



**IKV PAX
CHRISTI**



STRENGTHENING THE NPT
*IKV Pax Christi Recommendations to
the 2013 Preparatory Committee*



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About the project

No Nukes is IKV Pax Christi's campaign for a world free of nuclear weapons. No Nukes is a partner of the International Campaign to Abolish Nuclear weapons (ICAN) and hosts the global secretariat of the Abolition 2000 network. IKV Pax Christi is the joint peace organisation of the Dutch Interchurch Peace Council (IKV) and Pax Christi Netherlands. We work for peace, reconciliation and justice in the world. We join with people in conflict areas to work towards a peaceful and democratic society. We enlist the aid of people in the Netherlands who, like IKV Pax Christi, want to work for political solutions to crises and armed conflicts. IKV Pax Christi combines knowledge, energy and people to attain one single objective: there must be peace!

More information about IKV Pax Christi can be found at www.nonukes.nl and www.ikvpaxchristi.nl

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Introduction

IKV Pax Christi warmly welcomed the consensus action plan agreed at the 2010 NPT Review Conference. However, we are greatly concerned that actions, in particular the agreed disarmament actions are not being implemented enough in order to substantively progress towards a nuclear weapons free world. Instead it is clear that some policies and practices of countries are shifting away from the agreements laid in the action plan.

Now, mid-way through this NPT Review Cycle, is an excellent opportunity to examine just where we are, and what we need to do to get to a nuclear weapons free world. It is the right time to reaffirm this shared vision. It is also appropriate to take stock of developments since the adoption of the Action Plan, and examine how these contribute to our shared vision.

There have certainly been positive advances- the political commitments made at the Seoul Nuclear Security Summit, the seminars held in Geneva on a fissile materials treaty, the conference in Oslo on the humanitarian impact of nuclear weapons. There have also been some not so positive steps, for example, the 2012 NATO Defence and Deterrence Posture Review failed to seize the opportunity to reduce the role of nuclear weapons in the alliance's doctrine (Action 5c). And all of the nuclear armed States are modernizing their arsenals and nuclear weapons infrastructure, investing billions to keep the weapons in perpetuity (contravening Action 1), and the hoped for conference towards a Weapons of Mass Destruction Free Zone in the Middle East was postponed.

The 2013 NPT preparatory committee (PrepCom) meeting is an opportunity to demonstrate some good practices and assess whether States are actually halfway towards meeting the commitments they agreed in 2010. Only by looking at the progressive development of the treaty regime as a whole, can the international community be assured that political bias will not overtake technical assessments of compliance with ALL treaty obligations. We expect States parties to approach the PrepCom with flexibility and produce a balanced outcome that reflects the commitments made only three years ago.

IKV Pax Christi looks forward to a positive outcome of the NPT PrepCom and to working with all interested parties to ensure its success.

Updated 28 March 2013

Disarmament Recommendations

New opportunities to negotiate nuclear disarmament

There is growing international support for the start of negotiations on a treaty banning nuclear weapons and leading to their elimination. This is clearly demonstrated by the voting patterns at the UN General Assembly, particularly on the resolution “Follow-up to the advisory opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons” (A/RES/67/33) which “*Calls once again upon all States immediately to fulfil that obligation by commencing multilateral negotiations leading to an early conclusion of a nuclear weapons convention prohibiting the development, production, testing, deployment, stockpiling, transfer, threat or use of nuclear weapons and providing for their elimination;*”¹. It is imperative for States to commence and conclude negotiations on the global prohibition and elimination of nuclear weapons as mandated by the legal obligation unanimously proclaimed by the International Court of Justice (ICJ) in 1996. It cannot be lawful to continue indefinitely to possess weapons which are unlawful to use or threaten with, that are already banned for most States, and are subject to an obligation of elimination. On November 26, 2011, the International Red Cross and Red Crescent Movements adopted a resolution on the irreconcilability of nuclear weapons with International Humanitarian Law (IHL), calling on States to undertake in good faith, and conclude, negotiations to prohibit the use of and completely eliminate nuclear weapons through a legally binding international agreement. Previous iterations of the resolution called on States to negotiate in the Conference on Disarmament, however, since it has been over a decade and a half since that body has been able to agree even on a programme of work, Resolution A/RES/67/33 calls on States immediately commence negotiations, without specifying a forum to do so. Given the decision of the General Assembly to create an open ended working group for disarmament, new opportunities exist to negotiate prohibition on the development, production, deployment, stockpiling, transfer and use of nuclear weapons.

