

**Preparatory Committee for the 2010
Review Conference of the Parties to
the Treaty on the Non-Proliferation
of Nuclear Weapons**

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CHALLENGES TO THE NPT

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1. It is undeniable that almost 15 years after the 1995 NPTREC the only component of the Package of three Decisions and Resolution adopted by consensus in 1995 that has been fully implemented is Decision III pertaining to the indefinite extension of the Treaty. This situation certainly must adversely affect the credibility and viability of the Treaty as the cornerstone of the nuclear disarmament and non proliferation regime. This is further reaffirmed when lack of progress in implementing the remaining elements of the 13 practical steps of the 2000 Review Conference is also taken into consideration. Efforts to retract endorsement of previously agreed outcomes of review processes highlights the erosion of common understanding among the States Parties, reflects the uncertainty concerning the value of the review process and disrupts the balance of Treaty provisions.

Universality

2. Perhaps the greatest challenge facing the NPT at this juncture, and which lies at the root of a multitude of issues is that of realising Treaty Universality. Universality is specified in Decision II of the 1995 NPTREC as an urgent priority, especially for states that operate unsafeguarded nuclear activities. Realising such an objective is a central element in achieving international peace and security. This is the primary responsibility of all States under the Treaty, particularly

the Permanent Members of the UNSC by virtue of their special responsibilities in accordance with the Charter of the United Nations.

3. In view of the direct negative impact of not achieving the Universality of the Treaty on the international environment and the direct threat that this situation constitutes to international peace and security, addressing this issue must be undertaken through transparent, practical and tangible measures.

4. It is deemed imperative at this stage and with a view to strengthen the relevance of the Treaty that the Review Conference in 2010 adopt an action plan on NPT Universality, which would encompass a series of practical steps for the systematic and progressive achievement of full and complete NPT Universality as per Para 1 of the 1995 NPTREC Decision II on Principles and Objectives.

5. Furthermore, and due to the pivotal nature of Treaty Universality, it is necessary that the Review Conference calls on States Party to the NPT, to report to each session of the Preparatory Committee and to the Review Conference on their practical and specific efforts undertaken to fulfil their obligations pertaining to achieving this objective.

6. Treaty Universality must constitute a priority of the Review Conference in view of its association with the implementation of the 1995 NPTREC Package of Decisions and Resolution. Para 1 of Decision II highlights that Universal adherence to the Treaty constitutes an urgent priority and that every effort should be made by all States Parties to achieve this objective. This will undoubtedly address the security concerns of States Parties and further guarantee compliance with Treaty provisions and help prevent any possibility of a nuclear arms race. It is necessary that the 2010 Review Cycle address this issue without ambiguity, so as to preserve the integrity of the Treaty.

7. In addition, the creation of an NPT Universality Adherence Support Unit, within the framework of the NPT is a further measure towards realizing the agreed upon objective of Treaty Universality.

Compliance with Treaty Provisions and Review Conference Outcomes

8. Another serious concern to the integrity of the NPT is the lack of progress, in real terms, on Article VI. A quantitative reduction of nuclear weapons coupled by an almost simultaneous qualitative increase in capabilities does not constitute compliance with the letter or spirit of Article VI.

9. It is necessary for the 2010 Review Conference to recognise that the starting point for the fulfilment of Article VI is through a renunciation of nuclear doctrines as part of strategic national security policies and the prompt commencement of negotiations, in good faith, on a treaty on general and complete nuclear disarmament under strict and effective international control.

10. The importance of such a treaty is further reinforced by the 1996 Advisory Opinion of the ICJ on the Legality of the Threat or use of Nuclear Weapons, that was based upon the request of the UNGA. In that regard, the Conference should indicate its support for the unanimous conclusion of the Court that “There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.”

11. Pending the complete elimination of nuclear weapons, and pursuant to Para 8 of Decision II of the 1995 NPTREC on Principles and Objectives For Nuclear Non Proliferation and Disarmament, the 2010 Review Conference should reiterate that legally binding security assurances to non nuclear weapon states strengthens the non-proliferation regime. Nuclear weapon states must respect existing obligations and exert all efforts to bring about the realisation of that objective in a multilateral framework.

12. The 2010 Review Conference should underscore the importance that States Parties refrain from entering into new nuclear supply arrangements with parties that have not accepted IAEA Full Scope Safeguards on their nuclear facilities in accordance with Para 12 of Decision II on Principles and Objectives of the 1995 NPTREC.

13. Only through comprehensive and non-selective adherence to all provisions of the NPT and through full implementation of all components of the 1995 NPTREC outcome and as elaborated in the 13 Steps of the 2000 Conference can the challenges facing the NPT be satisfactorily addressed and its credibility, indefinite extension and indeed relevance preserved. The 2010 Review Conference should highlight the importance of full compliance of States Parties to the NPT with all provisions of the Treaty as a pivotal factor in strengthening global non proliferation efforts.
