



NPT News in Review

*Civil society perspectives on the third Preparatory Committee
for the 2010 nuclear Non-Proliferation Treaty Review Conference
4–15 May 2009*



Searching for consensus

Ray Acheson | Reaching Critical Will of WILPF

On Thursday, consensus on Chair's draft recommendations continued to elude delegations. After another morning of consultations and regional group meetings, the Chair opened the plenary meeting lamenting that he had not been able to garner consensus on his draft recommendations. Expressing the belief that it would be best not to ruin the spirit of cooperation that had been demonstrated thus far at the PrepCom, he opened the floor for comments on ways to move forward.

Of the 25 delegations that spoke, most expressed disappointment that consensus on the document could not be met. Many, including those of Australia, Brazil, Canada, Chile, Germany, Japan, Mexico, Russia, and South Africa, said they would be willing to agree to the revised text. Most of these delegations said they would have agreed to the original text as well and reiterated their understanding that the recommendations are not binding and do not prejudice the outcome of the RevCon.

Only a few delegations took the initiative to be transparent about their positions. The UK ambassador said that while the revised text contains four policy issues that the United Kingdom has opposed on public record, the only remaining problem for his delegation was two letters in the preambular paragraph. Sources suggested the UK wanted to alter the sentence explaining that the recommendations identify "areas in which, and the means through which, further progress should be sought in the future" to "could be sought in the future."

The Egyptian delegation expressed very clearly that it is dissatisfied with large portions of the revised recommendations. The Egyptian ambassador listed several specific examples. He questioned the title of Section 1, "Universality of the treaty, and of principles of disarmament, non-proliferation, and the peaceful uses of nuclear energy," arguing that this could lead one to believe

that the rights related to nuclear energy granted to NPT states parties under article IV of the Treaty are to be universally applied. He also criticized the revised disarmament action plan for recommending only some but not all of the 13 practical steps from the 2000 RevCon, arguing that only partially citing previous decisions undermines them. Further, while noting that some of the recommendations in the Middle East section have been improved, he objected to the use of the word "consider," arguing that the PrepCom must be more assertive in recommending the RevCon take action on things.

The Cuban delegation said it would have supported the original draft but that the watering down of practical disarmament measures moved the Committee further away from consensus. It expressed belief that some states parties seem to not really be "in a position to produce substantive recommendations at present time that would help us to truly move forward in applying three pillars."

Despite these discrepancies, many delegations—including those of the African Group, Chile, Germany, Mexico, the Netherlands, the Republic of Korea, South Africa, the United Kingdom, and the United States—encouraged the Chair not to give up just yet. The US delegation argued the Committee was "closer than is apparent" to reaching agreement and asked for more time to "work out the small differences" between delegations. However, the Iranian delegation expressed disbelief that any consensus could be reached and urged the Chair to close consideration of this issue and move on. The Iranian ambassador argued that the states insisting that consensus could be reached were simply trying to ensure they would not be blamed for the stalemate.

Many of the most drastic revisions to

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News in Brief

Michael Spies | Reaching Critical Will of WILPF

Recommendations to the 2010 RevCon

Stalemate over the second draft

- The Chair announced that after his consultations, he could not find consensus on moving forward on the basis of his second draft text (CRP.4/Rev.1).
- Several members of NAM—Cuba, Egypt, and Iran—plus the United Kingdom indicated that they had remaining issues with the text preventing them from supporting it.
- The United Kingdom indicated its problem was relatively minor, involving a request to change one word in the preambular part of the text.
- Cuba, which expressed support for the first draft, indicated its primary problem with the revised text was that it watered down the disarmament portion. Cuba described the remaining substantive disputes between delegations as major, contrasting with the majority of other views (including the NAM), which described the text as close to consensus.
- Egypt also described the differences over the text as major, faulting it for losing its previous balance on disarmament and for not being definite enough on recommending the Rev-Con adopt measures on the Middle East.
- Iran did not indicate the precise nature of its issue with the revised text.

