

## CANADA

**NPT Review Conference  
New York, May 2005**

**Nuclear Disarmament**

Nuclear disarmament has, since the inception of the NPT 35 years ago, been one of its three core commitments constituting the "grand bargain" of the Treaty. The viability of this Treaty depends on these commitments being honoured in deeds and not just words. Collective understandings of what the Article VI obligation means in practice have been gradually developed through the NPT review process. In 1995, the emphasis was on concluding the CTBT and the FMCT and the pursuit of "systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons". In 2000, there was a further collective agreement on what needed to be done: the so-called 13 Steps, which actually include 18 measures for giving effect to the nuclear disarmament commitment. These steps are not a panacea nor a definitive listing, but they do constitute a common objective benchmark against which to measure progress in achieving nuclear disarmament. Consistent, demonstrable progress towards the elimination of nuclear weapons is what this Treaty needs to maintain its authority. If the credibility of the commitments assumed under this Treaty is compromised, states will gradually make other arrangements to assure their security interests and the resulting world may be a far more dangerous place than it is now. In the words of Dr El Baradei, of the IAEA: "we have come to a fork in the road: either there must be a demonstrated commitment to move toward nuclear disarmament, or we should resign ourselves to the fact that other countries will pursue a more dangerous parity through proliferation".

In our view, the benchmarks agreed in this forum are crucial for measuring and substantiating the progress the nuclear-weapon States are making on nuclear disarmament. To seek to ignore or circumvent them as mere political commitments of the past is to undermine all the political commitments made in implementation of the Treaty and to cast doubt upon the credibility of engagements entered into by current administrations or governments. For our part, we do not insist on a rigid adherence to these steps, if NWS believe they have devised better ways of achieving the intent behind the steps. Such adjustments, however, need to be explained to the NPT community. We all have a stake in the realisation of these nuclear disarmament objectives. Let me take them up in turn:

**CTBT (Steps 1 and 2):** Achieving the entry into force of the Comprehensive Nuclear-Test-Ban Treaty remains a top priority for this regime. The CTBT, with its robust verification capacity in the International Monitoring System, represents an effective bar to both horizontal and vertical nuclear proliferation. Failure to bring this accord into force gives countries like the DPRK a blank cheque for indigenous development of

### **Article I**

6. The States parties agree that strict observance of the terms of article I remains central to achieving the shared objectives of preventing, under any circumstances, further proliferation of nuclear weapons and of preserving the Treaty's vital contribution to peace and security. The States parties recall that the nuclear-weapon States reaffirmed their commitment not to transfer to any recipients nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices, directly or indirectly, and not, in any way, to assist, encourage or induce any non-nuclear-weapon States to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices. The States parties call upon them to adhere to this commitment.

7. The nuclear-weapon States parties to the Treaty reaffirm their commitments to the fullest implementation of this article and to refrain from nuclear sharing for military purposes under any kind of security arrangements, among themselves, with non-nuclear-weapon States and with States not party to the Treaty.

8. The States parties remain concerned about the ability of certain States not parties to the Treaty to obtain nuclear materials, technology and know-how to develop nuclear weapons. The States parties call for the total and complete prohibition of the transfer of all nuclear-related equipment, information, material and facilities, resources or devices and the extension of assistance in the nuclear, scientific or technological fields to States non-parties to the Treaty without exception.

### **Article II**

9. Non-nuclear-weapon States parties to the Treaty reaffirm their commitment to the full implementation of this article and to refrain from nuclear sharing for military purposes under any kind of security arrangements with the nuclear-weapon States, non-nuclear-weapon States and States not party to the Treaty.

### **Article III**

10. The States parties reaffirm that IAEA is the competent authority responsible for verifying and assuring, in accordance with the statute of IAEA and its safeguards system, compliance with its safeguards agreements with States parties undertaken in fulfilment of their obligations under article III, paragraph 1, of the Treaty, with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. It is the conviction of the Conference that nothing should be done to undermine the authority of IAEA in this regard.

11. The States parties call on the nuclear-weapon States and all States not party to the Treaty to place their nuclear facilities under IAEA full-scope safeguards.

12. The States parties that have concerns regarding non-compliance with the safeguards agreements of the Treaty by any States party should direct such concerns, along with supporting evidence and information, to the Agency to consider, investigate, draw conclusions and decide on necessary actions in accordance with its mandate. Measures should be taken to ensure that the inalienable rights of all States parties, under the provisions of the preamble and articles of the Treaty, are fully protected and that no State party is limited in the exercise of this right based on allegations of non-compliance not verified by IAEA.

nuclear weapons. The eight Annex II signatories that have not yet ratified should do so without delay if united pressure is going to be brought to bear on the three holdouts who have failed to sign this vital treaty. If there are NWS which still harbour desires to keep the nuclear testing door open, let them be aware that others may exploit that opening if it is not firmly and decisively closed. Existing moratoria on nuclear tests are welcomed signs of restraint, but they can be terminated unilaterally and are no substitutes for a legally binding compact. Let's not delude ourselves - continued stalling on the CTBT imperils the nuclear non-proliferation and disarmament enterprise.

