokering.⁸¹ In addition, Canada has also called for recognition of the US-led Proliferation Security Initiative.

The draft recommendations of the preparatory committee call on States parties to:

Highlight the importance of strengthening nuclear safety, radiation protection, the safety of radioactive waste management, and the safe transport of nuclear and radioactive materials, including maritime transport. Underscore the need to maintain the highest standards of safety at civilian nuclear installations through national measures and international cooperation [...]

Stress the importance of combating nuclear terrorism and support the IAEA Nuclear Security plan. Welcome the contributions of the IAEA in the promotion of the physical protection of nuclear material and safety in all its aspects. Endorse the IAEA's work in assisting States' efforts to prevent the illicit trafficking in nuclear and other radioactive material. Underscore the importance of regular contributions to the IAEA Nuclear Security Fund.

Call upon all States that have not yet done so, to accede to all relevant conventions on nuclear safety, on safety of spent fuel, on safety or radioactive waste management, and on physical protection of nuclear material and facilities. Also call upon all States to follow the guidelines in the IAEA Code of Conduct on the Safety and Security of

⁷⁹ [Draft recommendations to the review conference](#) (NPT/CONF.2010/PC.III/CRP.4/Rev.1)

⁸⁰ "Taking stock of the NPT: an interview with US Special Representative Susan Burk", *Arms Control Today*, March 2010

⁸¹ "Laying substantive groundwork for 2010: report of the 2009 NPT PrepCom", *Disarmament Diplomacy*, Summer 2009

Radioactive Sources. Stress the importance of maintaining dialogue on facilitating the safe maritime transport of radioactive material.⁸²

The Washington Summit in April is expected to focus on developing a practical agenda for nuclear security issues and therefore many observers have expressed high hopes of achieving progress in this area in May. The Acronym Institute has argued, however, that “the major role of the NPT in addressing these issues [...] is likely to be limited in 2010 to endorsing existing efforts and calling on states to join all relevant international instruments”.⁸³ On the issue of establishing nuclear security as a fourth pillar of the NPT, as suggested by the UK, the United States has commented:

Regarding the idea of a fourth pillar – what we have to be careful of is that we don’t convey the impression that we are trying to create new obligations under the NPT. If you look at strengthening the IAEA across the board – not just safeguards, but in terms of all of its programs – that then gives you additional capacity to deal with these security issues. [but] the threat of loose or vulnerable material is something that NPT parties could take up.⁸⁴

Universality

In addition to extending the NPT indefinitely, the 1995 review conference called for universal adherence to the treaty. That aspiration was also voiced at the 2000 conference with specific reference to those nuclear capable states outside of the treaty: namely, Pakistan, India and Israel. Taking this further, Egypt has tabled a proposal for discussion at the 2010 conference that would see the creation of an ‘NPT Universality Adherence Support Unit’ and the creation of a universality action plan which would set down a series of practical steps towards this goal.

1995 Resolution on the Middle East

The 1995 review conference adopted a resolution that called for steps toward achieving a Middle East nuclear weapons free zone. Specifically the resolution called for non-NPT states to join the NPT as non-nuclear weapon states; for all states in the region to place their nuclear facilities under IAEA safeguards and for all states to take practical steps towards establishing a nuclear weapons free zone. That resolution was reaffirmed in 2000, although little was done to progress its implementation.

Renewed interest in implementing the 1995 resolution has taken on prominence, largely within the debate on Iran’s nuclear programme and the position of Israel outside of the NPT. However, Patricia Lewis has suggested that “there is a suspicion from states in the region [...] that this renewed interest is due entirely to a desire for a successful outcome of the review conference and that this desire will not be sustained in the months and years following May 2010”.⁸⁵

Therefore, both the Non Aligned Movement and the Arab League have proposed that an Intersessional Standing Committee be established to follow up implementation of the resolution, with a view to reporting at the 2015 review conference. Egypt, on the other hand,

⁸² [Draft recommendations to the review conference](#) (NPT/CONF.2010/PC.III/CRP.4/Rev.1)

