Introduction


The 2010 NPT Action Plan was considered an accomplishment at the time of adoption, but another unfulfilled piece of paper will not contribute to the implementation of the Treaty or its goals and objectives. The only real value of the Action Plan lies in its implementation. The NPT has seen many concrete agreements over the decades, such as the 1995 resolution on the Middle East and the 13 steps from 2000. However, these previous agreements have not been implemented. Thus full implementation of the Action Plan is crucial for the credibility of the Treaty.

This report aims to provide factual and clear information on the status of the implementation of all 64 actions and to give the reader an overview of what is left to be done until 2015. The research has been carried out through review of open source information. It is not a full technical investigation of all related facts, but is an attempt to provide an overview of states' compliance with the Action Plan and to capture the most significant developments since May 2010.

The research has been carried out within the limits of available resources, such as time, publicly available information, and limited responses from states to our requests for information. It is important to note that the Action Plan is a political document and the language is a carefully crafted compromise. Because the plan includes deliberately vague commitments such as “encourage,” “facilitate,” and “continue efforts,” it has been difficult to measure and quantify progress. In addition, the discrepancies in interpretation of the NPT remain unresolved in this Action Plan, opening it up for significant differences of opinion on what the actions specifically require. It has been beyond the scope of this project to make a legal analysis of such interpretations, which left us to focus on facts and general trends in order to make our assessment.

One of the biggest challenges we’ve faced in monitoring the Action Plan is both the lack of clear benchmarks against which to measure progress and the absence of any formal institutional mechanism to carry out the monitoring and to report back to the next review conference in an organized way.
In order to assess implementation, we have used a system of “traffic lights” signalling red, yellow, and green. The red traffic light indicates that to date, no concrete progress has been made in implementing the action. The yellow light indicates that while some efforts have been detected, additional progress needs to be made in order to fully implement the action. The green light shows that states are making progress and are currently implementing the action.

**Importance of the 2014 Preparatory Committee**

It has often been said that the NPT has been in danger since its inception, but since the end of the Cold War, the challenges are consistently growing and tensions are rising. The lack of concrete progress on nuclear disarmament, the problems of implementing agreements on the weapons of mass destruction free zone in the Middle East, and non-proliferation concerns have affected the credibility of the Treaty and put its future relevance in jeopardy.

The 2014 Preparatory Committee is a key moment for the implementation of the Action Plan, as the document from 2010 calls upon the nuclear-armed states to report on the undertakings in action 5 at this meeting. Unfortunately, it does not look like they will be in a position to do so. Public information about their activities indicate that they have not undertaken activities or even discussions on most of the issues contained in action 5.

It is therefore imperative that all governments take the opportunity at the 2014 Preparatory Committee to systematically assess the implementation of the Action Plan. If the nuclear-armed states are not prepared to report on the actions to which they committed to four years ago, NPT states parties must decide how to move forward. They will need to look ahead to the 2015 Review Conference and decide what needs be achieved there and how best to reach that goal.

Limiting efforts to the implementation of the 2010 NPT Action Plan will not guarantee the total elimination of nuclear weapons. But if the 2015 Review Conference is going to restore some of the NPT’s credibility, it will need to send a clear message to the world that the status quo is not acceptable.
Nuclear disarmament

Progress on the 22 Action Plan items dealing with nuclear disarmament has been the most eagerly anticipated by non-nuclear weapon states and civil society. However, the implementation of these actions has proven to be the most disappointing. Out of 22 actions, this report gives eleven red lights (no progress); six yellow lights (limited progress); and only five green lights (forward movement).

It is disappointing that the five nuclear-armed state parties to the NPT have indicated they will not meet their commitments on disarmament, in particular under action 5. This action asks them to engage on matters of global stockpile reduction; tactical nuclear weapons and nuclear “sharing”; diminishing the role of nuclear weapons in security policies; preventing nuclear weapons use and eliminating nuclear weapons; reducing operational status of nuclear weapons; reducing the risk of accidental use; and increasing transparency and mutual confidence. While the five nuclear-armed states have met with each other on a number of occasions since the 2010 Review Conference, it is clear from the reports on their discussions and statements these countries have made at NPT and First Committee meetings that they have had limited discussions on elements of transparency and have focused on developing a glossary of nuclear terms—something that was not even included in the Action Plan.

In the meantime, several new and dynamic initiatives, such as the conferences on the humanitarian impact of nuclear weapons, the open-ended working group on nuclear disarmament, and the high-level meeting on nuclear disarmament have opened up for a new momentum on this topic. These are all very welcome developments, and can contribute to fulfilling the obligations of article VI and the 2010 NPT Action Plan. Unfortunately, the NPT nuclear-armed states have been extremely reluctant to participate in any new initiatives, calling them “distracting” and undermining of existing efforts, including of the implementation of the NPT Action Plan. This is not only incorrect, but also disingenuous, since existing efforts on implementing the Action Plan or fulfilling the decades-old agenda of the so-called “step by step” approach have been so unsuccessful.

