

1997 NPT PrepCom: Principles and objectives on the agenda

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The first nuclear Non-Proliferation Treaty (NPT) Preparatory Committee (PrepCom) since the Treaty's indefinite extension in 1995 will meet from 7-18 April 1997 in New York. As part of the package of agreements that led to indefinite extension, PrepComs have a new substantive role, focusing on ways to implement the NPT and the Principles and Objectives for Nuclear Non-Proliferation and Disarmament agreed at the 1995 NPT Review and Extension Conference.

This substantive role must be implemented effectively. If the PrepComs become bogged down in procedural issues or fail to focus sufficiently on the Principles and Objectives, this will undermine the 1995 agreements and the Treaty itself.

The key phrase in the 1995 agreement on Strengthening the Review Process states:

The purpose of the Preparatory Committee meetings would be to consider principles, objectives and ways in order to promote the full implementation of the Treaty, as well as its universality, and to make recommendations thereon to the Review Conference. These include those identified in the decision on principles and objectives for nuclear non-proliferation and disarmament...

The key commitment made by the nuclear-weapon states in the Principles and Objectives document was to a Programme of Action, including:

The determined pursuit by the nuclear-weapon states of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goals of eliminating those weapons...

The first PrepCom will establish a precedent. If it is to be successful, NPT parties must come prepared to fulfill the intent of the 1995 agreements.

NPT parties should take the following steps to ensure effective PrepComs:

- PrepComs should be seen from now on as mini-Review Conferences. Central to the PrepCom agenda should be an assessment of progress on the 1995 Principles and Objectives. Each PrepCom should make recommendations on the Principles and Objectives to the next Review Conference, updating them and making additions which strengthen Treaty implementation
- States should submit written reports on their achievements to date and their future plans to implement each part of the Principles and Objectives. For the nuclear weapon states, this means a Programme of Action to eliminate nuclear weapons.
- PrepComs should create subsidiary bodies that meet inter-sessionally, focusing on specific issues and reporting to later PrepComs and Review Conferences. Possible issues to consider are nuclear disarmament, including security assurances or nuclear-weapon-free zones, and peaceful uses of nuclear energy.
- PrepComs should follow the Main Committee structure used in the Review Conference, assigning each point in the Principles and Objectives to the relevant Committee for review.
- A planning meeting of NPT parties should be held before 7 April 1997 to ensure that valuable time is not wasted on procedural issues at the PrepCom.

Introduction

On 11 May 1995, 174 states parties at the NPT Conference agreed a package of three decisions simultaneously and without a vote:

Strengthening the Review Process for the Treaty (1) creates a new, more substantive(2) system of PrepComs and Review Conferences for the Treaty.

Principles and Objectives for Nuclear Non-Proliferation and Disarmament(3) sets out a programme of action for full implementation of the NPT.

Extension of the Treaty on the Non-Proliferation of Nuclear Weapons(4) extends the Treaty indefinitely.

At the time, US President Bill Clinton stated that: Nothing is more important to prevent the

spread of nuclear weapons than extending the Treaty indefinitely and unconditionally .(5) However, Ambassador Jayantha Dhanapala, President of the 1995 Conference, frequently describes the decision on extension as indefinite and conditional . If the Strengthening the Review Process and Principles and Objectives agreements are unfulfilled, the entire decision could unravel.

The first PrepCom will determine the future of the non-proliferation regime. It must make progress on issues of substance. If the PrepCom is forced to deal primarily with procedural issues, this will undermine the 1995 agreements. The future credibility of the NPT now depends on full implementation of the 1995 NPT deal: the strengthened review process and the Principles and Objectives.

The New Review Process

Strengthening the Review Process specifies that the Review Conferences originally outlined in the NPT will continue every five years, with the next one in the year 2000. PrepComs will be held in each of the three years prior to the Review Conference, and if needed in the year of the Conference as well.

The original purpose of Review Conferences was to review the operation of the NPT with a view to assuring that the purposes of the Preamble and the provisions of the Treaty are being realised.(6) That purpose was expanded in Strengthening the Review Process, which states:

Review Conferences should look forward as well as back. They should evaluate the results of the period they are reviewing, including the implementation of undertakings of the States parties under the Treaty, and identify the areas in which, and the means through which, further progress should be sought in the future.