RECOMMENDATION

IKV Pax Christi recommends that States reaffirm their commitment to a nuclear weapons free world by including clear language in national statements calling for a legally binding prohibition on the development, production, testing, deployment, stockpiling, transfer, threat and use of nuclear weapons for all States equally.

A changed discourse- catastrophic humanitarian consequences

The 2010 NPT Review conference recognised the catastrophic humanitarian consequences of any use of nuclear weapons. At the 2012 Preparatory Committee meeting, a group of sixteen States² presented a collective statement recognizing the 2010 outcome document and the subsequent 2011 Resolution³ of the International Committee of the Red Cross and Red Crescent Societies on this matter. Another collective statement was delivered on behalf of 35 States at the UN General Assembly First Committee meeting in October 2012. The catastrophic humanitarian consequences were further elaborated in the conference hosted by Norway in March 2013, where it was made clear that it is unlikely that any state or international body could address the humanitarian emergency caused by a nuclear weapon detonation.

¹ A/RES/66/46, retrieved from <http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/1com/1com11/res/L42.pdf>

² Austria, Chile, Costa Rica, Denmark, Egypt, Indonesia, Ireland, Malaysia, Mexico, New Zealand, Nigeria, Norway, Philippines, South Africa, Switzerland and the Holy See

³ http://www.standcom.ch/download/cod_2011/cod_2011_resolutions/item_1/CD11_R1_Nuclear_Weapons_EN.pdf

RECOMMENDATION

IKV Pax Christi recommends that States, in both national and joint statements, welcome the positive contribution to collective nuclear disarmament and security discussions made by the March 2013 conference in Oslo on Humanitarian Impact of Nuclear Weapons, and announce their intention to continue this discussion during the follow-up meeting to be hosted by Mexico.

Modernization

All nuclear armed States are in the process of modernizing their arsenals. Even debating modernization undermines the credibility of their commitment to the NPT, and specifically their disarmament obligations under Article VI. This was explicitly recognized by a group of non-nuclear weapons States in a working paper presented to the 2009 NPT Preparatory Committee meeting, in which they stated that “*the development of new types of nuclear weapons...and the lack of significant progress in diminishing the role of nuclear weapons in security policies undermine disarmament commitments and work counter to the letter and spirit of the Treaty*”⁴. More than one trillion dollars is currently allocated for modernisation expenses over the next decade by the nuclear weapons States⁵ which undermines the credibility of States calling for strengthening of the non-proliferation aims of the NPT.

RECOMMENDATION

Nuclear Weapons States should declare that they will not modernize their weapons and weapons delivery systems, and these declarations should be supported and encouraged by States hosting or protected by nuclear sharing or umbrella agreements.

Europe's responsibility

Eight European nations have nuclear weapons on their territory: Belgium, France, Germany, Italy, the Netherlands, Turkey, the Russian Federation and the United Kingdom. With the exception of Russia, all of these States are NATO members, and have a specific responsibility for the continued forward deployment of U.S. tactical (non-strategic) nuclear weapons. Of the five States hosting these forward deployed nuclear bombs, four are also member of the European Union and a resolution by the European Parliament in March 2010⁶ calls these weapons an ‘anachronism’. EU statements for NPT conferences tend to focus on the nuclear disarmament steps that other countries should make. Instead, the EU should recognize that it is part of the proliferation problem when it does not insist that NATO change the semi-nuclear status of EU member States Belgium, Germany, Italy and the Netherlands.