⁸³ “Proposals, positions and prospects: issues facing the 2010 NPT review Conference”, *Disarmament Diplomacy*, Spring 2009

⁸⁴ “Taking stock of the NPT: an interview with US Special Representative Susan Burk”, *Arms Control Today*, March 2010

⁸⁵ “Life at 40: prospects for the NPT and the 2010 review conference”, *Arms Control Today*, March 2010

in its working paper to the preparatory committee presented a list of measures for the review conference to consider, including:

- Calling on the nuclear weapon states to convene a conference of all Middle East states to conclude a legally binding verifiable treaty.
- Calling on all parties to require as a precondition to entering into supply arrangements, that Israel accept full IAEA safeguards and legally binding commitments not to acquire nuclear weapons.
- Calling on the IAEA to reduce its level of technical co-operation with Israel until it accedes to the NPT as a non nuclear weapon state.
- Issuing a statement of support for the establishment of a Middle East NMFZ within a declared timeframe
- Calling on all parties to submit reports to each preparatory committee and review conference on their efforts towards implementation of this resolution.

The Arab League has also proposed that a commitment to prohibiting any nuclear trade with Israel should be established, a position which Iran has also supported.

In its draft recommendations to the review conference, the preparatory committee called for states to:

Consider the proposal to convene a conference of all states concerned to address ways and means to implement the resolution and undertake consultations with a view to facilitating the convening of such a conference. Establish a subsidiary body to Main Committee II of the 2010 Review Conference to consider concrete practical steps to promote the earliest implementation of the Resolution on the Middle East. Consider the appointment of a special coordinator to hold consultations with the countries in the region and report on their outcome during the course of the review process. Call upon all states parties to issues periodic reports to each of the Preparatory Committees and the review Conference on their efforts to implement the Resolution.⁸⁶

The likelihood of achieving substantial progress in implementing this resolution however is considered to be minimal. Iran has yet to ratify the IAEA Additional Protocol, and is unlikely to do so in the foreseeable future while the debate rages over its suspected nuclear programme; while Israel is unlikely to join the NPT as a non-nuclear weapon state while it perceives the potential of a nuclear-armed Iran within its regional sphere of influence.

Institutional Reform

With the exception of its relationship with the IAEA, which in itself has limitations the NPT does not provide for any institutional structure in support of implementation of the treaty's objectives, unlike other treaty regimes governing WMD. In 1995 and 2000 various measures were agreed which would strengthen the review process, including the establishment of the preparatory committee. However, it has been widely acknowledged that far reaching institutional reform is necessary if the NPT is to remain viable in the longer term as the cornerstone of the international community's disarmament and non-proliferation efforts. In 2006 the Report of the International Weapons of Mass Destruction Commission described the NPT as the "weakest of the treaties on WMD in terms of provision about implementation",

⁸⁶ [Draft recommendations to the review conference](#) (NPT/CONF.2010/PC.III/CRP.4/Rev.1)

citing the lack of a standing secretariat or provisions to convene special or extraordinary meetings and to assist in preparing for review conferences.⁸⁷ The need for institutional reform has also been highlighted by the withdrawal from the treaty by North Korea in 2003 and the lack of any mechanism to evaluate and enforce compliance with the treaty.

A number of proposals for reform have subsequently been tabled for the 2010 review conference, many of which were on the agenda in 2005. In its working paper, Canada has continued to propose the establishment of a small standing bureau of the NPT that could convene an extraordinary session in the event that a State Party submitted a notification of its intention to withdraw, or if other situations arise that may threaten the integrity or viability of the NPT. Its members could also provide continuity throughout the review cycle. Ukraine has also supported this position and suggested that such an office could also serve as a focal point in terms of collecting and managing reports related to each state's progress on issues such as disarmament and the implementation of various treaties and initiatives such as universality. Opposition to the proposal initially came from the United States however, which during the 2008 preparatory committee session argued that the problems facing the NPT were political rather than procedural and that as such the NPT did not require a standing body.⁸⁸ Whether this opinion will have changed under the Obama administration, however, remains to be seen.