If Review Conferences are to look forward effectively, then one of their goals should be to update and make additions to the Principles and Objectives. The agreement states that the Principles and Objectives should be evaluated periodically within the review process and that they were adopted to continue to move with determination towards the full realization and effective implementation of the provisions of the Treaty . Thus, evaluation of progress on and updates to the Principles and Objectives dovetails neatly with evaluation of overall Treaty implementation.

The 2000 Review Conference should focus primarily on specific steps to be taken in the period between 2000 and 2005. Future Review Conferences should do likewise, agreeing the next specific steps, until such time as the NPT is fully implemented by a universally-binding and verifiable Nuclear Weapons Convention.

Principles and Objectives in the Main Committee Structure

The 1995 NPT Conference concluded that the present structure of three Main Committees should continue. One way to integrate the Principles and Objectives directly into the review process would be to allocate the points in the Principles and Objectives to each of the Main Committees for consideration.

Points in the Principles and Objectives generally correspond with articles of the Treaty, and thus with the Main Committees reviews. There are some articles of the Treaty, such as Article V on peaceful nuclear explosions, for which there are no related points in the Principles and Objectives. There are other Principles and Objectives on NPT implementation, such as universality, which are not covered explicitly by any article of the Treaty or its preamble.

Nonetheless, it is possible to assign each of the points in the Principles and Objectives to the Main Committees (see table). As Strengthening the Review Process notes, there remain areas of overlap between the Main Committees which need to be resolved by the

General Committee. However, this process would not change the general principle of allocating the Principles and Objectives to the relevant Main Committee.

Sample Allocation of Principles and Objectives to Main Committee I

Main Committee I Issues

1. Implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, disarmament and international peace and security:
 1. Articles I and II and preambular paragraphs 1 to 3; [non-transfer of nuclear weapons]
 2. Article VI and preambular paragraphs 8 to 12; [nuclear disarmament]
 3. Article VII, with specific reference to the main issues considered in this Committee; [nuclear-weapon-free zones]
2. Security Assurances
 1. United Nations Security Council resolution 255 (1968);
 2. Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

Corresponding Principles and Objectives

Point 1: Universality [as it relates to non-proliferation, disarmament and international peace and security]

Point 2: Non-proliferation

Points 3 & 4: Nuclear Disarmament

Points 5, 6 & 7: Nuclear-weapon-free Zones

Point 8: Security Assurances

Sources: Draft Report of Main Committee I, "Establishment and Terms of Reference, NPT/CONF/MC.I/1, 5 May 1996; Principles and Objectives for Nuclear Non-Proliferation and Disarmament, NPT/CONF.1995/L.5, 9 May 1995, para 4.

Organization and Goals of the PrepCom

There are two key questions about the first PrepCom. First, how will it be organised? Will each PrepCom look at the full range of NPT issues, or will there be a focus on one or more issues? Second, what will be the outcome or product of the PrepCom? Will each PrepCom adopt its own final declaration or statement, or will there be one rolling text that is passed down?

Strengthening the Review Process for the Treaty states:

The purpose of the Preparatory Committee meetings would be to consider principles, objectives and ways in order to promote the full implementation of the Treaty, as well as its universality, and to make recommendations thereon to the Review Conference. These include those identified in the decision on principles and objectives for nuclear non-proliferation and disarmament, adopted on 11 May 1995. These meetings should also make the procedural preparations for the next Review Conference.

(7) This provides a clear agenda for the upcoming PrepCom. It should:

- Assess progress on Principles and Objectives;
- Consider ways to promote implementation of and universal adherence to the NPT, including making recommendations to the next Review Conference for amendments and additions to the Principles and Objectives; and

Plan for the next Review Conference.

To fulfil this agenda, PrepComs should be seen as mini-Review Conferences , an integral part of the review process as a whole. One logical way to organize PrepComs would be for them to follow the structure of Review Conferences, organizing around the Main Committee structure. Furthermore, like Review Conferences, the emphasis of PrepComs should be on the Principles and Objectives.