RECOMMENDATION

European States must recognize their non-proliferation responsibilities and take transparent, irreversible and verifiable steps to reduce the number of States with nuclear weapons on their territory. Where the EU is unable to speak with one voice, individual member States should express their view and uphold their non-proliferation obligations by insisting that U.S. nuclear weapons be removed from European soil.

⁴ NPT/CONF.2010/PC.III/WP.30

⁵ http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/cd/2012/statements/part1/8March_WILPF.pdf

⁶ <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2010-0062&language=EN>

Tactical or Non-Strategic Nuclear Weapons in NATO

NATO States currently hosting nuclear weapons have a key role to play in broader disarmament and non-proliferation efforts. The continued stationing of nuclear weapons in non-nuclear weapons States, as well as the training of their military to use these weapons is in violation of Articles 1 and 2 which prohibit any transfer of nuclear weapons to non-nuclear Weapon States. The U.S. is the only country continuing the practice of forward deployment. There is no valid justification for the continued deployment of these obsolete nuclear weapons and they must be relocated on the territory of the U.S. so that Belgium, Germany, Italy, the Netherlands and Turkey can be in unquestionable compliance with all of their treaty obligations.

RECOMMENDATION

NATO nuclear host countries should seize the opportunity of the NPT Preparatory Committee meeting to announce their intention to comply with all of their NPT obligations through efforts to end the NATO practice of nuclear 'burden-sharing'.

Nuclear Security Doctrines & Strategies

In 2010 NPT members agreed "*To further diminish the role and significance of nuclear weapons in all military and security concepts, doctrines and policies*"⁷. This Prepcom offers States the opportunity to declare unequivocally that their national security strategy and doctrine does not rely on inhumane weapons. NATO States, all of whom are NPT members, have failed to seize the opportunity of the 2010 NATO Strategic Concept to reduce alliance reliance on nuclear weapons. Instead, NATO declared "*as long as there are nuclear weapons in the world, NATO will remain a nuclear Alliance.*"⁸ This apparent disregard to the commitments made only a few months earlier is something that could have been rectified during the 2012 NATO Defence and Deterrence Posture Review, but wasn't. NATO members should seize the opportunity of this Prepcom to uphold their commitment to non-proliferation and disarmament by stating their clear desire that the alliance indeed reduce its reliance on nuclear weapons. China and Russia, the two recognised nuclear weapons States not part of NATO, can also use the opportunity of the NPT PrepCom to revise their own military strategies and demonstrate a reduced reliance on nuclear weapons.

Similarly, it is worrying that few positive steps have been made by Russia on this since 2010. Russia's 2010 military doctrine tightened the criteria for use of nuclear weapons, as commented on by Nikolai Sokov, instead of the potential to use nuclear weapons for national security threats, the role has been reduced to the use of nuclear weapons in cases of existential threat.⁹ Russia could return to a no first use policy and reduce the significance of nuclear deterrence in new security strategies. Russia should also follow the positive example set by the UK and the U.S. and report on the actual and up-to-date numbers of warheads deployed, stockpiled and decommissioned, both strategic and non-strategic.

RECOMMENDATION

All States, in particular those relying on positive security assurances or nuclear umbrella agreements, should take the opportunity to unequivocally declare that their national security is not reliant on nuclear weapons.
Both Russia and NATO States should reduce their reliance on untested, unproven nuclear deterrence logic, and in new security strategies and doctrines clearly reduce the role of nuclear weapons.

⁷ 2010 NPT Review Conference Final Document, Action 5.