**FMCT/CD (Steps 3 and 4):** Turning off the tap of fissile material production for nuclear weapons is another pressing priority on which no forward movement has been registered since 2000. The Conference on Disarmament had been given a specific mandate by the last Review Conference, which it has completely failed to realise. This is not the fault of the CD, but of those states which have not yet displayed the political will and flexibility required to adopt an agreed Program of Work incorporating negotiations on a FMCT and discussion of three other priority issues. One of these is the topic of nuclear disarmament for which again the CD had a specific request from the NPT membership. There is no point in this Conference urging the CD to take action if some NPT states party then proceed to block the CD from fulfilling these assignments. All that this accomplishes is to discredit multilateral cooperation on non-proliferation and disarmament with serious repercussions for the integrity of this Treaty. A bankrupt CD will eventually lead to an insolvent NPT unless other multilateral channels are found to advance its disarmament agenda.

**Irreversibility & Verifiability (Steps 5 and 6):** To maintain the credibility of the undertaking, movement towards the elimination of nuclear weapons needs to be exclusively in one direction: downwards. Dismantled warheads should only be stored for so long as it takes to safely effect their destruction. Verification of disarmament progress is required to provide the necessary confidence to all parties that disarmament undertakings are actually being implemented. Transparency is also crucial in this regard, to build that general confidence and moreover to ensure that the NWS receive the credit they deserve for the disarmament action they have taken.

**US-Russian Nuclear Reductions and Strategic Stability (Step 7):** As holders of the greatest store of nuclear weapons, the US and Russia have special responsibilities to lead the way in nuclear disarmament. We welcome the May 2004 decision to cut the current American nuclear stockpile by almost 50 per cent and we would encourage the US to provide a timetable for accomplishing this reduction. We urge Russia to undertake a similar commitment. We applaud the progress being made in reducing deployed strategic warheads under the Moscow Treaty and the provision of more specific information on the number of US warheads reduced since the Treaty was signed. We urge the parties to apply the principles of irreversibility, verifiability and transparency for

13. The States parties support the principles that new supply arrangements for the transfer of source or special fissionable material or equipment or material especially designed or prepared for the processing, use or production of special fissionable material to non-nuclear-weapon States should require, as a necessary precondition, acceptance by all States parties of IAEA full-scope safeguards, and that excess nuclear material in military stockpiles and nuclear materials removed from nuclear weapons as a result of nuclear weapons reduction agreements should be placed under IAEA safeguards.

14. Every effort should be made to ensure that IAEA has the financial and human resources necessary in order to meet effectively its responsibilities in the areas of technical cooperation, safeguards and nuclear safety.

#### **Article IV**

15. The States parties reaffirm their inalienable right to engage in research, production and use of nuclear energy for peaceful purposes without discrimination; and that free and unimpeded and non-discriminatory transfer of nuclear technology for peaceful purposes to all States parties should be fully ensured.

16. The States parties to the Treaty emphasize once more that nothing in the Treaty shall be interpreted as affecting the inalienable right of all parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I, II and III of the Treaty. The States parties stress that this right constitutes one of the fundamental objectives of the Treaty. In this connection, the States parties confirm that each country's choices and decisions in the field of peaceful uses of nuclear energy should be respected without jeopardizing its policies or international cooperation agreements and arrangements for peaceful uses of nuclear energy and its fuel-cycle policies.

17. The States parties note with concern that undue restrictions on the export to developing countries of material, equipment and technology for peaceful purposes persist. They emphasize that proliferation concerns are best addressed through multilaterally negotiated, universal, comprehensive and non-discriminatory agreements. Non-proliferation control arrangements should be transparent and open to participation by all States, and should ensure that they do not impose restrictions on access to material, equipment and technology for peaceful purposes required by developing countries for their continued development. They express their strong rejection of attempts by any member State to use the IAEA technical cooperation programme as a tool for political purposes in violation of the IAEA statute. The States parties recall that the 2000 Review Conference recognized the benefits of the peaceful applications of nuclear energy and nuclear techniques in the fields referred to in articles II and III of the IAEA statute, and their contribution to achieving sustainable development in developing countries and for generally improving the well-being and the quality of life of the peoples of the world.