PrepComs should also look forward as well as back. It is not sufficient for states attending the PrepComs to report only on their achievements to date, such as the statements produced so far by the United States.(8)The PrepComs need to consider plans for future progress as well.

One way to achieve this would be to adopt a system of country-by-country reporting.(9) Each state would present a written report to the PrepCom listing its achievements on each of the Principles and Objectives and an inventory of what goals it plans to achieve in the next 12 to 24 months. For the nuclear-weapon states this would require a programme of action that includes the determined pursuit ... of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goals of eliminating those weapons... as specified in the Principles and Objectives.

A compilation of these country-by-country reports and a set of recommendations from the PrepCom, focused on updating the Principles and Objectives, would be sent to the next Review Conference.

Overcoming Time Constraints

Some concerns have been raised about whether PrepComs have sufficient time to deal adequately with substantive issues in addition to carrying out their procedural requirements.

One approach to help deal with this problem would be to create subsidiary bodies to examine specific issues.(10) In Strengthening the Review Process, it was agreed that:

Subsidiary bodies could be established within the respective Main Committees for specific issues relevant to the Treaty, so as to provide for a focused consideration of such issues. The establishment of such subsidiary bodies would be recommended by the Preparatory Committee for each Review Conference.(11)

This text can be read in different ways. Ideally, the PrepComs could create subsidiary bodies that would meet inter-sessionally, reporting back to PrepComs and to each Review Conference. The inter-sessional groups established for the Biological Weapons Convention, the Climate Change Convention, and numerous environmental treaties provide precedents for NPT subsidiary bodies.

To reduce costs and increase effectiveness, these bodies could be informal, working without translation and with a few representatives from each regional group. Much like the President's Group at the 1995 Review Conference, these bodies could focus on reaching agreement, without the difficulties imposed by formal negotiations.

To keep the process simple and focused, only a small number of these groups should be established. Possible areas of work are nuclear disarmament, including security assurances and nuclear-weapon-free zones, and peaceful uses of nuclear energy. The inter-sessional bodies would have a mandate to seek agreement on ways to promote full implementation of the NPT and the Principles and Objectives.

Another option to address time constraints would be to limit the number of issues that each PrepCom examines in depth. The United States has stressed the need for a review process that is balanced and that treats all aspects of the NPT with equal thoroughness.(12) However, this should not prevent PrepComs from emphasizing a few issues. For example, little if any time should be spent examining the role of Article V of the NPT on peaceful nuclear explosions.

One method would be to open the PrepCom by surveying the Principles and

Objectives, and then select those that need expanding or updating for more in-depth discussion. For example, the goal of completing a Comprehensive Nuclear Test Ban Treaty by 1996 was accomplished, and could be updated by setting a goal for its entry into force.

There is a danger that the process of deciding which issues deserve increased attention could be used to delay substantive discussions. One way to avoid this could be to limit the amount of time available for setting the agenda.

The Need for a Planning Meeting

Much work is needed to organize the first PrepCom. Ambassador Pasi Patokallio of Finland has been nominated by the Western Group to chair the PrepCom, and has already begun informal consultations on how it is to be structured. However, because of the large number of issues that must be addressed, it would greatly assist the process if a planning meeting was held before 7 April. If no such meeting is held, there is a danger that, despite the capable efforts of Ambassador Patokallio, much of the first PrepCom will be spent deciding how to organize the event. Finding an appropriate time and location is difficult because of the busy diplomatic schedule, but one option would be to have a planning meeting in Geneva, perhaps on 24-25 March, during the first session of the Conference on Disarmament.

Conclusion

The 1995 NPT bargain created a new review process for the Treaty. PrepComs or Review Conferences will take place almost every year, putting the NPT under almost constant review. The Principles and Objectives for Nuclear Non-Proliferation and Disarmament set out practical steps to begin to implement the Treaty fully. The first PrepCom continues the process of realizing the vision that created agreement on indefinite extension of the Treaty.

The future of the Treaty depends on the successful implementation of the new review process and the Principles and Objectives. South Africa, which initiated the Principles and Objectives agreement, describes it as the yardstick by which future progress on implementing the NPT will be measured. The forthcoming PrepCom will be the first opportunity to measure progress on that yardstick. Any attempt to downgrade the role of the Principles and Objectives or to bog down the PrepComs in procedural issues would undermine the 1995 NPT agreements and the Treaty.