⁸ 2010 NATO Strategic Concept, http://www.nato.int/strategic-concept/pdf/Strat_Concept_web_en.pdf

⁹ The New, 2010 Russian Military Doctrine: The Nuclear Angle, Nikolai Sakov, found at: http://cns.miis.edu/stories/100205_russian_nuclear_doctrine.htm

Transparency

Increasing the transparency of nuclear weapons holdings will build confidence among non-nuclear weapons States. We welcome the announcements by some States at the 2010 Review Conference of their numbers of deployed nuclear weapons. It is not necessary for States to report all locations of their nuclear weapons, but it is important to set a baseline for disarmament by having an accurate count of how many nuclear weapons there are in total among the five recognized nuclear weapons States under the NPT. In order to avoid potential problems associated with counting rules, the nuclear weapons States could simply present a total number of nuclear weapons and warheads they currently possess without going into detail about strategic vs. non-strategic (tactical) weapons. The Cold War policy of neither confirming nor denying the storage of U.S. nuclear weapons in Europe should also be ended. This would increase the level of accountability by providing a baseline for comparison in future reporting, so that reductions towards zero can be objectively assessed.

RECOMMENDATION

Nuclear weapons States should provide an accurate count of the numbers of all nuclear weapons they possess both deployed and non-deployed; in calculating reductions, nuclear weapons States should not make a distinction between strategic and non-strategic (tactical) nuclear weapons.

Reporting

We welcome the efforts of ten NPT Members, the Non-proliferation and Disarmament Initiative¹⁰ to promote the non-proliferation and disarmament requirements of the treaty, in particular their suggestion of a standardized reporting form to demonstrate progress on the implementation of the commitments made during the 2010 Review Conference. The Office of Disarmament Affairs has created an as of yet unused web page¹¹ for this purpose. Regular reporting was also one of the agreements made both to strengthen the review process in 1995, and reaffirmed in 2000. Regular standardized reporting provides an opportunity for objective analysis of the status of implementation of NPT agreements.

RECOMMENDATION

All States should submit reports indicating their progress implementing the Action Plan agreed in 2010, the nuclear weapons States should commit to a standardized reporting format to enable assessment of their implementation of the 2010 agreed action plan and treaty obligations, and at the minimum should start submitting reports to the UN Office of Disarmament Affairs online repository without delay.

¹⁰ Australia, Canada, Chile, Germany, Japan, Mexico, the Netherlands, Poland, Turkey and the United Arab Emirates

¹¹ <http://www.un.org/disarmament/WMD/Nuclear/Repository/>

Russia and the United States

The two States holding the largest arsenals have made significant reductions in the number of nuclear weapons since the height of the Cold War, and we welcome the ratification and entry-into-force of the New START agreement. However, we also note that this treaty does not necessarily meet the disarmament principle of irreversibility, as it does not include a specific dismantlement requirement for warheads. The time has come for the Russian Federation and the United States to irreversibly reduce their arsenals to, at least, levels comparable with other nuclear armed States, as a way to foster good will for other nuclear weapon States to engage in negotiations to zero. NPT members should insist that the U.S. and Russian Federation present a plan for how they will overcome the current negotiations impasse and reduce numbers to, at least, comparable levels with other nuclear armed States. The U.S. and Russian Federation should include the possibility of mutually reinforcing national steps to reduce numbers as a way to move forward.

RECOMMENDATION

The United States and Russian Federation should present their plan of action for deep reductions to levels comparable with other nuclear armed States, and without distinction between strategic or non-strategic weapons.

Trilateral Initiative

With the implementation of the New START agreement between the Russian Federation and the United States the time is ripe to revisit the commitment made in 2000, and reaffirmed in 2010, for “*The completion and implementation of the Trilateral Initiative between the United States of America, the Russian Federation and the International Atomic Energy Agency*”¹². The Trilateral Initiative was designed so that Russia and the U.S. (and eventually perhaps other nuclear weapons States) could bring items to the IAEA for permanent safeguarding that were formerly part of classified nuclear weapons programmes, including nuclear warheads, warhead components, pits, or secondaries. Putting greater emphasis on the engagement in this initiative increases confidence in the verifiability by an international non-discriminatory agency, of disarmament efforts by the two most heavily armed nuclear weapon States. Technical advances developed during the VERTIC, United Kingdom and Norway verification study should be incorporated.