A number of countries have also called for annual one-week meetings of the NPT States Parties to be convened in order to consider and decide on any issues covered by the treaty, thereby taking pressure off the quinquennial review conferences.

In its comments, the preparatory Committee recommended that states:

Affirm that the strengthened review process has become an indispensable, dynamic mechanism for evaluating the Treaty's operation and implementation. Recognize that several proposals advocating the need for certain institutional and procedural reforms have been submitted by states parties, including the need for securing the adequate financial support for and the cost-efficiency of the review process. Give due consideration and undertake a thorough evaluation of these proposals with a view to achieving a consensus on agreed measures to strengthen further the review process.⁸⁹

4 The UK position

The UK has been a strong advocate of multilateral disarmament and since the end of the Cold War has undertaken several disarmament measures which have resulted in reducing the explosive power of the British nuclear arsenal by 75% and the UK becoming the only nuclear weapon state recognised under the NPT to have reduced its deterrent capability to a single system.⁹⁰ This commitment to multilateral disarmament has been frequently reiterated by both the Prime Minister, Gordon Brown and the Foreign Secretary, David Miliband over the last year and in 2009 the Government published two documents which set out the UK's current position and thinking with regard to achieving that long term aim of global nuclear disarmament: the February 2009 FCO policy information paper entitled *Lifting the Nuclear*

⁸⁷ [Report of The Weapons of Mass Destruction Commission](#)

⁸⁸ "Proposals, positions and prospects: issues facing the 2010 NPT review Conference", *Disarmament Diplomacy*, Spring 2009

⁸⁹ [Draft recommendations to the review conference](#) (NPT/CONF.2010/PC.III/CRP.4/Rev.1)

⁹⁰ Working paper on disarmament submitted by the UK to the first session of the NPT Preparatory Committee, 9 May 2007

Shadow: Creating the Conditions for Abolishing Nuclear Weapons; followed in July 2009 by the Cabinet Office document *The Road to 2010*.⁹¹

The FCO policy paper concluded that “an assertive and co-operative strategy” must be agreed by the entire international community if the goal of a nuclear weapons-free world is to be achieved. Specifically that document suggested that three main sets of conditions need to be put in place before a state of global zero can even be considered, all of which broadly reflect the three pillars of the NPT: a watertight non-proliferation regime which still exploits the benefits of nuclear energy needs to be established; arsenals need to be reduced and an international legal framework which progressively tightens constraints on nuclear weapons constructed while the technical, political and institutional challenges of moving to global zero without destabilising international security need to be addressed. Recognising the challenge of achieving those conditions, the document goes on to set out what the British government considers to be attainable toward that larger goal within the next few years:

1. Stopping further proliferation and securing agreement among all NPT states that the way forward must include tougher measures to prevent proliferation and tighten security and the implementation of such measures, including practical help to those states which need it.
2. Working with the IAEA to help states that want to develop a civil nuclear energy industry to do so in ways which are secure and minimise the proliferation risk.
3. US-Russian negotiations and agreement on substantial reductions in their nuclear arsenals, complemented by the efforts of the other nuclear weapon states to keep their own forces to an absolute minimum.
4. Bringing the CTBT into force, banning all nuclear weapons test explosions and thereby constraining the development of nuclear weapons.
5. Starting negotiations, without preconditions, and making progress on a Fissile Material Cut-Off Treaty.
6. Begin exploring the political, military and technical issues which will need to be resolved if global zero is to be achieved.