It is positive that the global stockpile of nuclear warheads continues to decrease, although the majority of reductions have been achieved through dismantlement of non-operational warheads or warheads in storage. Ongoing reductions by the United States and Russia under the New Strategic Arms Reduction Treaty have been a welcome contribution to the implementation of the Action Plan. However, while US President Obama has indicated that his administration is interested in working together with Russia on further reductions, issues such as tactical nuclear weapons in Europe and the development of missile “defence” systems continue to block any progress on further negotiated reductions by the two main nuclear weapon possessing states.

Another concrete development is the convening of a group of governmental experts to discuss elements of a treaty banning the production of fissile materials. In April 2014, 25 states will meet to make recommendations on elements of a treaty. However, while the GGE can certainly contribute to a better understanding of positions on fissile material negotiations, it’s worth noting that the group will not report back to the General Assembly until October 2015. It will therefore fall short of implementing the Action Plan’s call to start negotiations when governments meet at the 2015 Review Conference.

Nuclear non-proliferation

Although 23 items (actions 23 to 46) deal with nuclear non-proliferation, they are neither particularly strong nor very concrete. They mainly ask states parties to “stay the course”. As a result, this report shows that out of the 23 action points related to non-proliferation, three are red (relating to the lack of universalization and export controls), nine are yellow, and twelve are green. Based on this assessment, there has been more success in implementing the actions in the area of non-proliferation than disarmament.

In 2013, some developments stood out in particular for non-proliferation efforts.

A very positive development has been the negotiations between Iran and the E3/EU+3 successfully lead to the agreement of a “Joint Plan of Action” (JPA), in which Iran committed to not enrich uranium over 5%, to convert its entire stockpile of uranium enriched up to 20%, to not build new facilities for enrichment of uranium, to suspend construction-related activities of a heavy water reactor in Arak, and to allow for enhanced monitoring by the International Atomic Energy Agency (IAEA). The E3/EU+3 will suspend some of the nuclear-related sanctions initiated by the UN Security Council, European Union, and the United States, as well as establish a financial channel for humanitarian trade for Iran’s domestic needs. In January 2014, the IAEA reported that Iran was implementing its commitments under the JPA, and the EU and the US government have started to lift some of their sanctions. The two sides now have started a six-month period of negotiations to reach a final and comprehensive agreement.

While not all issues of concern have been resolved, the agreement shows an improvement in relations between Iran and the E3/EU+3 and it is a welcome change from the hard rhetoric and blame games from previous years. It remains to be seen whether or not the agreement will have enough of an impact on those that consistently raise non-proliferation concerns as a stumbling block for implementing the NPT’s disarmament obligations. Unfortunately, one of the most concerning developments of proliferation in 2013 was a third nuclear test by the Democratic People’s
Republic of Korea (DPRK) on 12 February 2013. The Comprehensive Nuclear-Test-Ban Treaty Organisation (CTBTO) detected the test and measured it to be 5.0 in magnitude, around twice as large as the DPRK's 2009 test (4.52) and considerably larger than the 2006 test (4.1). The location was indicated to be the same as the two previous tests by the DPRK.

Slowly, the adherence to the IAEAs additional protocol is growing amongst states parties. By February 2014, 21 of the remaining 90 states parties without an additional protocol in place at the 2010 Review Conference have had it enter into force.

**Nuclear energy**

The third part of the Action Plan consists of 18 action items related to the peaceful use of nuclear energy, each with varying grades of quantifiable elements.

The most serious development since the adoption of the Action Plan has been the Fukushima nuclear disaster, which put the issue of nuclear safety at the centre of this section of the Action Plan. The number of initiatives around the safety of nuclear energy is impressive, but still some key challenges remain. While acknowledging the crucial role of international institutions and mechanisms to ensure safety, some states parties have been wary about allowing them a greater role. These states have emphasized the responsibility and role of national agencies to ensure nuclear safety.

For example, applying in a more constraining way the principle of peer reviews is opposed by several states, which emphasize the responsibility and role of national agencies to ensure nuclear safety. Although some progress has been made, it is unlikely that the Convention on Nuclear Safety (CNS) and other related international instruments will achieve near-universal adherence before the 2015 NPT Review Conference.

According to the research in this report, while the “right” to develop nuclear energy for peaceful purposes and to have the ability to participate in nuclear technology exchange programmes has been well established and reinforced, its implementation among NPT states parties remains uneven. In addition, the issue of safeguards, safety, and security have become critical elements in the peaceful use of nuclear energy. Consequently, the Action Plan items related to this pillar have achieved the most progress with one red light, six yellow lights, and 11 green lights.

