

HOW TO STRENGTHEN THE NPT

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In order to strengthen the Nuclear Non-Proliferation Treaty (NPT), we must deal with today's reality. NPT parties must maintain pressure on existing violators and strengthen efforts to deter future noncompliance, according to Ambassador Jackie Wolcott Sanders, U.S. Representative to the Conference on Disarmament in Geneva and the Special Representative of the President for the Non-Proliferation of Nuclear Weapons. She summarizes here six specific actions that NPT parties could take to reinforce the treaty's nonproliferation obligations.

Countries that are party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) will gather in New York City in May 2005 for the 1970 treaty's Seventh Review Conference. A key barrier to nuclear weapons proliferation, the NPT has made a critical contribution to peace and security.

The NPT provides a collective security framework in which nearly 190 countries undertake reciprocal nonproliferation commitments to prevent the spread of nuclear weapons. It requires the application of International Atomic Energy Agency (IAEA) safeguards to help ensure that nuclear programs for peaceful purposes are not being diverted to other uses. IAEA safeguards are applied to nearly 900 facilities in 64 NPT member countries.

The treaty also provides for NPT parties to pursue peaceful nuclear programs, but mandates that their nuclear activities must comply with the treaty's nonproliferation obligations. The treaty has facilitated peaceful nuclear cooperation among NPT parties, ranging from billion-dollar reactors that generate electricity to expanding the use of nuclear medicine in developing countries.

All parties to the treaty are obligated to pursue negotiations in good faith on effective measures related to cessation of the nuclear arms race and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.

TODAY'S THREAT

The NPT has delivered considerable benefits to its parties over the 35 years it has been in force. Noncompliance with the treaty's nonproliferation obligations, however, poses a grave challenge to its continued viability. While some violations began 20 years ago, the extent of this noncompliance came to light only in the years since the 2000 NPT Review Conference.

Noncompliance undermines the security benefits of the NPT. Other benefits such as the peaceful uses of nuclear energy and progress on disarmament will not be fully realized over the long run if strong action is not taken to confront this threat.

North Korea was first cited by the IAEA for noncompliance in 1993. When confronted with new violations in 2002, North Korea expelled international inspectors and announced its intention to withdraw from the treaty.

In 2002 the world also learned more about the Iranian regime's long pursuit of a secret nuclear weapons program, even as it claimed to be engaged solely in peaceful nuclear activity. Despite seven IAEA resolutions urging compliance with its obligations, the government of Iran continues to cover up its violations, to avoid full disclosure, and to insist on retention of capabilities obtained through violation of the treaty.

On a positive note, Libya abandoned its nuclear weapons program, and Iraq is returning to compliance with the NPT. The international community also recently discovered the global reach of A.Q. Khan's illicit nuclear procurement network.

This is today's NPT reality, one that is far different from that which its parties have faced in the past. Responsible governments cannot allow states to violate their NPT commitments and defy the international community. NPT members must maintain pressure on existing violators and strengthen efforts to deter future noncompliance. The loopholes that allow states to produce nuclear material for bombs under the cover of a civilian nuclear program must be eliminated. President Bush recently



Landmark agreement. President Vladimir Putin, left and President George W. Bush shake hands May 24, 2002, as they exchange signed documents committing Russia and the United States to the largest reductions ever in their nuclear arsenals. (Alexander Zemlianichenko, AP Wide World Photos.)

reaffirmed the determination of the United States to carry out its NPT commitments and to work to assure the treaty's continuance in the interest of world peace and security.

NONPROLIFERATION AND NONCOMPLIANCE

At the Review Conference, the United States will seek a broader understanding from member states of the nonproliferation obligations of Articles I, II and III and of their relationship to the peaceful uses of nuclear energy noted in Article IV. We will discuss actions that NPT parties should take to implement these obligations and describe activities that send a warning signal of possible noncompliance with these undertakings.

