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

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## Third session

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### **The proliferation security initiative and its implications for the Treaty on the Non-Proliferation of Nuclear Weapons**

#### **Working paper submitted by Cuba**

As indicated in the factual summary prepared by the Chairman at the second session of the Preparatory Committee for the 2005 Review Conference of the parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT/CONF.2005/PC.II/50, annex II), States parties have stressed the grave threat to the Treaty and international security posed by the proliferation of weapons of mass destruction, nuclear, chemical and biological, and their means of delivery, as well as the possibility that non-State actors might gain access to such weapons.

Cuba shares the concern about the risk of links between terrorism and weapons of mass destruction and fully supports legitimate international efforts to deter the acquisition of weapons of mass destruction and their means of delivery by terrorists.

The common interest of the international community favours the establishment and strengthening of an international coalition of all States against the use of weapons of mass destruction by terrorists. This threat needs to be addressed by means of international cooperation within the framework of the United Nations and the relevant international treaties.

The question of proliferation in all its aspects should be resolved through political and diplomatic means, within the framework of international law, including the Charter of the United Nations.

The so-called Proliferation Security Initiative (PSI), instead of contributing to international unity on this issue and to the strengthening of the role of the United Nations and of relevant international treaties, such as the NPT, weakens it. A multilateral and non-discriminatory approach is the only effective way to fight against the possible use of weapons of mass destruction by terrorists.

Several elements of the Initiative are not consistent with the basic principles contained in the Charter and recognized in international law, these principles prohibit interference in the internal affairs of States and resort to 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, pursuant to the principle of sovereign equality enshrined in the Charter.

Under the PSI, actions clearly contrary to key provisions of the 1982 United Nations Convention on the Law of the Sea could be carried out, such as those referring to the right of innocent passage of vessels through the territorial waters of States and to the jurisdictional regime of the high seas included in the Convention.

There would be no guarantees at all that the self-granted prerogatives of the participants in the PSI would not be manipulated, particularly by States with greater military power, to act abusively against vessels and aircraft of other States for different reasons.

The possibility of terrorist attacks with weapons of mass destruction cannot be eliminated by means of a selective approach like the one promoted by the PSI, which is limited to combating horizontal proliferation, while ignoring vertical proliferation (the qualitative enhancement of nuclear weapons by States that possess them) and disarmament (the total elimination of weapons of mass destruction).

Cuba reaffirms that the principle of non-proliferation is insufficient to eliminate nuclear weapons, especially when it involves a selective approach, focused only on horizontal proliferation.

The total prohibition and elimination of weapons of mass destruction, including nuclear weapons, is the only guarantee that such weapons would not fall into the hands of terrorists. In that context, States which possess nuclear weapons are required, under the Treaty provisions and together with the other States parties to that Treaty, to negotiate for nuclear disarmament.

As stated in the working paper submitted by Cuba at the second session of the Preparatory Committee (NPT/CONF.2005/PC.II/WP.10), only a systematic approach, which would include the components of disarmament, verification, assistance and cooperation, will be able to guarantee the total elimination of nuclear weapons. Cuba is prepared to launch immediate negotiations on a multilateral convention which applies this approach and believes that the Conference on Disarmament, as the sole multilateral negotiating forum in the area of disarmament, is the proper framework for such an undertaking.

States parties should, under the various relevant legal instruments in force, including the NPT, take advantage of the review processes therein to reaffirm their commitment to take all the necessary steps at the national level to deter terrorists from acquiring weapons of mass destruction and the materials and technologies needed for their production.

Regular consultations should be held to examine terrorist attempts to develop and acquire weapons of mass destruction and the procedures adopted by States parties in response to those attempts, bearing in mind, that consultation and cooperation among States parties are provided for in multilateral disarmament agreements such as the NPT.

Instead of making use of such forums, in which the vast majority of States take part, attempts are being made, through the PSI, to impose a selective and non-transparent mechanism operating outside the United Nations and international treaties.

The PSI is a serious threat to multilateralism, cooperation and control in the area of non-proliferation of weapons of mass destruction, as defined within the legal framework of multilateral treaties and in the mandate of relevant international organizations with internationally recognized expertise in this area, such as the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Biological Weapons Convention.

Why are the concerns about proliferation not being addressed in the framework of international treaties, such as the NPT, and in established multilateral forums, such as the United Nations General Assembly, the Disarmament Commission or the Conference on Disarmament, rather than of ignoring the existing mechanisms?

The Proliferation Security Initiative is already operational, even though the vast majority of States did not have the opportunity even to participate in drafting it, despite its important implications.

Respect for the principles of International Law and the Charter of the United Nations is the only viable guarantee of international peace and security. The world should be regulated by a collective security system, based on cooperation, which provides guarantees for all.

The 2005 NPT Review Conference offers an opportunity for all States parties to examine these issues and arrive jointly at a consensus. That opportunity should not be wasted.

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