While *Lifting the Nuclear Shadow* set out the Government’s disarmament vision, *The Road to 2010* went one step further and set out the government’s practical agenda for action on the three pillars of the NPT (proliferation, disarmament and peaceful nuclear use) in the run-up to the nuclear security conference in Washington in April and the NPT review conference in May 2010. As the Government noted “it is essential that the next [NPT] conference delivers renewed movement across this critical agenda”⁹² and has therefore called on the NPT review conference to agree a mandate or action plan for each of the three pillars of the NPT.⁹³ Specifically *The Road to 2010* identified the need to address:

- **Non-proliferation and disarmament:**
 - Increasing transparency with regard to nuclear weapons holdings and posture including by those states which are not signatories to the NPT.

⁹¹ This was accompanied by a Written Ministerial Statement in Parliament (HC Deb 16 July 2009, c78-9WS)

⁹² Cabinet Office, *The Road to 2010: Addressing the nuclear question in the twenty first century*, July 2009, p.2

⁹³ HC Deb 8 March 2010, c31W

- Dealing robustly with states that are in contravention of their NPT obligations and encourage those states which are not party to the NPT to sign and ratify it.
 - Ratification of the *Comprehensive Test Ban Treaty*, which is regarded as a key milestone in the disarmament process. Of the nuclear weapon states, the treaty has not been ratified by the US, China, India, Pakistan or Israel.
 - Taking forward the work that will enable negotiations on a *Fissile Material Cut-Off Treaty* to begin. The UK has indicated that verification measures for the FMCT could be undertaken through its Nuclear Centre of Excellence.
 - Strengthening the Proliferation Security Initiative.
 - Establishing a Middle East WMD free zone.
 - Developing new measures for tackling the financing of proliferation. The *Counter Terrorism Act 2008*, for example, gave the Government new powers to respond then the development of nuclear weapons overseas poses a risk to the UK. The UK is also taking the lead through the Financial Action Task Force to address how proliferation finance safeguards could be brought into the system of internationally agreed standards against illicit financing.
 - Implementation of effective export controls in accordance with UN Security Council Resolution 1540 and universal adoption of the IAEA Additional Protocols.
 - Confidence building measures that will allow States to contemplate moving towards 'global zero', including moves to reduce the relevance of nuclear weapons in each nations defence plans, establishing new structures to manage international crises and renewed dialogue on conventional arms control so the reduction of nuclear weapons does not prompt a conventional arms race.
- **Nuclear energy:**
 - Assisting states to utilise their rights under the NPT to peaceful uses of nuclear energy – through Nuclear Cooperation Agreements the UK provides assistance to prospective civil nuclear states and provides substantial funding through the IAEA Technical Cooperation Fund.
 - Persuading all states to sign up to the IAEA Additional Protocols which require states to provide the IAEA with greater information on its nuclear fuel cycle and increased powers of access and monitoring.
 - Examining multilateral approaches to the nuclear fuel cycle, including the establishment of an international fuel bank which would allow countries developing new nuclear programmes to reliably access the fuel and related services they need to generate power without the need to invest in enrichment and re-processing infrastructure thereby increasing the proliferation risk. Exploring this option on a regional basis and within the framework of the IAEA is regarded by the UK as a crucial approach. The UK will also establish a Nuclear Centre of Excellence to enable the UK to be at the forefront of

international efforts to improve access to the peaceful use of nuclear energy while preventing nuclear proliferation.⁹⁴ It is also envisaged that the centre may play a role in the future in developing the verification mechanisms needed to support a future Fissile Material Cut-off Treaty.

The Government also argues that strengthened action on nuclear security should be added to the NPT regime as a 'fourth pillar', and that attention should also be devoted to the international governance of the non-proliferation regime, including reform of the International Atomic Energy Agency (IAEA) if the grand bargain at the heart of the NPT is to be renewed.⁹⁵ With respect to nuclear security, and as part of the 2010 process, the UK intends to, among other things, extend its offer of assistance to any country that wants to secure stocks of vulnerable nuclear material, and work with other countries toward the ratification of the *Amendment to the Convention on the Physical Protection of Nuclear Material*. With a view to reform of the IAEA, the UK intends, in the short term, to work with the new Director General of the IAEA and international partners to develop robust plans for organisational reform of the agency; while also hosting a meeting of the main financial donors to discuss future funding and staffing issues. In the medium to longer term the UK proposes that the NPT review conference agree specific measures to develop the key role the IAEA needs to play in fissile material security, verification and non-compliance and how nuclear energy can assist in delivering sustainable energy development. Support for the IAEA from the UN Security Council will also be vital, particularly with regard to action over non-compliance and notices of withdrawal by any State from the NPT. The government has, however, rejected current calls for a nuclear weapons convention to be established, arguing that:

