

MONTEREY INSTITUTE STUDENTS AGREE ON RECOMMENDATIONS TO THE 2010 NPT REVIEW CONFERENCE

**A report prepared by the
2008 Arms Control Simulation class**



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Introduction

Twenty six Monterey Institute graduate students and Visiting Fellows at the James Martin Center for Nonproliferation Studies (CNS) participated in the Fall 2008 Arms Control Simulation course, designed to simulate negotiations at the 2009 Preparatory Committee for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT).

The Arms Control Simulation course offers nonproliferation graduate students an interactive and unique way to apply their research experiences and implement their negotiation skills in a real world scenario. As such, participants develop a better understanding of real world negotiations pertinent to central nonproliferation challenges. In a field full of technical, legal and political complexities, this course provides students the opportunity to examine and understand various state party perspectives, and further develop their nonproliferation and disarmament expertise.

Participating students represented nations different from their own in political and cultural aspects in order to gain a fresh perspective and broaden their outlook. For instance, a Chinese diplomat who participated in the CNS Visiting Fellows program represented Russia; a student from Greece played the U.S. ambassador, and an American Navy officer simulated Iran's envoy. Each student assumed the roles of grunt researcher, policy strategist, and negotiator. A thorough understanding of their assigned state's policies and posture allowed the production of real-time and accurate national strategy papers, opening statements, conference working papers, as well as successful and realistic engagement in the negotiation process.

With the help of well known experts, such as present and former ambassadors, senior United Nations officials, and renowned academics, the students had insights into "behind the scenes" real-world negotiations and managed to develop a deeper understanding of issues related to the NPT and its strengthen review process. While some outside experts traveled to Monterey to participate in the course, innovative use of technology allowed others to attend, present, and advise from all over the world.

United Nations High Representative for Disarmament Affairs, Sergio Duarte, officially opened the modeled Preparatory Committee via video link from New York. Several students delivered their opening statements in a UN language other than English, student colleagues from the school of translation and interpretation provided simultaneous interpretation. Ambassador Boniface Guwa Chidyausiki of Zimbabwe, the Chairman of the 2009 PrepCom visited Monterey during the simulation and chaired one of the negotiating session. This offered a unique opportunity for the class and the Chairman to share ideas on some of the most challenging issues, including the issue of withdrawal from the treaty.

Students received "instructions from capital" (sent by the course instructor, Professor Jean du Preez and actual ambassadors from state parties) that were at times difficult to implement. Participants were expected to defend their state's positions and use their

diplomatic skills to convince others. This daunting task forced participants to think on their toes and be fully and realistically prepared at each session.

During the simulation, the students faced the same challenges that have made the actual NPT review process a demanding task even for the most experienced diplomats. Elaborating viable options, while balancing real-life multilateral obligations, alliances, and political pressures, provided the students with insights into the challenges facing NPT state party negotiators at the PrepCom and Review Conference. Moreover, the simulation demonstrated that although delegations came with differing perspectives on controversial issues, such as the Iranian nuclear program, negotiations of a FM(C)T, dealing nuclear weapons, entry into force of the CTBT, etc. a common determination to achieve success is crucial to bridge the gaps between state parties and identify ways to reach consensus on how to deal with these challenging issues.

After countless late-night sessions, the simulated PrepCom managed to adopt a common set of recommendations, including an agenda for the 2010 Review Conference, proving that a compromise, and consequent final document, is possible at the 2009 PrepCom. The participants in the 2009 Simulation course are pleased to offer these recommendations as an input to NPT state party representatives as they prepare for the 2009 PrepCom.

2010 NPT Review Conference Agenda

In considering the agenda for the 2010 Review Conference, the simulated PrepCom agreed that paragraph 16 of the agenda should read as follow:

“Review of the operation of the Treaty as provided for in its article VIII, paragraph 3, taking into account the decisions and the resolution adopted by the 1995 NPT Review and Extension Conference, the Final Document of the 2000 Review Conference, and subsequent developments related to the Treaty.”