RECOMMENDATION

The Russian Federation and the United States should encourage the results of the Norway-UK-VERTIC study on warhead dismantlement to be incorporated into Trilateral Initiative work with the International Atomic Energy Agency and should put all warhead component currently in storage under strict IAEA control.

Comprehensive Test Ban Treaty (CTBT)

We welcome the recent ratification of the CTBT by Brunei, Chad, Guatemala, Indonesia and Niue. The CTBT was opened for signature in 1996 but despite global calls for an ‘early’ entry-into-force, 8 Annex II States have still not ratified the treaty. At the same time, the Provisional Secretariat has established monitoring stations across the globe and is almost fully operational, although without signatures from India and Pakistan monitoring stations on their territory cannot become fully operational. Russia and the U.S. have admitted to conducting subcritical nuclear tests, which are technically permissible under the CTBT, yet defeat the spirit of the treaty as they can lead to qualitative improvements of nuclear arsenals. China is also suspected of conducting subcritical tests, and the UK has conducted tests jointly with the U.S.

¹² NPT/CONF.2000/28 (Parts I and II)

RECOMMENDATION

China, The Democratic People's Republic of Korea (DPRK), Egypt, Israel, India, Iran, Pakistan and the United States need to ratify the CTBT without delay.

China, Russia the UK and the U.S. should refrain from subcritical nuclear tests, which contravene the spirit of the CTBT and can lead to qualitative improvements to their nuclear arsenals.

Fissile Materials Treaty

Currently, negotiating a treaty to ban fissile materials for nuclear explosive devices is meant to take place in Geneva at the Conference on Disarmament, and a program of work is currently being discussed which would allow for these negotiations to begin. The problem is that under the current rules of procedure, the Conference on Disarmament cannot agree to begin negotiations. NPT States, including EU members have said a "*Fissile material cut-off treaty is the next logical multilateral instrument to be negotiated for the cessation of the nuclear arms race and nuclear disarmament in accordance with article VI of the NPT*"¹³. The establishment of a Group of Governmental Experts (GGE) on a fissile materials treaty is welcome, yet they are not meant to report on their efforts until after the conclusion of this NPT Review Cycle.

RECOMMENDATION

The Group of Governmental Experts established by the UNGA should prepare to report on progress at the 2014 NPT Preparatory Committee meeting, and the sponsors of the GA resolution should declare this intent in 2013.

Positive security assurances

Non-nuclear weapons States who rely on positive security assurances from nuclear weapons States can also reduce the role that nuclear weapons play in their national security strategies. They can demand that their security arrangements do not include a nuclear retaliation option, and recognise that retaliation with nuclear weapons has the potential to cause environmental destruction leading to global famine. These umbrella countries can also state publicly that they do not link their national security to nuclear weapons, thereby contributing to the reduced reliance on nuclear weapons in all security strategies as committed to in 2010.

RECOMMENDATION

Non- nuclear weapons States with bilateral or alliance positive security assurances should declare that their national security is not reliant on nuclear weapons, and that their policy shift is predicated on the catastrophic consequences of even a limited nuclear exchange.

Negative Security Assurances

The non-nuclear weapons States and especially the Non Aligned Movement (NAM) have been calling for legally binding negative security assurances for a long time. This would be a further guarantee that those States who have willingly given up the option to develop nuclear weapons, and remain in good standing with their arms control and disarmament agreements, will not have nuclear weapons used against them. Many nuclear weapons States argue that the assurances provided in UN Security Council Resolutions 255 and 984 should be enough to make the non-nuclear weapons States feel at ease.