- A number of delegations explicitly expressed support for the revised draft as it stood, including Australia, Brazil, Canada, Chile, Germany, Japan, Mexico, Russia, and South Africa.
- Other delegations that spoke, such as China, the United States, and others, suggested the text could be further improved but did not indicate if they could support it in its present form.

Continuing consultations?

- The chair assessed that he did not believe it would be productive to produce another draft or conduct further consultations.
- Several delegations urged the chair to continue consultations and to work through the end of the conference to achieve consensus. Delegations expressing this view included Mexico, the UK, the US, Chile, the Netherlands, the Africa Group, Germany, South Africa, and the Republic of Korea.
- Others also expressed support for further consultations, including China, Russia, Canada, Japan, Cuba, Australia, Egypt, and Malaysia. Cuba expressed skepticism that consensus could be reached within available time.
- Algeria and Malaysia encouraged those delegations who urged the chair to continue consultations, to also be flexible in order to achieve consensus.
- Iran argued against conducting further discussions over the text.
- The Chair ultimately stuck to his original assessment that the remaining issue could not be overcome and set the next plenary for Friday morning.

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Reaching Critical Will

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Unfinished Business: New Opportunities for the CTBT

Dimity Hawkins | International Campaign to Abolish Nuclear Weapons - Australia

The Wednesday lunchtime event, hosted by United Nations Institute for Disarmament Research (UNIDIR) and chaired by Kerstin Vignard, Editor in Chief of Disarmament Forum at UNIDIR, launched UNIDIR's new book and highlighted the lessons of past negotiations on the CTBT, building on the sense of renewed hope around the CTBT now.

UN High Representative for Disarmament Affairs, Ambassador Sergio Duarte, began by congratulating Rebecca Johnson, the author of *Unfinished Business: The Negotiation of the CTBT and the End of Nuclear Testing*, and UNIDIR on the publication of this timely new book.

Welcoming the new book also, Ambassador Sha Zukang, UN Under-Secretary-General, Department of Economics and Social Affairs, shared his reflections on the history of negotiations for the CTBT in the 1990s, when he led the Chinese delegation to the Conference on Disarmament. Speaking in a personal capacity only, Ambassador Sha provided interesting insight to the issue, noting the important role the CTBT has played in facilitating nuclear disarmament and reductions and creating an enabling environment, despite not yet having entered into force. His observations as the former head of the Chinese Delegation to the CD (1994–1997) made clear that he believed that China and the US should now ratify without delay.

Dr Rebecca Johnson, author of *Unfinished Business* and co-founder of the Acronym Institute, explained that the purpose of the new publication was both to tell the story of the negotiations—people as well as governments, civil society as well as states—and to offer some insights to help in negotiating future disarmament treaties, such as a nuclear weapon convention or a treaty banning space weapons. Among the lessons that Rebecca listed were: the importance of getting negotiations started without preconditions; that the process of achieving zero yield scope shows that partial measures are not always the middle ground; and the importance of a pre-negotiations pause, like the testing moratoria, to create the confidence and conditions for multilateral negotiations. Rebecca also emphasised the vital role civil society plays in the process of treaty negotiations, not just in engaging, informing, and promoting the treaty to their governments, but also in the substantive contributions NGOs can make to demonstrating the feasibility of the most

regime-enhancing outcomes, such as in the scope.

Ambassador Stephen Ledogar, former head of the US Delegation to the CD (1990–1997) also warmly commended Rebecca on her book's accuracy and relevance. He noted that the CTBT is not just unfinished business, but, as Rebecca had outlined, offers many lessons to build on and insight into some of the potential problems on the road ahead. Speaking also in a personal capacity, Ambassador Ledogar noted that these negotiations are not always built on traditional alliances, that inter-agency processes within a country need to be taken account of so that a multiplicity of arrangements can be brought into play, including better engagement with civil society, to make negotiations effective.

