
**Preparatory Committee for the 2005 Review
Conference of the Parties to the Treaty on the
Non-Proliferation of Nuclear Weapons**

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**Recommendations to the 2005 NPT Review Conference on
strengthening the implementation of articles I, II, III, IV**

Working paper submitted by the United States

Introduction

Throughout the review process leading to the 2005 Conference, the United States has encouraged NPT parties to focus on the need for collective action to confront the crisis of noncompliance with the NPT's nonproliferation obligations. The crisis has been evident over the past year with the exposure of nuclear weapons programs in two more NPT parties, and the revelation of an illicit trafficking network specializing in nuclear weapons-related material and technology. We believe many countries appreciate the challenges before us and some actions are already being taken by NPT parties to deal with these new developments. President Bush made a number of proposals on February 11, 2004 that are designed in part to strengthen the NPT against these new threats.

The Final Document of the 2000 NPT Review Conference concluded, *inter alia*, that the third meeting of the Preparatory Committee should make every effort to produce a consensus report on recommendations to the 2005 NPT Review Conference. Throughout the meeting, the United States' delegation is providing its views on the full range of NPT implementation issues in statements, fact sheets, information papers, briefings and in general discussions.

Given today's challenge to the NPT, the United States is also submitting a working paper with draft recommendations for the 2005 Conference on the Treaty's nonproliferation objectives. We hope these ideas will advance our work at this meeting of the Preparatory Committee. This list of recommendations is not meant to be exhaustive and some changes are likely as events unfold in the run-up to the May 2005 Review Conference. Consistent with our deliberations at past Review Conferences, these ideas are not limited to the enumerated obligations of the Treaty. They include other measures that NPT parties can and should adopt to advance NPT objectives such as physical protection and certain types of export controls.

Recommendations: Nonproliferation

1. NPT parties should affirm that the security benefits of the NPT can be fully realized only through strict compliance by all parties with the nonproliferation obligations of the Treaty, and that verification and enforcement of those obligations must be strengthened.
2. NPT nuclear weapon states (NWS) should strictly monitor the implementation of their Article I undertakings and consult among themselves periodically in an effort to ensure the application of all necessary control measures.
3. NPT non-nuclear-weapon states (NNWS) should ensure that national laws and regulations have been adopted and are being enforced to comply with their NPT Article II undertaking not to manufacture or otherwise acquire nuclear weapons, or to seek or receive assistance in the manufacture of nuclear weapons.
4. NPT parties should have in place comprehensive legal and regulatory authorities to prohibit persons, companies, or other entities under their jurisdiction from assisting NNWS or non-state actors in the manufacture or acquisition of a nuclear weapons capability. These authorities should include controls on any assistance to nuclear fuel cycle activities that are required to be declared to the IAEA under an Additional Protocol and on dual-use nuclear-related equipment, material and technology. States should ensure that the punishment for violating these laws is steep.
5. NPT parties should insist on a high standard of compliance with Article II. Enforcement of the prohibition on the manufacture or acquisition of nuclear weapons cannot wait until a non-nuclear-weapon state has a finished nuclear weapon. For example, the manufacture of a prototype shell of a nuclear weapon or of components that could only have relevance to a nuclear weapon would demonstrate that the intent of this activity was the acquisition of nuclear weapons and would constitute noncompliance.
6. NPT parties should be aware that, even if there is no evidence that a component of a nuclear weapon has been manufactured, the totality of certain nuclear and nuclear-related activities in a NNWS could point toward an intent to violate Article II whether through the manufacture of nuclear weapons or through seeking or receiving assistance in the manufacture of nuclear weapons. Examples of such activities include clandestine efforts to acquire fuel cycle facilities of direct relevance to nuclear weapons, the failure to report to the IAEA as required on such activities, and the use of denial and deception tactics if these activities are exposed.
7. NPT parties should strictly carry out the provisions called for in UN Security Council Resolution 1540 adopted on April 28, 2004 on the criminalization of the proliferation of weapons of mass destruction.
8. NPT parties should ensure that their national laws, regulations, and enforcement mechanisms are sufficient to enforce a prohibition on nuclear proliferation activities by non-state actors on their territories.

9. NPT parties should cooperate in efforts to prevent and disrupt illicit trafficking activities in nuclear weapons-related equipment, material and technology, including the interdiction of such items when necessary and consistent with national legal authorities and international law.

10. NPT parties should deal promptly and firmly with any non-compliance with the NPT. They should note the important role of the IAEA and the UN Security Council in that regard, and the potential value of ad hoc and/or regional groups of NPT parties that are formed for the express purpose of taking complementary action.

11. NPT parties should consider a wide range of responses to non-compliance with the NPT and take appropriate steps, including, but not limited to, a halt to nuclear cooperation with the offending state. The lifting of any measures imposed on the non-compliant state should be strictly linked to verifiable actions, including through full implementation of the IAEA Additional Protocol, that demonstrate over a period of time that the state is remedying the violation and that its nuclear program is exclusively for peaceful purposes.