¹³ NPT/CONF.2010/PC.I/WP.26

However, these resolutions do not in fact guarantee that nuclear weapons will not be used against a country that does not possess nuclear weapons. Instead, they offer ‘positive security assurances’ wherein a country possessing nuclear weapons will use them to respond to the use of nuclear weapons on an unarmed State. Such plans to use nuclear weapons contradicts the legitimate demand of the NAM and other non-nuclear Weapon States for additional guarantees that nuclear weapons will not be used against them, nor in their defence.

Any use of nuclear weapons, for defensive, retaliatory or defensive purposes will have negative humanitarian consequences for non-nuclear Weapon States, whether through radiological contamination, climate effects or famine.

RECOMMENDATION

States should reaffirm that any use of nuclear weapons causes indiscriminate, unacceptable humanitarian consequences and that not even negative security assurances can protect a country from the impact of any use of nuclear weapons

Nuclear Weapons Free Zones

The entire southern hemisphere is currently covered by nuclear weapons free zone agreements, yet when nuclear weapons States have not yet signed or ratified the relevant provisions in these agreements, they are not as effective as they were designed to be. China and the Russian Federation have indicated support for the Bangkok Treaty, yet no Nuclear Weapons State has signed the relevant protocols, nor have the protocols for the Semipalatinsk Free Zone been signed. All nuclear weapons States should sign and ratify the relevant protocols of nuclear weapons free zone agreements without delay or conditionality.

RECOMMENDATION

Nuclear weapons States who have not yet done so should submit resolutions for ratification of Nuclear Weapons Free Zone treaties to their national legislatures.

De-Alerting

It is estimated that the U.S. and Russian Federation can each launch more than a thousand nuclear warheads within a few minutes. Keeping this launch ready status of nuclear weapons is unacceptable and dangerous. De-alerting includes measures such as removing nuclear warheads from missiles, storing nuclear bombs and cruise missiles away from airports, keeping submarines in seaports and – when these ships sail – establishing alerts that last at least one full day. Such measures reduce the chance of errors and of the risk that can occur during a coup or an attack on nuclear facilities. Moreover, this is a practical application of diminishing the role of nuclear weapons in defense strategies.

RECOMMENDATION

NPT States Parties should encourage nuclear weapons States to implement a minimum one day nuclear alert status, and encourage the de-coupling of warheads from their delivery systems.

Disarmament Education

In Action 22 of the 2010 Final Document, all States were “encouraged to implement the recommendations contained in the report of the Secretary-General of the United Nations (A/57/124) regarding the United Nations study on disarmament and non-proliferation education, in order to advance the goals of the Treaty in support of achieving a world without nuclear weapons.”¹⁴ States should seek opportunities to collaborate with civil society in this regard, and specifically take note of the efforts of the Ban All Nukes Generation (BANg), University of Darmstadt, and IKV Pax Christi who organised dozens of students to attend this Prepcom.

RECOMMENDATION

All States should report on their disarmament education activities as part of their national reports to the NPT, as well as support, engage with and encourage cooperation with civil society organisations to promote disarmament education in their countries.

Non-Proliferation Recommendations

Role of the International Atomic Energy Agency (IAEA)

The International Atomic Energy Agency is the only authoritative global body to investigate suspected proliferation. However, the IAEA is subject to restrictions. The verification system has several weaknesses that were mostly addressed by the creation of the Model Additional Protocol. The introduction of the Additional Protocol has increased the IAEA's access to locations, individuals and information, but not all countries have ratified the protocol. This puts a restriction on effectiveness of IAEA operations. The Additional Protocol¹⁵ is understood as the international standard in verification of non-proliferation and should become a requirement under the NPT.

RECOMMENDATION

All NPT member States should negotiate Additional Protocol Agreements with the IAEA without delay. The IAEA should report on progress in universalizing the Additional Protocol at the next NPT meeting of States parties.

NPT States parties and the EU should seek to increase their regular contributions to the IAEA in order that the agency can significantly increase its budget and remove the ‘zero real growth’ constraint placed on it. The agency is continually tasked with additional responsibilities, yet is only able to do this through extra-budgetary support for key functions.