The United States believes, for example, that nuclear-weapon states should establish and implement effective export controls in order to ensure rigorous compliance with their Article I obligation not "in any way" to assist any non-nuclear-weapon state to manufacture nuclear weapons. They should cut off nuclear assistance to any non-nuclear-weapon state in violation of its NPT nonproliferation obligations and seek a halt in the use of any

previously supplied nuclear items. Supplier states should also reserve the right to require the return of such items or their elimination.

Non-nuclear-weapon states should have the necessary laws and regulations to enforce their Article II undertaking not to acquire nuclear weapons and should provide transparency sufficient to demonstrate their peaceful intent. Effective enforcement of Article II also requires a close examination of what constitutes a violation. It makes no sense to wait until a non-nuclear-weapon state has secretly assembled a nuclear weapon before taking action. Facts indicating that the purpose of a particular activity was the acquisition of a nuclear explosive device would tend to show noncompliance. Examples of such facts include clandestine facilities or procurement, willful IAEA safeguards violations, and a nuclear program with no legitimate justification for peaceful purposes. NPT parties must rigorously comply with their IAEA safeguards obligations (Article III) and cooperate fully and promptly with the IAEA in the event of investigations into possible noncompliance.

Efforts are underway in international fora and among like-minded states to convince Iran and North Korea to make the strategic decision to eliminate their nuclear weapon programs. All NPT parties must continue to hold both states accountable.

The United States has responded to these new threats by taking concrete actions to strengthen the NPT, the IAEA, and the broader nonproliferation regime. We would urge the Review Conference to endorse measures such as the following

- adoption of policies to discourage future noncompliance, including a cutoff of nuclear cooperation
- enactment of effective controls to ensure compliance with NPT nonproliferation obligations and to keep territories free of illicit activities, such as those of the Khan network
- implementation of the provisions of U.N. Security Council Resolution 1540 (which requires states to enact and enforce legal and regulatory measures to prevent proliferation of weapons of mass destruction, their delivery systems, and related materials)
- strengthen export controls on enrichment and reprocessing technology
- cooperation to interdict illegal transfers of nuclear mate-

rial and equipment that is fully consistent with domestic legal authorities and international law and relevant frameworks, such as the Proliferation Security Initiative

- universal acceptance of comprehensive NPT safeguards agreements along with the Additional Protocol (which expands the ability of the IAEA to inspect and monitor nuclear-related activities), and the adoption of that safeguard standard as a condition of nuclear supply

PEACEFUL USES OF NUCLEAR ENERGY

The Review Conference should further encourage cooperation in the peaceful uses of nuclear energy among compliant NPT parties. This cooperation is an important treaty benefit. The United States pursues peaceful nuclear cooperation with up to 100 NPT parties—bilaterally, multilaterally and through the IAEA.

The United States maintains 22 agreements that permit the export of reactors and fuel to 40 NPT countries and a separate agreement for similar cooperation through the IAEA. In 2004, we provided over \$20 million to fund the IAEA's Technical Cooperation Program and related IAEA projects. These IAEA activities assist member states through nuclear applications in fields such as medicine, agriculture, and water management.

The United States also will emphasize the clear linkages established in Article IV between peaceful uses of nuclear energy and compliance with the NPT's nonproliferation obligations, and the parameters for nuclear cooperation spelled out in that article. Some NPT parties have used the treaty as a façade to develop and acquire assistance for an allegedly peaceful nuclear program while pursuing nuclear weapon capabilities.

An NPT party's nuclear program must comply with the treaty. Sound NPT implementation and enforcement should entail reducing violators' access to nuclear technology. NPT parties should seek to halt the use of nuclear material acquired or produced as a result of a material violation of the NPT's nonproliferation obligations. These items should be eliminated or returned to the original supplier.

The plain language of Article IV creates no "right" to any particular nuclear activities or facilities, nor does it require the transfer of any particular technology. Indeed, nuclear suppliers should not approve a transfer unless they are fully satisfied that it would not contribute to proliferation. Moreover, noncompliant states have no basis for asserting that Article IV provides them immunity from actions taken against their nuclear program.