**Middle East**

One of the most significant challenges to the NPT is the continued tension around failure to implement the 1995 resolution on the Middle East and to uphold the decision from 2010 to convene a conference in 2012 on a weapons of mass destruction (WMD) free zone in the region.

As reported last year, in December 2012 it became clear that the conference set for 2012 would be “postponed” and no new date was set. “We cannot continue to attend meetings and agree on outcomes that do not get implemented, yet to be expected to abide by the concessions we gave for this outcome,” said the Egyptian delegation before it walked out of the meeting.

This was the first walkout in the NPT’s history and the issue of a WMD free zone in the Middle East might be the most serious challenge to the NPT in this review cycle. The inability to hold a meeting on this topic could reduce the confidence of many Middle Eastern states that remaining in the NPT is in their interests and has created a sense of mistrust and frustration that will only continue to escalate if progress is not made on this issue.

**Humanitarian impact of nuclear weapons**

However, while the NPT currently suffers from perhaps its most serious crisis of credibility in its history, the discourse around nuclear weapons is finally changing. Even in the NPT context, nuclear weapons are starting to be viewed and described as dangerous and unacceptable weapons. The 2010 NPT Review Conference expressed “deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons.” Since then, these consequences have increasingly become a focal point for discussion and proposed action on nuclear weapons.

In March 2013, the government of Norway hosted a conference on the Humanitarian Impact of Nuclear Weapons. Mexico hosted a follow-up meeting in February 2014, and the Austrian government announced that it will hold a third meeting before the end of 2014. The two conferences held on this topic have increased the understanding amongst the international community of what nuclear weapons are, and what the impact would be if they were used—either by intent or by accident. The evidence presented by UN agencies, academics, former military officials, and civil society organizations has clearly revealed that the continued possession and deployment of nuclear weapons is a reckless and unsanctionable gamble with the future of humanity and the planet.
In addition to these conferences, governments are also increasingly raising the issue of humanitarian impacts in traditional forums dealing with nuclear weapons.

16 governments delivered a joint statement at the 2012 NPT Preparatory Committee highlighting the catastrophic humanitarian consequences of nuclear weapons and calling on all states to intensify their efforts to outlaw and eliminate these weapons. 35 governments echoed this call at the 2012 General Assembly First Committee session, while 80 countries at the 2013 NPT Preparatory Committee expressed dismay with the "unacceptable harm caused by the immense, uncontrollable destructive capability and indiscriminate nature of these weapons." At the 2013 First Committee session, the statement had reached 125 signatures.

Rather than being divisive, as argued by some nuclear-armed states, the humanitarian initiative has provided the basis for a new momentum on nuclear disarmament. It has involved new types of actors, such as the Red Cross and Red Crescent Movement, the United Nations Office for Coordination of Humanitarian Affairs, the United Nations Development Programme, and a new generation of civil society campaigners.

The discussion around the humanitarian impact of nuclear weapons has grown into the most positive development around nuclear weapons in many years, and should be fully supported by all states parties to the NPT.

**Conclusion**

It has been four years since the Action Plan was adopted and the NPT is under more pressure than ever. Despite positive developments concerning negotiated agreements around Iran's nuclear programme and the humanitarian discourse contributing to positive momentum, lack of implementation of disarmament commitments and the failure to uphold agreements around the Middle East is seriously threatening the confidence placed in the NPT by almost all states in the world.

It is rather unlikely that the 2010 NPT Action Plan will be considered adequately implemented by the 2015 Review Conference. It is therefore time for all governments to start addressing some difficult question on how this can be achieved at the 2015 Review Conference and how to resolve some of the key challenges generated by the existence and possession of nuclear weapons.

There is an urgent need to achieve the goals and objectives of the NPT, such as prevention of the use of nuclear weapons, stopping the nuclear arms race, ceasing the manufacture of nuclear weapons, eliminating existing arsenals, and easing international tensions and strengthening trust between states. Negotiating a treaty banning nuclear weapons could be instrumental in this regard.

A ban on nuclear weapons could address these principles by providing a clear legal rejection of nuclear weapons, in line with the obligations of article VI. Such a legal standard would stigmatize the continued possession of nuclear weapons, thereby creating incentives for deeper and faster reductions and the elimination of nuclear weapons, as well as reduce the risk of proliferation.

During the conference in Nayarit, Mexico, the vast majority of 146 governments present demanded concrete political and legal action against nuclear weapons. In addition, more governments than ever called specifically for a treaty banning nuclear weapons. This is a very encouraging development, as a ban on nuclear weapons has the potential to prevent the NPT’s collapse.