RECOMMENDATION

NPT States parties should increase their contributions to the IAEA, allowing the Agency to enhance technical capacity for the maintenance of an eventual nuclear weapons free world.

¹⁴ 2010 NPT Final Document

¹⁵ <http://www.iaea.org/safeguards/protocol.html>

Currently, the IAEA is required to report to the UN Security Council (UNSC) on cases of non-compliance. This has a tendency to lead to punishing actions by the UNSC, including sanctions and the possible authorisation of the use of force. It has also increased the politicisation of IAEA discussions, and reduced the opportunity for incentives to encourage full compliance.

RECOMMENDATION

The IAEA should report to the UN Secretary General instead of the UNSC, and action should be first undertaken by the Secretary General's role of good offices. In addition, questions of compliance should be brought to the Office of Legal Affairs, Office of Disarmament Affairs, and UN Development Programme as a method to incentivise compliance.

IAEA Board of Governors Membership should be based on a record of compliance with arms control and disarmament agreements. States who are not in full compliance, for at least five years, with their obligations under the BTWC, CWC, NPT (and related protocols) as well as relevant UN Security Council resolutions should not be eligible for Board of Governors membership. This ensures the integrity of the Board of Governors and offers the possibility of depoliticising decisions.

RECOMMENDATION

IAEA Board of Governors membership should be subject to a strict criteria of past compliance with all relevant arms control and disarmament agreements.

Materials Trade & Export Controls

Articles I and II of the NPT require effective nuclear export controls. Nuclear export control regimes are in place, notably the Zangger Committee and the Nuclear Suppliers Group. But both should be more transparent. Increased transparency on the parts of these regimes would be an effective tool for developing further cooperation on the regulation of trade of these materials. Nuclear utilities do not generally require that customer States give up their national development of proliferation sensitive technologies including uranium enrichment and plutonium reprocessing. Companies need to exercise more restraint in selling nuclear technology and need to ensure that safety considerations take priority.

RECOMMENDATION

Nuclear utilities should insist that customer States renounce the development of proliferation sensitive technology and should not engage in trade with nations that have not ratified an Additional Protocol or the Convention on Nuclear Safety

Additional Protocol and Nuclear Trade

The Additional Protocol is the recognized safety and verification standard with regard to weapons usable materials. Bilateral trade agreements for nuclear materials, with States that have not negotiated an Additional Protocol with the IAEA should be cancelled. Additionally, there are current loopholes in the existing safeguards system which should be closed through an amendment of Annex II of the Additional Protocol. This amendment could, inter alia, deal with changes in technology, and the proliferation sensitivity in existing procurement practices.

RECOMMENDATION

NPT States parties should agree to close current loopholes in the safeguards system through the negotiation of an amendment to Annex II of the Additional Protocol. NPT States should not trade nuclear materials with countries that do not have an Additional Protocol in force.

Nuclear Terrorism

While progress has been made in securing nuclear materials, and preventing diversion to non-State actors, States should ratify and implement the International Convention for the Suppression of Acts of Nuclear Terrorism, as well as ensure they are meeting their obligations under UN Security Council Resolution 1540. This is particularly important for States who are engaged in the Nuclear Security Summits.

RECOMMENDATION

All States that have not yet done so should ratify the International Convention for the Suppression of Acts of Nuclear Terrorism without delay. All States should maintain their commitments to the full implementation of UNSCR 1540.