Substantive Recommendations to the 2010 Review Conference

Participants in the simulated PrepCom agreed to an elaborate list of recommendations to the Review Conference. A last minute compromise between the U.S. and Iranian representatives resulted in the deletion of specific headings. The following recommendations are offered to state parties as they prepare for the 2010 Review Conference:

Reiterating the commitment to the preamble and the articles of the Treaty, and the exigency of achieving its universality, and the implementation of the provisions of the Treaty in a balanced and non-discriminatory manner,

Recognizing the importance and mutually reinforcing nature of the three pillars of the Treaty, nuclear disarmament, nuclear non-proliferation, and the inalienable right to peaceful uses of nuclear energy, in fulfilling the objectives of the Treaty,

Reiterating that the Treaty is the cornerstone of the global non-proliferation regime and the essential foundation for the pursuit of nuclear disarmament, as well as the conviction that the Treaty is indispensable in enhancing international peace and security,

Reaffirming the decisions on principles and objectives for nuclear non-proliferation and disarmament and on strengthening the review process for the Treaty, as well as the resolution on the Middle East of the 1995 Review and Extension Conference, and the final document of the 2000 Review Conference,

Recognizing that acquisition of nuclear weapons or related materials by non-State actors constitutes a clear and present threat to international peace and security,

Recalling that, in accordance with the Charter of the United Nations, States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the Charter of the United Nations,

The States parties to the Treaty on the Non-Proliferation of Nuclear Weapons recommend that the 2010 Review Conference,

Undertake to ensure full compliance of States parties with articles I & II of the Treaty to prevent the proliferation of nuclear weapons in a balanced and fair manner to all States parties,

Underline the importance of internationally negotiated and legally binding instruments in controlling the spread of nuclear weapons or other nuclear explosive devices,

Reaffirm that universal adherence to the Treaty and full compliance with its provisions remain the most effective means to prevent the spread of nuclear weapons, and call upon all States not yet party to the Treaty and that operate unsafeguarded nuclear

facilities, namely India, Israel, and Pakistan, to promptly accede to the Treaty as non-nuclear weapon States,

Recognize that transparency, confidence-building measures, and adequate verification mechanisms are essential to providing assurance to the international community of the peaceful nature of a State's nuclear program,

Recognize also the Security Council of the United Nations as the guarantor of international peace and security under the Charter of the United Nations, and recall the obligation of all UN Member States to abide by existing and future Security Council resolutions in support of the Treaty adopted under Chapter VII of the Charter of the United Nations,

Reaffirm the readiness of all States parties to promptly engage individually and in cooperation with all other countries and relevant international organizations in diplomatic efforts in accordance with their obligations under international law to immediately and effectively respond to any case of noncompliance and investigate any incident strongly indicating noncompliance,

Recognize the value of resolution 1540 (2004) of the United Nations Security Council in enhancing and consolidating international cooperation in dealing with the challenges posed by the illicit trafficking of nuclear materials, related technology and their delivery means, and the urgency of undertaking in efforts to dismantle hubs of proliferation networks,

Welcome the efforts undertaken by all States, particularly those participating in the Six-Party-Talks, towards the transparent and verified denuclearization of the Democratic People's Republic of Korea and underline the full support of all parties towards this goal,

Recognize the importance of economic and technical cooperation in bilateral and regional agreements between States in border and waterway management that intend to develop and implement policies that reinforce the objectives of the Treaty,

Reaffirm the unequivocal undertaking by the nuclear weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, to which all States parties are committed under article VI of the Treaty, and recognize the urgency of further measures towards nuclear disarmament,

Recognize the fundamental principles of irreversibility and transparent verification in all disarmament measures,

Recognize the importance of creating a climate based on trust, cooperation, and peaceful coexistence within the international community conducive to achieving progress on nuclear disarmament,

Recognize the progress made by the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO) in establishing the international monitoring system, and emphasize the necessity of providing the CTBTO with adequate resources and expertise,

Call upon all States, in particular the remaining nine Annex II States whose ratification is a prerequisite for the entry into force of the Comprehensive Nuclear-Test-Ban Treaty, to move forward with the utmost urgency on all procedures required to ratify or sign and ratify the Treaty, and reiterate the necessity of maintaining a moratorium on nuclear-weapon test explosions or any other nuclear explosions until the Treaty's entry-into-force,

Emphasize the importance of adopting a substantive work plan at the Conference on Disarmament without preconditions,

Reaffirm the necessity of establishing in the Conference on Disarmament an appropriate subsidiary body with a mandate to deal with nuclear disarmament,

Recognize the urgency of pursuing negotiations without preconditions on a non-discriminatory, multilateral and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, taking into account both nuclear non-proliferation and nuclear disarmament objectives, and recognize that undertakings by all States to declare moratoria on the production of fissile material for nuclear weapons or other nuclear explosive devices are conducive to the goals of nuclear non-proliferation and nuclear disarmament, pending the entry-into-force of such a Treaty,

Recognizes that efforts to prevent an arms race in outer space, to address any concerns related to missile defence and to contain missile and missile technology proliferation will have a positive impact on global security, towards nuclear disarmament and on the non-proliferation regime,

