

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

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**WORKING TOWARDS A SUCCESSFUL
2010 NPT REVIEW CONFERENCE**

Working Paper submitted by Germany

1. The failure of the 2005 NPT Review Conference to arrive at an agreed result has been perceived as evidence that the nuclear non-proliferation regime is in a state of crisis and that it faces the risk of erosion. To avert an erosion, every effort needs to be undertaken to maintain and strengthen the integrity and authority of the NPT. The current review process must be the focus of our attention towards that end.

2. The Second and Third Session of the Preparatory Committee must be made best use of for preparing the ground for a successful 2010 Review Conference. To this end, it is of utmost importance to rekindle a sense of common purpose in the international community. The credibility of the NPT requires that all States Parties join forces and closely work together on the basis of a shared respect for the fundamental bargain underlying the treaty, i.e. the firm relationship that the treaty establishes between nuclear disarmament and non-proliferation. Indeed, seen from a purely practical point of view, there is a clear interdependence between non-proliferation and disarmament: proliferation threats reduce the prospect for progress on

disarmament whilst at the same time a lack of disarmament momentum is liable to boost proliferation risks.

3. In order to bring about the required sense of common purpose, it seems of particular importance to develop a joint vision and to reassert the commitment to the ultimate goal of a nuclear weapon free world. This vision was also conjured up in the influential Wall Street Journal op-eds that George P. Shultz, William J. Perry, Henry A. Kissinger and Sam Nunn published on 4 January 2007 and 15 January 2008. Realistically, this vision can only be realized through an incremental process, which will require patience and time. And as rightly pointed out in the 2007 Wall Street Journal op-ed: “Without the bold vision, the actions will not be perceived as fair and urgent. Without the actions, the vision will not be perceived as realistic or possible”.

4. At the first session of the Preparatory Committee in 2007 it was possible to take necessary procedural decisions for the review process. However, despite a constructive and conciliatory tone, the positions reflected in the substantive debates often seemed to be entrenched along familiar lines. Setting our eyes on the 2010 Review Conference, we now need to adopt a result orientated approach. Such an approach should recognize the results of and confirm the commitments undertaken at the 1995 and 2000 Conferences. These commitments must continue to be considered as relevant and binding; failure to do so would call into question the very sense and purpose of review conferences and undermine confidence in the good faith of states parties and in the viability and dependability of multilateral agreements. At the same time, however, it would be naïve and unrealistic to ignore the developments since 2000. Merely dwelling on past disappointments and deploring shortcomings in the implementation of past agreements does not provide guidance for the way forward. Instead our efforts should be focussed on developing a forward looking approach, to establish a “New NPT Implementation Baseline”.

5. The “New NPT Implementation Baseline” should consist of a comprehensive but at the same time realistic double track approach, reflecting the fundamental bargain underpinning the NPT. It should be geared towards, on the one hand, strengthening the non-proliferation commitment of the NPT and, on the other hand, instilling a new momentum into the process of nuclear disarmament. The approach to be taken should be ambitious but not too ambitious. To

build confidence and to testify to a common sense of purpose it should also provide for the reaffirmation of guiding principles and basic commitments pertaining to the NPT (i.a. recognition of the NPT providing the normative basis for all non-proliferation and disarmament efforts; acknowledgement of the interdependence between the NPT's three pillars; commitment to the equal rights and obligations paradigm and a joint vision)

6. The non-proliferation track could include the following tasks and objectives:

- (i) a clear commitment to compliance and determined support for the diplomatic efforts aimed at solving the pressing regional proliferation risks, in particular Iran and North Korea;
- (ii) improvement of verification, in particular through making the IAEA Additional Protocol the new verification standard of the NPT;
- (iii) effective prevention of any misuse of civilian nuclear programmes for military ends, in particular through a solution to the risks posed by the nuclear fuel cycle;
- (iv) development of a joint understanding on "withdrawal" (Article X of the NPT);
- (v) incorporation of UNSC Res. 1540 into the NPT context ("institutionalizing of 1540") by defining obligations and best practice guidelines as well as committing i.a. to assistance regarding the establishment of effective national export controls, the safeguarding of nuclear materials and the adoption of national implementation laws with a view to preventing terrorists from gaining access to nuclear weapons and fissile materials;
- (vi) strengthening the role of the UN Security Council as the final arbiter on the consequences of non-compliance;

7. The second track regarding nuclear disarmament should in particular include endeavours to:

- (i) overcome the deadlock in the Conference on Disarmament and restart substantial work on various items on its agenda (including negotiations on a Fissile Material Cut-off Treaty - FMCT; a stepping stone towards the commencement of FMCT negotiations could consist of a political declaration of all nuclear weapon states,

de facto nuclear weapon states and important non-nuclear weapon states, which have the capacity to produce weapons usable materials; such a declaration would include a fissile material cut-off commitment and a commitment to enter into negotiations on a treaty);

- (ii) provide an impetus for the continuation of the dialogue between Russia and the United States on strategic nuclear weapons and a follow-up to the START I and SORT treaties;
 - (iii) promote and establish an incremental arms control approach to non-strategic nuclear weapons;
 - (iv) promote the early entry into force of the CTBT and reaffirm the maintenance of a complete moratorium of nuclear weapon test explosions or any other nuclear explosions, pending the achievement of the entry into force of the CTBT (realistically interim solutions should be explored like a commitment by all NPT partners to sign the CTBT and a formal endorsement of the CTBTO verification system);
 - (v) establish other commitments in implementation of the “cessation of the nuclear arms race”-obligation contained in Article VI of the NPT (e.g. establishment of accountability and reporting obligations, capping of nuclear arsenals);
 - (vi) recommit to existing security assurances and explore ways for formalizing them; pursue determined efforts to bringing all existing NWFZ into force.
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