18. The States parties reaffirm the responsibility of nuclear supplier States parties to the Treaty to promote the legitimate needs of nuclear energy of the States parties to the Treaty, with preferential treatment rendered to developing ones, by allowing the latter to fully participate in possible transfer of nuclear equipment, materials and scientific and technological information for peaceful purposes, with a view to

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the reasons cited above. Specific timetables for reaching the 2012 end state envisaged in the Moscow Treaty and greater specificity as to exactly what that end state will be (we admit a preference for the lower number) would be useful complements to the Treaty. We would also welcome indications from Russia and the US of how the move to a warhead based accounting system and the inclusion of non-strategic nuclear weapons (as foreseen in the START III framework), as well as the aim of strategic stability are to be carried forward over the next five years.

**Controls on Fissile Material (Steps 8 and 10).** Given the obvious non-proliferation and disarmament benefits, we would have liked to have seen more significant progress in transferring surplus fissile material from military stockpiles to international controls. We call upon Russia and the US to reactivate and implement the Trilateral Initiative or an equivalent and for all NWS to place excess military fissile material under IAEA or other international control. These measures are all the more compelling in light of the threat of terrorist acquisition.

**Further Nuclear Disarmament Measures (Step 9):** All NWS have a responsibility to ensure that their actions and pronouncements are compatible with the general movement towards nuclear disarmament. Doctrinal or policy utterances that give the impression that nuclear weapons are being accorded increased importance in respective security policies are anathema to disarmament efforts and give rise to justified concerns as to the sincerity of the commitments entered into. While much attention has been shown to long-range nuclear systems, non-strategic nuclear forces represent no less of a danger. We welcome the information provided by the US on its full implementation of the 1991 Presidential Nuclear Initiatives, and welcome the similar information from Russia which we hope will be able to be expressed in numerical as opposed to percentage terms in the future. We also urge China to provide information concerning its contributions to nuclear disarmament. In Europe, NATO has made a significant contribution to reducing the numbers, types and operational status of nuclear forces. It has last year also provided important transparency about its actions and policies via publication of two fact sheets on its nuclear forces and its promotion of non-proliferation, arms control and disarmament objectives. We would welcome even greater engagement between NATO and Russia to build confidence and facilitate progress towards the goal of a nuclear weapons free Europe. Such a goal, of course, cannot be limited to one continent and we encourage all those in possession of nuclear weapons to work progressively towards their elimination and not provide new impetus to destabilizing arms races.

**Reporting (Step 12):** If progress on nuclear disarmament is to be credible and credited, it should be properly documented. In our view, all NPT states parties have a responsibility to account for how they are implementing the Treaty, and we welcome those who are doing so. We would like to see this Conference adopt a decision that would make annual

achieving the largest benefits and applying pertinent elements of sustainable development in their activities.

19. The States parties reaffirm the inviolability of peaceful nuclear activities emanating from the international norms prohibiting the use of force in international relations, in particular Article 2 (4) of the Charter of the United Nations, in considering that any attack or threat of attack on nuclear facilities devoted to peaceful uses of nuclear energy constitutes a grave violation of international law, principles and purposes of the Charter and regulations of IAEA, and would entail highly dangerous political, economic and environmental implications, particularly for civilian inhabitants; and believe that they bear a solemn responsibility to continue to play a leading role towards the establishment of comprehensive and universal norms and standards specifically prohibiting attacks, or threat of attacks, on nuclear facilities devoted to peaceful uses of nuclear energy.

20. The States parties encourage the adoption of appropriate measures to regulate international maritime transportation of radioactive waste and spent fuel to the highest standards in international security and support current efforts within IAEA to adopt and improve international regulations in that regard. The States parties call for effective implementation of the IAEA Code of Practice on the International Transboundary Movement of Radioactive Waste as a means of enhancing the protection of all States from the dumping of radioactive wastes in their territories.

#### **Article V**

21. The States parties will take into account all the provisions of the Comprehensive Nuclear-Test-Ban Treaty related to this article.

22. The States parties call upon the nuclear-weapon States to refrain from conducting all types of tests, in conformity with the objectives of the Comprehensive Nuclear-Test-Ban Treaty. They also call upon nuclear-weapon States to provide transparency on site and other confidence-building measures in the full implementation of the provisions of the Treaty in order to meet international concerns.

23. The States parties stress the significance of achieving universal adherence to the Comprehensive Nuclear-Test-Ban Treaty, including by all nuclear-weapon States, which, inter alia, should contribute to the process of nuclear disarmament.

24. The States parties reaffirm the importance and urgency of signatures and ratifications, without delay and without conditions and in accordance with constitutional processes, to achieve the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty. The States parties call upon all States, in particular nuclear-weapon States, which have not yet done so to sign and ratify the Comprehensive Nuclear-Test-Ban Treaty. Pending its entry into force, the States parties call upon the nuclear-weapon States to comply with its letter and spirit and to refrain from any actions that run contrary to the objectives and purposes of this international instrument.