The Government believes that a Nuclear Weapons Convention may at some stage in the future form the legal underpinning of a world free from nuclear weapons. However, the global political and security environment in such a world is likely to be very different from current realities. It is impossible to predict how such a world might look. In addition, we believe that a new conference or body to discuss such a convention today would risk undermining the NPT. Therefore at this stage we believe it would be premature and counter-productive to begin negotiations on a Nuclear Weapons Convention. We also believe that such negotiations would be unlikely to make political headway in the current global political climate. We remain firmly committed to the NPT as the best vehicle for creating the conditions for a world free from nuclear weapons.⁹⁶

In its June 2009 Report, the Foreign Affairs Select Committee concluded that "The Government is correct to identify the 2010 Review Conference as critical for the future of [the international nuclear non-proliferation] regime".⁹⁷ It also concluded that:

without decisive movement by the five recognised nuclear weapons states as a whole on nuclear disarmament measures, there is a risk that the 2010 Review Conference will fail [...] We [...] commend the Government on its public recognition of the link between nuclear disarmament and non-proliferation. We conclude that the

⁹⁴ The Centre will bring together academia, industry and government and will be overseen by a group chaired by the Government's Chief scientific Advisor and include the Technology Strategy Board. The Government intend to commit £20m over the first five years.

⁹⁵ Cabinet Office, *The Road to 2010: Addressing the nuclear question in the twenty first century*, July 2009

⁹⁶ Foreign Affairs Committee, *Global Security: Non-Proliferation, Response of the Secretary of State for Foreign and Commonwealth Affairs*, Cm7692, Session 2008-09

⁹⁷ Foreign Affairs Committee, Fourth Report of Session 2008-09, *Global Security: Non-Proliferation*, HC 222, para 57

Government is correct to identify a vital need to reinvigorate multilateral nuclear disarmament, ideally before and certainly at the 2010 NPT Review Conference.⁹⁸

However, the government has made it clear that its support for global disarmament should not be mistaken for a commitment toward unilateral disarmament and that it would be premature and potentially counter-productive to focus efforts solely on an outright ban of nuclear weapons when many of the other conditions necessary to enable a ban to be credible and enduring have yet to be put in place. In his foreword to *Lifting the Nuclear Shadow* the Prime Minister commented:

Some suggest that the UK should give a lead by destroying all our own nuclear weapons. But our serious commitment to global nuclear disarmament should not be confused with unilateral disarmament. In our recent White Paper we explained in detail why in the current security environment it was necessary to maintain our nuclear deterrent. Furthermore, if the UK were to dismantle all our nuclear weapons, it is highly unlikely that others would do the same. Nor do we believe it would have any positive effect on current proliferators like Iran.

That report goes on to state:

Clearly, no country can do it all alone [...] Making progress will require building a broad coalition including states, international organisations, businesses, and non-governmental organisations. While the nuclear weapon states have a special responsibility to give a lead, eliminating nuclear weapons needs to be a co-operative project with the active engagement of the entire international community to create the political and security conditions which will be necessary [...]