Recognize the importance of pursuing concrete measures to further reduce the operational status of nuclear weapons systems, as an example of the reaffirmation of the goodwill of States to uphold their commitments and decisions on disarmament,

Welcome the progress achieved by nuclear-weapon States in nuclear weapons reductions, including those made unilaterally or bilaterally, and recognize the increased impetus for the continuation of the dialogue between Russia and the United States on strategic nuclear weapons and the road ahead after START I and SORT, with the eventual inclusion of the remaining nuclear-weapon States in a multilaterally negotiated agreement on further steps towards the goal of nuclear disarmament,

Recognize that all effective measures towards nuclear disarmament, with the objective of achieving complete nuclear disarmament under strict and effective

international control, lead to the completion of an internationally negotiated legally-binding nuclear weapons convention,

Underline the importance of developing verification capabilities that will be required to provide assurance of compliance with nuclear disarmament agreements for the achievement and maintenance of a nuclear-weapon-free world,

Reaffirm that the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons for non-nuclear weapon States,

Emphasize the relevance and importance of UNSCR 255 (1968) and of UNSCR 984 (1995) on positive security assurances, and the statements made by each of the nuclear-weapon States (S/1995/261, S/1995/262, S/1995/263, S/1995/264, S/1995/265) in which they give security assurances against the use of nuclear weapons to non-nuclear-weapon States parties to the Treaty,

Recognize that internationally negotiated legally-binding negative security assurances for non-nuclear weapon States bolster the international non-proliferation regime and are a crucial interim step towards nuclear disarmament,

Reiterate the importance of legally binding negative security assurances through protocols in conjunction with treaties on nuclear-weapon-free zones,

Recognize that undertakings by nuclear weapon States not to be the first to use nuclear weapons are conducive to international peace and security,

Welcome the establishment of an Ad Hoc Committee in the Conference on Disarmament on Negative Security Assurances in March 1998, and undertake to recommence work on the issue through the adoption of a work plan at the Conference on Disarmament without delay,

Recall that the IAEA is the sole competent authority responsible for verifying and assuring, in accordance with the statute of the Agency and the IAEA safeguards system, compliance with its safeguards agreements with States parties,

Underline the necessity of strengthening the IAEA's capability to effectively address violations of safeguards obligations,

Welcome the ongoing efforts of the IAEA towards verifying compliance, reiterate the support of all member States in these efforts, and call upon all States to honor their obligations and fully cooperate in good faith with the Agency,

Recognize the positive steps undertaken by the Islamic Republic of Iran in regard to IAEA inspections performed to clarify the nature of the Iranian nuclear program, and recognize that there are further important issues which still need to be resolved in order to

provide the international community full confidence in the peaceful nature of Iran's nuclear program,

Urge all States parties required by article III of the Treaty which have not yet done so to conclude with the IAEA a comprehensive safeguards agreement,

Underline the importance of the 1997 Model Protocol Additional to the existing safeguards agreements in strengthening the effectiveness and improving the efficiency of the safeguards system as a contribution to global nuclear nonproliferation objectives, and call upon all States to engage in discussions and explore the possibilities of adopting the Additional Protocol as the recognized verification standard under Article III,

Emphasize that concluding both a comprehensive safeguards agreement and an Additional Protocol is of significant importance for the IAEA to be able to provide credible assurance of both the non-diversion of declared material and the absence of undeclared nuclear material or activities in the States concerned,

Recognize that in the context of the expected expansion of nuclear power generation in response to increasing energy demand and global warming, tackling the associated potential proliferation risks necessitates an augmented political and financial commitment to the IAEA,

Welcome the new arrangements agreed to in 2005 by the IAEA Board of Governors on the Small Quantities Protocol as an important step towards strengthening safeguards, and urge all States with Small Quantities Protocols that have not already done so to take the steps necessary to adopt the revised Protocol without delay,

Reaffirm that the creation of nuclear weapon-free zones, as provided for by article VII of the Treaty and in accordance with international law, enhances international peace and security, and emphasize that such zones constitute important instruments in the international nonproliferation regime and advance the objective of nuclear disarmament,

Welcome efforts aimed at concluding further nuclear-weapon-free zones, including workshops, conferences, and other regional mechanisms,

Recall the importance and relevance of the 1999 guidelines of the United Nations Disarmament Commission on nuclear-weapon-free zones,

Urge States to undertake serious efforts aimed at resolving pending issues relating to the ratifications of the protocols to the Bangkok Treaty, the Treaty establishing the Central Asian Nuclear-Weapon-Free-Zone, the Treaty of Pelindaba and the Treaty of Rarotonga,

Welcome recent ratifications to the Pelindaba Treaty and the entry-into-force of Central Asian Nuclear-Weapon-Free-Zone,

