

April 2003 Non Proliferation Treaty Preparatory Committee -- Challenges and Opportunities

The Iraq crisis has thrown into stark relief the question of how the international community best deals with the elimination of weapons of mass destruction including nuclear weapons. In this context, the Non-Proliferation Treaty Prepcomm meeting in Geneva, April 28-May 10, faces some new, as well as pre-existing, challenges. These challenges also contain important opportunities to strengthen the non-proliferation and disarmament regime. Most significantly, the invasion of Iraq has created an enormous public mobilisation globally in favour of peace and disarmament. Millions of people marching the streets -- whether in New York, London, Bangkok, Sydney, Paris, Berlin, Istanbul, Damascus, Jordan or Cape Town -- are responding to concern about the threat of weapons of mass destruction. They are calling for law, not war: for multilateral, legal mechanisms to enforce disarmament through universally adhered to standards and agreements. We urge state parties to listen to those voices.

Below, Greenpeace outlines the most significant of those challenges and suggests steps NPT state parties could take at the upcoming Prepcomm to address these issues:

1. Counter-proliferation vs Non-Proliferation

The clearest lesson emerging from the current crisis is that the "preventive war" of the US, the UK and Australia against Iraq has set a dangerous and damaging precedent for response against states with suspected weapons of mass destruction capabilities. Not only did the invasion undermine the ability of UN and IAEA inspections to fully complete their tasks, the Bush Administration has also made clear its contempt for any future role for multilateral institutions in resolving questions of proliferation and security. This attitude has been institutionalised in the Bush Administration's Nuclear Posture Review (January 2003) and its National Security Strategy (September 2003).

Greenpeace's response:

The global public wants to hear a rejection of pre-emptive military strikes and military counter-proliferation and the upholding of the virtues and effectiveness of multilateral, legal mechanisms. Parties to the NPT should make a strong statement to this effect and urge all parties to reject the use of military force to resolve proliferation concerns. NPT parties should encourage the transformation of current negative security assurances into a legally binding obligation, and urge all states to adopt policies explicitly rejecting first strike doctrines.

2. Material Breach by the NWS

A dangerous parallel message is also being sent by the war on Iraq -- that the U.S. has no intention of meeting its own nuclear weapons disarmament obligations and will continue planning for use of such horrible weapons. The United States and other nuclear weapons states, like Russia, China, United Kingdom and France, are in material breach of their own disarmament obligations under Article VI of the NPT and have failed to make progress on the 13 Steps toward disarmament agreed unanimously in 2000. If the NWS continue to evade their obligations, the treaty's basic bargain -- which the vast majority of non-nuclear weapons states have upheld -- will be poisoned irrevocably.

Greenpeace's response:

All nuclear weapons states should unconditionally comply with their legal obligations to eliminate their nuclear weapons. All NWS should commit to the goal of eliminating their illegal nuclear arsenal and halting the development of new nuclear weapons or the "refurbishment"

GREENPEACE

of existing ones. For example, proposed development of new nuclear weapons by the US, moves toward a return to nuclear testing, and plans for a new nuclear weapons factory to make plutonium "pits" all threaten to further weaken the NPT. At the April Prepcomm, the NWS should re-affirm their commitment to the 2000 Steps, and pledge not to block immediate progress on negotiations of a Fissile Material Ban and other measures at the Conference on Disarmament. For example, they could indicate their acceptance of the so-called "A5" proposal for a work programme suggested by the CD ambassadors of Belgium, Colombia, Sweden, Chile and Algeria.

3. Horizontal proliferation

On Thursday, April 10, North Korea's withdrawal from the Nuclear Non-Proliferation Treaty (NPT), the legal cornerstone to halt the spread of nuclear weapons, became fact. North Korea has restarted its plutonium-production reactor, has admitted the existence of a uranium enrichment programme and has threatened to start up a plutonium reprocessing plant and to resume testing long-range missiles, all of which raise the spectre of a Korean Peninsula bristling with nuclear weapons.