12. NPT parties should make clear to NNWS in violation of the NPT that the only route to international respectability and a better future for their citizens is through a return to genuine compliance with the Treaty, including full implementation of the Additional Protocol and the complete, verifiable and irreversible dismantling of any components of a nuclear weapons program.

13. NPT parties should encourage transparency and information exchange among themselves on measures related to the implementation and enforcement of their obligations under Articles I and II.

Recommendations: IAEA Safeguards

1. NPT parties should comply strictly with their safeguards obligations, and actively assist the IAEA in resolving questions or difficulties that arise in the application of safeguards.

2. NPT party members of the IAEA should provide the Agency with strong political and financial support for the rigorous implementation of safeguards, as well as any information relevant to NPT parties' compliance with safeguards obligations.

3. NPT NNWS that have not done so should bring into force at the earliest possible date a safeguards agreement as required under Article III.

4. NPT parties should bring into force the Additional Protocol. Implementation of the Protocol should become a key standard by which to measure an NPT party's commitment. The Protocol should become a condition of nuclear supply by the end of 2005.

5. NPT parties should strengthen the ability of the IAEA Board of Governors to monitor and enforce compliance with safeguards agreements, including prompt implementation of the recommendations of any Special Committee of the Board that may be established pursuant to the proposal by President Bush on February 11, 2004.

6. NPT parties should support adoption by the IAEA Board of Governors of practices and procedures that would suspend from the Board or the Special Committee any state that is under investigation for nonproliferation violations pursuant to a Board resolution or Chairman's statement.
7. NPT parties should support IAEA efforts to obtain a complete explanation of the nuclear program of a state that is under investigation for a nonproliferation violation and should urge the IAEA Director-General to provide a prompt and full report to the Board.
8. NPT parties should cooperate with the IAEA at all times, including the provision of information as required by a Board resolution in the context of an investigation into possible safeguards violations; and should also support IAEA efforts to seek such information as necessary from non-parties to the NPT.
9. NPT parties should comply with IAEA Board decisions on early provision of design information and should recognize that construction of secret nuclear facilities by NPT NNWS constitutes non-compliance with Article III, which would be magnified by a lack of transparency, delay or deception in providing information about these facilities once uncovered.
10. NPT parties should not permit an undue delay in a decision by the IAEA Board of Governors on non-compliance with a safeguards agreement and on a report to the Security Council.

Recommendations: Peaceful Nuclear Programs

1. NPT parties should support the pursuit of peaceful nuclear programs as an important right and benefit of all parties who are in full compliance with their Article I and II obligations and should reaffirm their commitment to facilitate appropriate cooperation only in these circumstances.
2. NPT parties should declare that a peaceful nuclear program under the Treaty must conform with Articles I, II and III of the Treaty.
3. NPT parties should declare that peaceful nuclear cooperation under Article IV is inextricably tied to a state's behavior in fulfilling its nonproliferation obligations under the Treaty. There is no absolute right to peaceful nuclear cooperation under the NPT.
4. NPT parties should declare that NPT parties in non-compliance with their nonproliferation obligations, or those NPT parties that procure items or technologies for purposes prohibited by Article II, are not entitled to the same rights and benefits under Article IV as are NPT parties in compliance with these obligations. Such non-compliance should lead, at a minimum, to a suspension of nuclear cooperation with that state.
5. NPT parties should recognize that enrichment and reprocessing plants have direct application to the manufacture of fissile material for nuclear weapons; that four non-nuclear-weapon states have pursued such plants in violation of their commitments to the NPT and IAEA; and that urgent measures are needed to curtail this threat to the Treaty.

6. NPT parties should support efforts to limit enrichment and reprocessing facilities only to NPT parties in good standing already in possession of such facilities that are full-scale and fully functioning.
 7. NPT parties should ensure that measures to curtail the spread of enrichment and reprocessing facilities do not burden peaceful nuclear programs in compliant NPT states, and to ensure a reliable supply of fuel at reasonable prices to all NPT parties in full compliance with the Treaty that forgo such facilities.
 8. NPT parties should support an expansion of international partnerships to include new donor and recipient states in cooperative efforts such as reducing stockpiles globally of highly enriched uranium used in civil research reactors and converting such reactors to the use of low enriched uranium where possible.
 9. NPT parties should reduce the risk that terrorism poses to peaceful nuclear programs by ensuring the application of strong security measures to nuclear material, radioactive sources, and associated facilities.
 10. NPT parties should endorse efforts to combat nuclear terrorism such as implementing the IAEA's Nuclear Security Action Plan, supporting the revised Code of Conduct on the Safety and Security of Radioactive Sources, and accelerating efforts to improve regulatory control of radioactive sources in more than 90 member states of the IAEA.
 11. NPT parties should recognize the importance of the Convention on the Physical Protection of Nuclear Material in setting standards for the protection of nuclear material used for peaceful purposes, and should support efforts to strengthen the Convention and to increase the number of parties.
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