We need to make a clean break from current perceptions that in this field everything is a zero sum game and instead work to establish virtuous circles in which progress on non-proliferation, disarmament and political and security conditions reinforce each other, enabling breakthroughs in areas which for many years have seemed intractable.⁹⁹

In *The Road to 2010* the Government also argued that the decision to renew Trident is fully compatible with the UK's NPT obligations, because failing to renew the system would effectively set the UK on the path to unilateral nuclear disarmament, which is not required by the Treaty.¹⁰⁰ In its working paper submitted to the NPT preparatory committee in 2007 the government also argued that the replacement of Trident equated to retention and not modernisation of its deterrent.¹⁰¹ That report also noted the UK's belief that "it is clear to us that considerable bilateral progress [between the US and Russia] will have to be made in reducing the large nuclear arsenals before it will be helpful and useful to include the small fraction of the global stockpile that belongs to us".¹⁰² Indeed, many commentators view the UK's nuclear deterrent as a potential bargaining chip in the wider debate on global zero.¹⁰³

⁹⁸ Foreign Affairs Committee, Fourth Report of Session 2008-09, *Global Security: Non-Proliferation*, HC 222, para 57

⁹⁹ Foreign and Commonwealth Office, *Lifting the nuclear shadow: creating the conditions for abolishing nuclear weapons*, February 2009

¹⁰⁰ Cabinet Office, *The Road to 2010: Addressing the nuclear question in the twenty first century*, July 2009, para 5.38

¹⁰¹ Working paper on disarmament submitted by the UK to the first session of the NPT Preparatory Committee, 9 May 2007

¹⁰² Ibid

¹⁰³ See for example Desmond Bowen, "Deterrence and disarmament in the UK", *survival*, February-March 2010 and "Chinese and British perspectives on the road to the NPT 2010", *RUSI Workshop Report*, November 2009

The Prime Minister first set out this position, in a major speech on nuclear issues in March 2009,¹⁰⁴ and reiterated it during remarks at the G8 summit in July 2009.¹⁰⁵ In his March speech, the Prime Minister stated:

There are tough responsibilities to be discharged by nuclear weapon states, for as possessor states we cannot expect to successfully exercise the moral and political leadership in preventing the proliferation of nuclear weapons if we do not ourselves do not demonstrate political leadership on the question of disarmament of our weapons [...] If it is possible to reduce the number of UK warheads further, consistent with our national deterrence requirements and with the progress of multilateral discussions, Britain will be ready to do so.¹⁰⁶

At the meeting of the UN General Assembly in mid-September 2009 the Prime Minister also announced that the UK would be prepared to consider cutting the size of the UK's deterrent fleet from four to three submarines as part of any global agreement to reduce nuclear arms. In his speech to the Assembly the Prime Minister stated:

If we are serious about the ambition of a nuclear free world we will need statesmanship, not brinkmanship [...]

All nuclear weapons states must play their part in reducing nuclear weapons as part of an agreement by non nuclear states to renounce them. This is exactly what the Non Proliferation Treaty intended. In line with maintaining our nuclear deterrent I have asked our national security committee to report to me on the potential future reduction of our nuclear weapon submarines from four to three.¹⁰⁷

An MOD statement on 23 September 2009 clarified that "the PM's aim is that from the mid 2020s we should meet our minimum deterrent requirements with three next-generation nuclear armed submarines, unless analysis demonstrates that this would be impossible".¹⁰⁸

The renewal of Trident is examined in greater detail in Library Standard Note SN/IA/5150, *Future of the British nuclear deterrent: a progress report*.

At the end of March 2010 the Government published an information pack entitled *Nuclear 2010* which set out the UK's objectives for the forthcoming Review Conference, and largely reiterating those proposals initially set out in the *Road to 2010*.

In its most recent report on *Global Security: UK-US Relations*, the Foreign Affairs Select Committee stated:

We conclude that the goal of a nuclear weapons-free world is gathering more serious international political support than at any time since the end of the Cold War. We conclude that the Government's leadership on multilateral nuclear disarmament is to be commended.¹⁰⁹

¹⁰⁴ Speech on nuclear energy and proliferation, 17 March 2009, <http://www.number10.gov.uk/Page18631>

¹⁰⁵ "Trident may be part of price for deal on nuclear disarmament", *The Times*, 10 July 2009

¹⁰⁶ Speech on nuclear energy and proliferation, 17 March 2009, <http://www.number10.gov.uk/Page18631>