25. The States parties reiterate that if the objectives of the Treaty are to be fully realized, the continued commitment of all signatories, especially the nuclear-weapon States, to nuclear disarmament is essential. The States parties express their concern at the recent negative developments with regard to the ratification of the Comprehensive Nuclear-Test-Ban Treaty.

reporting to NPT sessions a requirement for all members. Given the interrelationship of the Treaty provisions, we would favour reports covering implementation of all aspects of the Treaty. This would represent a modest, but significant act of participatory democracy by Treaty members and accountability before the NPT community. We welcome the information on implementation provided by NWS in their statements and applaud Russia and China for conveying this in the form of a report to the Conference. We urge the other NWS to repackage their implementation statements as an official report to this Conference. Reports ensure an official record of the accomplishments of States in carrying out their NPT commitments and give all a basis for factual comparison in the future. We urge acceptance of this proposal and have provided draft decision language in para 27 of Working Paper 39.

**Verification (Step 13):** As mentioned earlier, Canada believes in the value of verification in the realisation of non-proliferation, arms control and disarmament commitments. Agreements that lack serious verification provisions are essentially only declarations of good intent, subject to changing politico-security perceptions without notice. If agreements concerning sensitive weapons systems or material are to instill confidence amongst the parties that they are truly being implemented, there should be adequate verification of these accords. We consider that multilateral approaches here add real value to whatever national means might already be available. Recent events tend to bear this out. We also believe that verification efforts under the NPT should not be only focused on its non-proliferation and peaceful uses aspects, but should include the development of verification techniques that can facilitate the elimination of nuclear weapons, as well. We applaud the constructive work undertaken by the UK Government in this regard and would urge the other NWS to devote similar attention and resources to this problem.

This survey of the progress that has been made on nuclear disarmament in reference to the 13 steps agreed in 2000 suggests the value of having a set of objective benchmarks. Such reference points are not as vulnerable to distortion or subjective evaluation as are vague, general formulas. They are the nuclear-weapons States' friends, not their enemies, and should be treated as such. They tell us what has been achieved during the period under review and what remains to be accomplished in the years to come. One area where work remains to be accomplished, also reflecting engagements accepted in 2000, but not yet realized, is on Negative Security Assurances (NSAs). Canada supports beginning discussions on codifying NSAs on a legally binding basis. Let us all ensure that we advance along the road to a nuclear free world in a coherent, consistent and transparent manner.

**Article VI**

26. The States parties note with regret that, despite the conclusion of limited agreements, the provisions of article VI and the ninth to twelfth preambular paragraphs of the Treaty have not been fulfilled since the Treaty came into force. The States parties stress the need to take effective measures towards nuclear disarmament, thus reaffirming their role in achieving that objective.

27. The States parties reaffirm the need for nuclear-weapon States to fully comply with all their obligations and commitments under article VI, including the 13 practical steps, to which they agreed at the 2000 NPT Review Conference, with a view to accomplishing the total elimination of nuclear weapons.

28. The States parties reaffirm that nuclear weapons pose the greatest danger to mankind and to the survival of civilization. Halting and reversing the nuclear arms race in all its aspects is essential in order to avert the danger of war involving nuclear weapons. The goal is the complete elimination of nuclear weapons. In the task of achieving nuclear disarmament, all States parties bear responsibility, in particular those nuclear-weapon States possessing the most important nuclear arsenals. The States parties remain alarmed by the threat posed by the continued existence of nuclear weapons and convinced that nuclear disarmament is essential for the prevention of dangers of nuclear war and the strengthening of international peace and security, as well as for the economic and social advancement of all peoples.

29. While noting the signing of the Moscow Treaty on 24 May 2002, the States parties stress that reductions in deployments and in operational status cannot substitute for irreversible cuts in, and the total elimination of, nuclear weapons. The States parties express their concern that the non-entry into force of START II is a setback to the 13 practical steps in the field of nuclear disarmament adopted at the 2000 Review Conference.

30. The States parties remain deeply concerned at strategic defence doctrines that set out rationales for the use of nuclear weapons. The States parties are concerned at the negative implications of the development and deployment of anti-ballistic missile defence systems and the pursuit of advanced military technologies capable of deployment in outer space, which have, inter alia, contributed to the further erosion of an international climate conducive to the promotion of disarmament and the strengthening of international security. The abrogation of the Treaty on the Limitation of Anti-Ballistic Missile Systems brings new challenges to strategic stability and the prevention of an arms race in outer space.

31. The States parties reaffirm that the priority of disarmament negotiations shall be nuclear weapons, in accordance with the Final Document of the first special session of the General Assembly on disarmament.

32. The States parties reaffirm their commitment to fulfil with determination their obligations under article VI, in particular the nuclear-weapon States, to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament.

33. The States parties, in particular the nuclear-weapon States, shall inform the Secretary-General of the United Nations of the efforts and measures they have taken on the implementation of the unanimous conclusion of the International Court of