Emphasize the importance and relevance of the Resolution on the Middle East adopted by the 1995 Review and Extension Conference calling for the establishment of a nuclear-weapon-free-zone in the Middle East, and recall that the resolution was an essential part of the basis on which the Treaty was indefinitely extended,

Reaffirm the importance of the accession to the Treaty by Israel, as the last remaining State in the region not yet to have done so, and the placement of all its nuclear facilities under comprehensive IAEA safeguards, in realizing the goal of universal adherence to the Treaty in the Middle East,

Reaffirm the commitment by all States parties to work towards the full implementation of the resolution on the Middle East promptly and without preconditions, and the importance of establishing practical mechanisms within the review process to promote the implementation of the 1995 resolution on the Middle East, such as the establishment of a subsidiary body within Main Committee II to consider the issue and make concrete recommendations on urgent and practical steps towards the implementation of the resolution,

Reaffirm the inalienable right under article IV 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,

Recognize that the promotion of peaceful uses of nuclear energy should not compromise the objectives of non-proliferation, while non-proliferation efforts should not undermine the legitimate rights of countries, especially in the developing world, to the peaceful uses of nuclear energy,

Reiterate that the transfer of nuclear-related equipment, information, material and facilities, resources or devices must be consistent with States' obligations under the Treaty,

Recognize that transparent export controls promoted within a framework of dialogue and cooperation among all interested States parties to the Treaty, together with IAEA safeguards, constitute an integral part of the international non-proliferation regime,

Call on all States providing nuclear expertise or exporting nuclear technology, materials and equipment to reiterate their commitment to prevent the proliferation of nuclear weapons and to effectively implement measures to this end without hindering peaceful uses of nuclear energy,

Underline that the IAEA Technical Cooperation Programme plays an important role in further developing the application of nuclear energy for peaceful purposes, and recognize that adequate funding from member States and the continued commitment of all States parties to contribute to the Technical Cooperation Programme's funding is vital to the Programme's success,

Welcome the work of the IAEA Expert Group on Multilateral Approaches to the Nuclear Fuel Cycle in developing proposals that will achieve adequate supply of nuclear materials to meet increased demand over time, as well as the various proposals on multilateral fuel supply,

Recognize the need for proposals on multilateral approaches to the nuclear fuel cycle that reinforce non-proliferation objectives and do not restrict access to nuclear material, equipment and technology for peaceful purposes,

Recognize the importance of the creation of legally-binding fuel assurances negotiated in a multilateral, comprehensive, economically viable and non-discriminatory manner under the auspices of the IAEA that guarantee States the right to continuous access to nuclear fuel in the case of market failures or other impediments,

Reaffirm the importance of research and development efforts geared towards proliferation resistant technologies,

Recognize the value of exploring non-exclusive, parallel and nondiscriminatory means to address increasing global energy demand,

Welcome the amendment to the Convention on the Physical Protection of Nuclear Material and urge States that had not yet done so to accede to the amended convention, and urge all States to implement, to the extent possible, the IAEA's recommendations on safeguards, security, and safety,

Reiterate the right of each party in exercising its national sovereignty to withdraw from the Treaty if it decides that extraordinary events have jeopardized its supreme interests, and recognize each party's legal obligations under the Treaty in exercising this right,

Recognize that while any withdrawal from the Treaty will have serious implications for international peace and security, a withdrawal by a State in breach of its obligations under the Treaty will have negative implications for international peace and security and the norms and principles governing the international non-proliferation regime,

Reaffirm the common understanding of Article X as governed by the Treaty, the United Nations Charter, and the 1969 Vienna Convention on the Law of Treaties,

Recognize that withdrawal from a treaty does not absolve a State of any violation of its legal obligations under that the treaty committed while it was still a State party,

Recognize that all nuclear capabilities for peaceful purposes acquired while a State party to the Treaty would remain subject to IAEA safeguards obligations and verification after withdrawal,

Consider effective and prompt modalities under which States parties could collectively respond to notifications of withdrawal, including holding consultations and conducting every diplomatic effort, including on a regional basis, to encourage a party to reconsider its sovereign position to withdraw, and an extraordinary meeting of States parties and a convening of the United Nations Security Council,

Recognize the importance of enhancing the role and mandate of each Preparatory Committee leading up to Review Conferences in the aim of facilitating substantive discussions on achieving the universal, balanced, and non-discriminatory implementation of the Treaty,

Recognize the importance of identifying and then addressing the institutional deficits associated with the Treaty and the necessity of addressing issues of great concern for the international non-proliferation regime on short notice.