¹⁰⁷ A copy of the Prime Minister's speech is available online at: <http://www.number10.gov.uk/Page20719>

¹⁰⁸ MOD, Defence in the Media, 23 September 2009

¹⁰⁹ Foreign Affairs Committee, *Global Security: UK-US relations*, HC 114, Session 2009-2010

Appendix One – Text of the Nuclear Non-Proliferation Treaty¹¹⁰

The States concluding this Treaty, hereinafter referred to as the “Parties to the Treaty”,

Considering the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples,

Believing that the proliferation of nuclear weapons would seriously enhance the danger of nuclear war,

In conformity with resolutions of the United Nations General Assembly calling for the conclusion of an agreement on the prevention of wider dissemination of nuclear weapons,

Undertaking to co-operate in facilitating the application of International Atomic Energy Agency safeguards on peaceful nuclear activities,

Expressing their support for research, development and other efforts to further the application, within the framework of the International Atomic Energy Agency safeguards system, of the principle of safeguarding effectively the flow of source and special fissionable materials by use of instruments and other techniques at certain strategic points,

Affirming the principle that the benefits of peaceful applications of nuclear technology, including any technological by-products which may be derived by nuclear-weapon States from the development of nuclear explosive devices, should be available for peaceful purposes to all Parties to the Treaty, whether nuclear-weapon or non-nuclear-weapon States, Convinced that, in furtherance of this principle, all Parties to the Treaty are entitled to participate in the fullest possible exchange of scientific information for, and to contribute alone or in co-operation with other States to, the further development of the applications of atomic energy for peaceful purposes,

Declaring their intention to achieve at the earliest possible date the cessation of the nuclear arms race and to undertake effective measures in the direction of nuclear disarmament,

Urging the co-operation of all States in the attainment of this objective,

Recalling the determination expressed by the Parties to the 1963 Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water in its Preamble to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time and to continue negotiations to this end,

Desiring to further the easing of international tension and the strengthening of trust between States in order to facilitate the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery pursuant to a Treaty on general and complete disarmament under strict and effective international control,

Recalling that, in accordance with the Charter of the United Nations, States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations, and that the establishment and maintenance of international peace and security are to be promoted with the least diversion for armaments of the world's human and economic resources,

¹¹⁰ <http://www.iaea.org/Publications/Documents/Infcircs/Others/infcirc140.pdf>

Have agreed as follows:

ARTICLE I

Each nuclear-weapon State Party to the Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.

ARTICLE II

Each non-nuclear-weapon State Party to the Treaty undertakes not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

ARTICLE III

1. Each Non-nuclear-weapon State Party to the Treaty undertakes to accept safeguards, as set forth in an agreement to be negotiated and concluded with the International Atomic Energy Agency in accordance with the Statute of the International Atomic Energy Agency and the Agency's safeguards system, for the exclusive purpose of verification of the fulfilment of its obligations assumed under this Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Procedures for the safeguards required by this Article shall be followed with respect to source or special fissionable material whether it is being produced, processed or used in any principal nuclear facility or is outside any such facility. The safeguards required by this Article shall be applied on all source or special fissionable material in all peaceful nuclear activities within the territory of such State, under its jurisdiction, or carried out under its control anywhere.

2. Each State Party to the Treaty undertakes not to provide: (a) source or special fissionable material, or (b) equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by this Article.

3. The safeguards required by this Article shall be implemented in a manner designed to comply with Article IV of this Treaty, and to avoid hampering the economic or technological development of the Parties or international co-operation in the field of peaceful nuclear activities, including the international exchange of nuclear material and equipment for the processing, use or production of nuclear material for peaceful purposes in accordance with the provisions of this Article and the principle of safeguarding set forth in the Preamble of the Treaty.