DISARMAMENT

The Review Conference can strengthen the NPT's disarmament undertakings by honestly appraising the current status of implementation and considering how best to move forward. The United States remains firmly committed to its Article VI obligations. We are proud of our record of reducing nuclear forces.

At the signing of the Strategic Arms Reduction Treaty (START) in 1991, the United States and Russia each had deployed around 10,000 strategic nuclear warheads. Both reduced this level to 6,000 by December 2001. U.S. and Russian strategic nuclear warheads will be reduced further to 1,700-2,200 by 2012, as stated by Presidents Bush and Putin and codified in the 2003 Moscow Treaty. In total, this represents an 80% reduction from the early 1990s.

The overall United States nuclear stockpile is shrinking at the same time that its operationally deployed weapons are being reduced. In May 2004, President Bush approved a plan that will cut the current stockpile almost in half. By 2012, the U.S. stockpile will be the smallest it has been in several decades.

The United States continues to eliminate launchers and delivery vehicles. Since 1997, we have eliminated 64 heavy bombers and 150 intercontinental ballistic missile (ICBM) silos, converted four ballistic missile submarines to other uses, and deactivated or retired 37 of the 50 ICBM Peacekeepers. These systems are not being replaced.

The United States has made even more dramatic reductions of non-strategic nuclear weapons (NSNW). We have reduced the U.S. NSNW stockpile by over 90% since the fall of the Berlin Wall in 1989. In 2004, we dismantled the last of the 3,000-plus warheads that President George H.W. Bush in 1991 ordered eliminated.

The United States does not produce fissile material for nuclear weapons and has removed more than 200 tons of such material from its military stockpile, placing some of it under IAEA safeguards and converting approximately 60 tons to civilian reactor fuel.

When discussing the critical importance of compliance with the nonproliferation provisions of the NPT, it is sometimes asserted that this is a way for the United States to avoid discussion of compliance with Article VI. The United States has not de-emphasized Article VI, and promotion of nonproliferation does not denigrate disarmament, nor does addressing very real threats to all Parties' security. Besides, pressing on the nonproliferation front is also critical for the NPT's long-term disarmament goals.

Even though most understand the risk posed by

violations of the NPT's nonproliferation provisions on an intellectual basis, some choose to react in a less than productive way. It is self-defeating to suggest, as some do, that support for efforts to strengthen the treaty against proliferation should be withheld because of concerns about implementation of Article VI.

The idea of pitting various articles of the treaty against one another is simply wrong. Compliance with all articles of the treaty is essential if the NPT is to meet all of its goals.

U.S. actions over the past 15 years have established an excellent record of meeting our Article VI obligations in a transparent manner. As we have done throughout the preparatory process, the United States will demonstrate its commitment to Article VI at the Review Conference. [Editor's note: For more on U.S. Article VI implementation, use this link: <http://www.state.gov/t/ac/rls/or/42126.htm>]

UNIVERSALITY

The Review Conference should reinforce the goal of universal NPT adherence and reaffirm that India, Israel and Pakistan may join the NPT only as non-nuclear-weapon states. Just as South Africa and Ukraine did in the early 1990s, these states would have to forswear nuclear weapons and accept IAEA safeguards on all nuclear activities to join the treaty. At the same time, we recognize that progress toward universal adherence is not likely

in the foreseeable future. The United States continues to support the goals of the Middle East resolution adopted at the 1995 NPT Review and Extension Conference, including the achievement of a Middle East free of weapons of mass destruction.

CONCLUSION

The 2005 NPT Review Conference will provide an opportunity for the international community to determine how best to strengthen the treaty to face the challenges that have come to light since it was reviewed five years ago. President Bush called for cooperation in this endeavor in his March 7, 2005, statement marking the 35th anniversary of the NPT:

"It is essential in these times of great challenge to international security, particularly when rogue states and terrorists seek to acquire weapons of mass destruction, that the international community work together to confront the dangers of nuclear proliferation."

In order to meet the challenges to the NPT and our common security, we must act urgently together to ensure that this important treaty remains an effective instrument of global security. The United States is committed to doing its part. ■