Peaceful Uses Recommendations

Multilateralisation of the Nuclear Fuel Cycle

There is currently no international body with the mandate to control all fissile materials. One should either be created, or the mandate for such control should be turned over to the IAEA. As States move closer to disarmament, the need grows to regulate the fissile materials cycle - both civilian and military - and the size of nuclear capacities. All existing enrichment and breeder conversion reactors and heavy water factories must be placed under the auspices of this international body. This includes factories and reprocessing facilities located in the nuclear weapon States. The body will be authorized to grant production licenses to existing sites and, where needed, regulate the expansion of production capacity. The creation of such a body will allow for the universal application of verification and security measures to prevent the misuse of fissile materials. Putting the nuclear fuel cycle under international control in this way will reduce proliferation risks, while allowing for States who do not yet have an indigenous fuel cycle capacity to develop peaceful nuclear uses if they so choose. As Mohamed ElBaradei, then director of the IAEA, argued in early 2008, this would contribute to a nuclear weapons free world "so that no one country has the exclusive capability to produce the material for nuclear weapons". The IAEA, or international body created for this purpose - like the European Atomic Energy Community- should be given a supranational status as legal owner of all the fissile material used for peaceful purposes.

RECOMMENDATION

NPT States parties should agree to establish an international authority to control the entire fissile materials cycle.

Convention on the Physical Protection of Nuclear Materials

Only 58 countries have ratified the 2005 Amendment to the convention, and more are needed to allow it to enter into force.

RECOMMENDATION

States who have not yet done so should ratify the 2005 Amendment to the Convention on the Physical Protection of Nuclear Materials without delay.

Recommendations towards the Middle East WMD Free Zone Conference

Convening a new Conference

The postponement of the Middle East WMD Free Zone Conference planned for December 2012 in Finland is a major set back and cannot result in the abandonment of the idea. The efforts towards such a conference should be renewed, and all States should abandon any previously described pre-conditions to guarantee their attendance.

RECOMMENDATION

Recalling the importance put on such a conference by the NPT 2010 Review Conference, as the initial step in a process leading towards a safer Middle East region, all States should in their national, and joint statements call for convening a new conference without pre-conditions and States should do whatever is in their capacity to convince Israel that it must join this crucial first step towards a WMD free Middle East.

Civil Society Participation

Any forthcoming conference should recognize, as the 2010 Review Conference final document did, “*the important role played by civil society in contributing to the implementation of the 1995 Resolution*”. To meet the agreement to “*encourages all efforts in this regard*” the conference should make room for civil society actors from the region, as well as those with specific technical expertise, to engage directly with conference participants. Transparency is a necessary confidence building measure, and sessions should be open to the public. Civil society actors offer a unique perspective and can encourage out-of-the-box thinking. A session of the forthcoming conference should be devoted to civil society presentations.

RECOMMENDATION

A forthcoming conference should be open to civil society participation, and should dedicate a session to hear from civil society actors directly

Reporting

The agreement in 2010 that the UN Secretary General would convene a meeting of all States in the region to discuss the conditions necessary to negotiate an international and effectively verifiable treaty for the establishment of a weapons of mass destruction free zone in the Middle East is widely supported. However, considering not all regional States are party to the NPT, this conference should be required to report back to the UN General Assembly directly on its progress, not only to NPT conferences.

RECOMMENDATION

Any forthcoming conference should report to the UN General Assembly, not to the NPT processes

Expert Meetings

Any conference should consider the idea of setting up a series of expert group meetings - where each state in the region is invited to participate and send experts. A timetable for reporting back to meetings of States Parties, perhaps in an annual, or even semi-annual conference, could be given to these experts, as could a series of initial questions to consider. These questions could, and should, start with the most technical issues to grapple with - including verification. This would provide a place for technical progress, absent of political considerations. Then, when politics are ready to catch up, at least some of the technical groundwork will be laid.

RECOMMENDATION

A series of expert meetings, comprised of regional experts to address technical challenges associated with the creation of such a zone should be initiated to facilitate progress towards a zone.

Confidence Building Measures

States in the region should sign and ratify the Comprehensive Test Ban Treaty as a confidence building measure towards the creation of this zone free of weapons of mass destruction. States should also declare moratoria on fissile materials production in anticipation of an eventual fissile materials treaty.

RECOMMENDATION

Saudi Arabia and Syria should sign and ratify, and Israel, Iraq, Yemen, Egypt, and Iran should ratify the CTBT. State should declare moratoria on fissile materials production.