4. Non-nuclear-weapon States Party to the Treaty shall conclude agreements with the International Atomic Energy Agency to meet the requirements of this Article either individually or together with other States in accordance with the Statute of the International Atomic Energy Agency. Negotiation of such agreements shall commence within 180 days from the original entry into force of this Treaty. For States depositing their instruments of ratification or accession after the 180-day period, negotiation of such agreements shall

commence not later than the date of such deposit. Such agreements shall enter into force not later than eighteen months after the date of initiation of negotiations.

ARTICLE IV

1. Nothing in this Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II of this Treaty.

2. All the Parties to the Treaty undertake to facilitate, and have the right to participate in. The fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy. Parties to the Treaty in a position to do so shall also cooperate in contributing alone or together with other States or international organizations to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States Party to the Treaty, with due consideration for the needs of the developing areas of the world.

ARTICLE V

Each Party to the Treaty undertakes to take appropriate measures to ensure that, in accordance with this Treaty, under appropriate international observation and through appropriate international procedures, potential benefits from any peaceful applications of nuclear explosions will be made available to non-nuclear-weapon States Party to the Treaty on a non-discriminatory basis and that the charge to such Parties for the explosive devices used will be as low as possible and exclude any charge for research and development. Non-nuclear weapon States Party to the Treaty shall be able to obtain such benefits, pursuant to a special international agreement or agreements, through an appropriate international body with adequate representation of non-nuclear-weapon States. Negotiations on this subject shall commence as soon as possible after the Treaty enters into force. Non-nuclear-weapon States Party to the Treaty so desiring may also obtain such benefits pursuant to bilateral agreements.

ARTICLE VI

Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.

ARTICLE VII

Nothing in this Treaty affects the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories.

ARTICLE VIII

1. Any Party to the Treaty may propose amendments to this Treaty. The text of any proposed amendment shall be submitted to the Depositary Governments which shall circulate it to all Parties to the Treaty. Thereupon, if requested to do so by one-third or more of the Parties to the Treaty, the Depositary Governments shall convene a conference, to which they shall invite all the Parties to the Treaty, to consider such an amendment.

2. Any amendment to this Treaty must be approved by a majority of the votes of all the Parties to the Treaty, including the votes of all nuclear-weapon States Party to the Treaty and all other Parties which, on the date the amendment is circulated, are members of the Board

of Governors of the International Atomic Energy Agency. The amendment shall enter into force for each Party that deposits its instrument of ratification of the amendment upon the deposit of such instruments of ratification by a majority of all the Parties, including the instruments of ratification of all nuclear-weapon States Party to the Treaty and all other Parties which, on the date the amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency. Thereafter, it shall enter into force for any other Party upon the deposit of its instrument of ratification of the amendment.

3. Five years after the entry into force of this Treaty, a conference of Parties to the Treaty shall be held in Geneva, Switzerland, in order to review the operation of this Treaty with a view to assuring that the purposes of the Preamble and the provisions of the Treaty are being realised. At intervals of five years thereafter, a majority of the Parties to the Treaty may obtain, by submitting a proposal to this effect to the Depositary Governments, the convening of further conferences with the same objective of reviewing the operation of the Treaty.

ARTICLE IX

1. This Treaty shall be open to all States for signature. Any State which does not sign the Treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics and the United States of America, which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force after its ratification by the States, the Governments of which are designated Depositaries of the Treaty, and forty other States signatory to this Treaty and the deposit of their instruments of ratification. For the purposes of this Treaty, a nuclear weapon State is one which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to 1 January, 1967.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession, the date of the entry into force of this Treaty, and the date of receipt of any requests for convening a conference or other notices.

6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

ARTICLE X

1. Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

2. Twenty-five years after the entry into force of the Treaty, a conference shall be convened to decide whether the Treaty shall continue in force indefinitely, or shall be extended for an

additional fixed period or periods. This decision shall be taken by a majority of the Parties to the Treaty.

ARTICLE XI

This Treaty, the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

IN WITNESS WHEREOF the undersigned, duly authorised, have signed this Treaty.

DONE in triplicate, at the cities of London, Moscow and Washington, the first day of July, one thousand nine hundred and sixty-eight.