The US response is likely to be constrained by its allies, Japan and South Korea, and cliff-hanger initiatives from either or both North Korea and the US may lead to a peaceful solution of the crisis. However, the Bush Administration has already said it has not ruled out the use of military force to stop North Korea resuming a nuclear programme. The New York Times (February 28, 2003) quotes military strategists saying contingency plans include "... a range of military options from surgical cruise missile strikes to sledgehammer bombing, and there is even talk of using tactical nuclear weapons to neutralise hardened artillery positions aimed at Seoul, the South Korean capital." Such military intervention could precipitate a massive conflict on the Korean Peninsula, including the use of nuclear weapons, and a slide into further proliferation by other states. Japan could be stimulated to rapidly convert its problem-plagued civilian plutonium program into a full-blown weapons program.

Iran's nuclear programme is another potential flashpoint for US or Israeli military action. States already identified as within the "axis of evil" will see little incentive in remaining inside the international norms of non-proliferation. On the contrary, they may believe that acquiring nuclear weapons capacity is the only means to counter the Bush Administration and its clear goals of global military and economic dominance.

Greenpeace's response:

The North Korean crisis has been referred by the IAEA to the UN Security Council. It is imperative that Security Council members listen to that global public, and support Secretary General Kofi Annan's mediation initiative and immediately engage in active diplomacy to strengthen the nuclear non-proliferation regime and avoid further war. In order to strengthen international non-proliferation agreements, all members of the NPT should support a negotiated settlement over North Korea's nuclear programme and reject military action as a response to such crises in the non-proliferation regime.

The North Korean government must be urged to re-join the NPT as a non-nuclear member and to return to full compliance with the treaty and IAEA safeguards agreements. Negotiations with the US for a non-aggression pact may hold one key to this crisis. However, parties to the NPT must also signal that future withdrawal crises will be met with a more proactive approach. The Prepcomm should empower the NPT Chair and his vice-chairs to convene a task-force to seek to assist in a resolution of such a crisis, and if necessary, empower him to call an emergency meeting of NPT parties within the 90 days of notice of withdrawal, should any future withdrawal be signalled.

The fact that much nuclear technology and materials have a dual nature, permitting them to be used for civil and/or military application, has long been recognised. This reality should preclude the further expansion of civil nuclear energy, including the use of weapons-usable materials such as plutonium, and instead lead to the early adoption of worldwide nuclear phase-outs. Many coastal nations are currently put at risk by shipments of nuclear material,

GREENPEACE

including plutonium MOX, around the world's oceans. Greenpeace urges coastal nations to consider legal measures to protect public health and their marine environments both at a national, regional and international level. There should be early agreement on a comprehensive Fissile Material Ban, which must include a halt to the reprocessing of spent nuclear fuel, the declaration of all plutonium as waste and the placing of all stocks of both military and so-called commercial material under international control. At this time of global insecurity, energy security based upon truly sustainable and renewable sources should be an international priority.

4. Universality

While North Korea has withdrawn from the NPT, Cuba's ratification of the Treaty is an important new addition. However, the fact that three nuclear weapon states - India, Pakistan and Israel - remain outside the NPT poses a significant obstacle to the treaty's effectiveness. One of these states - Israel - is reckoned to have an arsenal at least as large as that of the UK or France. India and Pakistan are in a state of on-going military conflict over Kashmir, and it has been alleged that Pakistan has supplied North Korea with assistance for its nuclear programme.

Greenpeace's response:

States Parties must clearly welcome the addition of Cuba to the Non Proliferation Treaty, particularly given the positive regional effect this will have, for example on the Treaty of Tlatelolco. Persuading the three nuclear weapon states outside the treaty -- Israel, India and Pakistan -- to disarm should be at least as urgent a priority for the international community as the disarmament of NPT signatory states suspected of breach. The three non-NPT parties should be treated with as much rigour as any other state in breach of its NPT obligations.

The vast majority of the world's states that are party to the NPT will meet at the United Nations in Geneva to begin preparing for a full review of the treaty in 2005. It is critical that this month's meeting -- the NPT's first since the Iraq invasion and the North Korean withdrawal from the Treaty -- face up to the urgent need to re-vitalise the non-proliferation regime. Now more than ever, there is a need to reinforce universality and compliance with those norms and rules.