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TO THE UNITED NATIONS
GENEVA

AT THE SECOND SESSION OF THE PREPARATORY COMMITTEE OF THE
2005 REVIEW CONFERENCE OF THE PARTIES TO THE TREATY ON THE
NON-PROLIFERATION OF NUCLEAR WEAPONS
- CLUSTER 1 -
NON-PROLIFERATION AND
NUCLEAR DISARMAMENT

GENEVA, 01 MAY 2003

(CHECK AGAINST DELIVERY)
The NPT is the cornerstone of the global nuclear non-proliferation regime and the essential foundation for the pursuit of nuclear disarmament. If it is to continue to fulfill this function every effort should be undertaken to maintain the authority and the integrity of the NPT. To this end compliance with the fundamental NPT obligations is of critical importance. Continuing proliferation and the possible risk of nuclear weapons programmes being pursued under cover of civilian nuclear programmes are matters of particular concern.

The following considerations which are meant to stimulate further discussion, are specifically focussed on compliance relating to the non-proliferation aspect of the NPT. This should not be taken to detract from the issue of compliance with other NPT obligations. Indeed as we pointed out in our intervention yesterday we see an urgent need to instil a new momentum into the disarmament process with a view to maintaining its credibility, which is also of key importance to the goal of ensuring the authority and integrity of the NPT.

The issue of compliance with non-proliferation commitments under the NPT comprises two main aspects: Detectability of significant violations and enforcement. Both aspects should be focal points in the review process leading to the 2005 NPT-Review Conference. Let me make a few observations with a view to provoke further collective thinking on both these aspects. First I would like to turn to the question of detectability.

The statutory purpose of safeguards is to prevent nuclear items dedicated to peaceful ends from being used for any military purpose. Despite the elaborate system of safeguards and also the progress made with a view to strengthening the effectiveness and improving the efficiency of the safeguard system in the nineties, concerns persist regarding the detectability of nuclear weapon programmes and prohibited activities being conducted under cover of civilian programmes.

Against this background we suggest to devote further attention to the following three issues:

- **Additional Protocol:** The universalisation of the Additional Protocol is of particular urgency. It should be made the "standard" for the implementation of Art. III and as such the indispensable prerequisite for co-operation and assistance to be granted in line with Art. IV of the Treaty.

- **Special inspections:** The current verification system of the safeguards regime is primarily focussed on "routine inspections". In light of the existing challenges to the NPT regime it seems advisable to give greater emphasis to, indeed shift the focus of the IAEA inspection effort, towards non-routine inspections. The existing safeguards system provides for the possibility of the IAEA to conduct special
inspections. Whilst such special inspections are not specifically tied to accusations of non-compliance, they nevertheless carry the implied accusation that a country may be violating the NPT. This stigma should once and for all be eradicated and special inspections be made into a usable instrument considered as a "matter of right and routine"

Critical facilities: Some types of facilities within the civilian nuclear fuel cycle are of particular relevance to the goal of preventing nuclear proliferation. In this regard uranium enrichment and reprocessing plants are of particular interest. To address the increased proliferation risk associated with these plants, the safeguards effort in non-nuclear-weapons state parties should be reviewed and, where necessary, tightened.

The situation in North Korea demonstrates the need to review the possibilities as well as the means of dealing with significant violations proven or suspected. In this context also the issue of how to deal with states withdrawing from the NPT must be considered.

With a view to strengthening enforcement of the NPT the following aspects merit attention:

- **Role of the UN-Security Council:** Clearly the NPT Review Conference cannot take any decision regarding the strengthening of non-compliance procedures in the UN Security Council. However, this issue might be a focal point for a meeting of the Security Council to be held at the level of Heads of State and Government that was proposed with a view to give a new impetus to non-proliferation efforts against the backdrop of recent crises. A Security Council meeting at the level of Heads of State and Government was already held on 31 January 1992. At the conclusion of that meeting the President of the Security Council issued a statement on behalf of the members of the Council, in which a firm commitment is made to prevent proliferation in all its aspects of all weapons of mass destruction; the statement also qualifies the proliferation of all weapons of mass destruction as constituting a threat to international peace and security. The foundation laid by the 1992 meeting could be built on in a subsequent meeting. Overall the goal should be the establishment of a new strategic consensus on how to deal with serious cases of non-compliance effectively and by making use of the possibilities provided in the UN-Charter.

- **Role of NPT-State Parties:** The NPT does not contain any provisions regarding procedures to be followed in cases of non-compliance. It might therefore be worth examining whether the Review Conference would be able to remedy the situation by establishing communication rules and procedures in cases of serious non-compliance. In addition the Review Conference could also consider the possibilities of special conferences of the NPT-state parties to be convened,
subject to a quorum to be decided, in cases of serious violations of the NPT. Mechanisms to be established in the NPT framework should in no way detract from the role and obligations of the IAEA in this regard.

Withdrawal: The NPT is the most universal multilateral treaty. As such the authority of the key norms it establishes must be maintained. In order to do so every effort should be undertaken to prevent state parties from getting rid of their international obligations by withdrawing from the NPT and subsequently become de-facto nuclear weapon states. To that end the establishment of a requirement could be examined, according to which a state party contemplating to withdraw from the NPT would be called upon to conduct prior consultations with NPT-state parties before exercising its right in accordance with Art. X. Such consultations could take place in the context of a special conference of the NPT to be convened immediately. The consultations should provide an opportunity for exploring possible ways and means to prevent a withdrawal including measures to be adopted in the NPT context which would address the stated security needs of the party which intends to withdraw.

Universality: The policy relating to the states remaining outside the NPT must be reviewed. In essence every effort should be made to prevent states remaining outside the NPT from benefitting in any way from their status of de facto-nuclear-weapons states. The parties to the NPT should continue their efforts to encourage India, Pakistan and Israel to accept full scope safeguards and accede to the NPT as non-nuclear-weapons states. In addition those states should be encouraged to join the CTBT and to participate in other nuclear related arms control negotiations. Finally corollary efforts should be made to promote regional arms control and disarmament arrangements in the Middle East and South Asia with a view to removing any reason for the states in question to possess weapons of mass destruction. The issue of security guarantees and assistance in cases of threat of use or use of weapons of mass destruction can also play an important role in this context.

I have presented these considerations as "Food for Thought". They do not necessarily represent definite or firm positions of my government. Rather they are put forward with the aim of provoking an in-depth discussion, that we believe is urgently called for. I would like to reiterate again: compliance with the non-proliferation obligations is an issue of critical importance at this juncture. We hope that more attention is devoted to it in the further deliberations of the current as well as insubsequent sessions of the Preparatory Committee. We look forward to substantial exchanges on our as well as other’s ideas on that subject.