Much progress has been made since 1995, including agreement on the Comprehensive Test Ban Treaty and on new nuclear-weapon-free zones. The first PrepCom provides the opportunity to push ahead that process. A forward-looking review, with the Principles and Objectives at its core, is the most effective way to ensure a strengthening of the NPT's vital role.

Endnotes

1. Strengthening the Review Process for the Treaty, NPT/CONF.1995/L.4, 10 May 1995. A full copy of the document appears on page six.
2. Lawrence Scheinman, Preparing for the 1997 NPT PrepCom, US Arms Control and Disarmament Agency, Arms Control Text, 28 September 1997.
3. Principles and Objectives for Nuclear Non-Proliferation and Disarmament, NPT/CONF.1995/L.5, 9 May 1995.
4. Extension of the Treaty on the Non-Proliferation of Nuclear Weapons, NPT/CONF.1995/L.6, 9 May 1995.

5. President William Jefferson Clinton, Address to the Nixon Center for Peace and Freedom Policy Conference, Washington, DC, US Arms Control and Disarmament Agency, Official Text, 1 March 1995.
6. NPT, Article VIII, para 3.
7. Principles and Objectives for Nuclear Non-Proliferation and Disarmament.
8. For example, see Lawrence Scheinman, Preparing for the 1997 NPT PrepCom, US Arms Control and Disarmament Agency, 28 September 1997.
9. See Sharon Riggle, NPT PrepCom 97: A proposal for action, Centre for European Security and Disarmament Communiqué #1, 28 October 1996.
10. Others have proposed similar ideas. See, for example, A New View of Review, by Ben Sanders and George Bunn, Programme for Promoting Nuclear Non-Proliferation Issue Review No. 6, September 1996.
11. Strengthening the Review Process of the Treaty.
12. Lawrence Schienman, Preparing for the 1997 NPT PrepCom, US Arms Control and Disarmament Agency, 28 September 1997.

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Official Text

Strengthening the Review Process for the Treaty

As adopted by the NPT Review and Extension Conference, 11 May 1995.

1. The Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons examined the implementation of article VIII, paragraph 3, of the Treaty and agreed to strengthen the review process for the operation of the Treaty with a view to assuring that the purposes of the Preamble and the provisions of the Treaty are being realized.
2. The States party to the Treaty participating in the Conference decided, in accordance with article VIII, paragraph 3, that Review Conferences should continue to be held every five years and that, accordingly, the next Review Conference should be held in the year 2000.
3. The Conference decided that, beginning in 1997, the Preparatory Committee should hold, normally for a duration of 10 working days, a meeting in each of the three years prior to the Review Conference. If necessary, a fourth preparatory meeting may be held in the year of the Conference.
4. The purpose of the Preparatory Committee meetings would be to consider principles, objectives and ways in order to promote the full implementation of the Treaty, as well as its universality, and to make recommendations thereon to the Review Conference. These include those identified in the Decision on principles and objectives for nuclear non-proliferation and disarmament, adopted on 11 May 1995. These meetings should also make the procedural preparations for the next Review Conference.
5. The Conference also concluded that the present structure of three main Committees should continue and the question of an overlap of issues being discussed in more than one Committee should be resolved in the General Committee, which would coordinate the work of the Committees so that the substantive responsibility for the preparation of the report with respect to each specific issues is undertaken in only one Committee.
6. It was also agreed that subsidiary bodies could be established within the respective Main Committees for specific issues relevant to the Treaty, so as to provide for a focused consideration of such issues. The establishment of such subsidiary bodies would be recommended by the Preparatory Committee for each Review Conference in relation to

the specific objectives of the Review Conference.

7. The Conference agreed further that Review Conferences should look forward as well as back. They should evaluate the results of the period they are reviewing, including the implementation of undertakings of the States parties under the Treaty, and identify the areas in which, and the means through which, further progress should be sought in the future. Review Conferences should also address specifically what might be done to strengthen the implementation of the Treaty and to achieve its universality.