Dr Patricia Lewis, Deputy Director and Scientist in Residence at the James Martin Centre for Non-proliferation Studies at the Monterey Institute of International Studies, welcomed the book as being very timely and important, with opportunities for the US to ratify the treaty. She noted that 180 states have signed the CTBT, 15 have yet to sign, 148 have ratified, 47 are yet to ratify, and that just in the Annex Two countries, there are only 9 still needing to ratify. While issues such as stockpile stewardship and domestic political considerations remain, Dr Lewis noted the problem that if any of the Annex Two states completely refuse to ratify then provisional application may need to be addressed.

The timely publication of this important book will offer key lessons for governments and civil society alike as we face renewed interest and engagement on the CTBT. Copies are available from UNIDIR www.unidir.org.

Cryptoquote Winners

Congratulations to James O'Shea of the Irish delegation and Nicolas Apfel of NPT TV for solving last Friday's cryptoquote puzzle. The correct answer was:

"Convince all nuclear powers, including those which have been more reluctant up to now, of the necessity to respect the 'vital interests' of all peoples and to become fully aware of the profound truth of the following conclusion which the United Nations approved by unanimity four years ago: 'Mankind is confronted with a choice: we must halt the arms race and proceed to disarmament or face annihilation'."

- Alfonso Garcia Robles



Searching for consensus (cont. from front page)

the draft recommendations, particular those relating to disarmament, are now more in line with nuclear weapon state positions—for example, the elimination of a recommendation to examine ways and means to commence negotiations “on a convention or framework of agreements to achieve global nuclear disarmament,” and another to identify “refraining from the qualitative improvement of nuclear weapons” as a practical disarmament measure. Given this, and given that the Egyptian and Cuban problems with the recommendations are well known, it could be disingenuous for some delegations to suggest that consensus is nigh.

However, as Ambassador Landman of the Netherlands pointed out, the Chair knows best what the remaining difficulties are. He noted, while the statements delivered during Thursday’s plenary made it sound like the PrepCom could “make the extra mile” and arrive at an agreement, the Chair should call upon those countries that in his view have to make that mile, to do so. The Chair agreed to postpone a decision on the recommendations until Friday morning, though he said he would not hold consultations with delegations between now and then. Suggesting that the delegations work with each other on the issue, he said he would be happy to hear about any new initiatives.

Despite uncertainty about the future of the recommendations, most delegations welcomed the overwhelmingly positive atmosphere at this PrepCom. The Australian ambassador, describing some of her previous PrepCom experiences as similar to “pulling teeth,” emphasized that since the Committee has already adopted an agenda and held substantive debates, the session should by no means be considered a failure if it is unable to forward recommendations to the RevCon.

Indeed, this is the most constructive NPT conference in quite some time. While it will be disappointing if the spirit of compromise is diminished in the debate over the recommendations, it does not mean the RevCon is a lost cause. The fact is, the majority of states parties were willing to compromise. And while it remains to be seen what the Obama administration’s official policies will look like by the 2010 RevCon or to what degree other states parties might be willing to “give and take” next year, there have been many promising indications of good will and cooperation at this PrepCom that should be carried forward as a manifestation of the recommendations.

Wag the World:

The Irrational Grip of Nuclear Weapons

Nicole Phillips | Reaching Critical Will of WILPF

Diane Perlman hosted Thursday morning’s event sponsored by Psychologists for Social Responsibility. Throughout history, corporations and political leaders around the world have manipulated perceptions in order to promote their own agendas. Psychologists for Social Responsibility combats this manipulation by promoting the ethical application of psychological research for peace and social justices.

The event began with a discussion on the psychological resistance to nuclear disarmament. Nuclearism is the “psychological, political and military dependence on nuclear weapons, the embrace of weapons as a solution to a wide variety of human dilemmas, most ironically that of ‘security’.” Today this false illusion still exists. For instance, many people feel that the possession of nuclear weapons improves a country’s security through “deterrence.” They feel the abolition of a country’s nuclear weapons would make that country less secure and vulnerable. However, the possession of nuclear weapons for the purpose of deterrence does not secure a country’s safety; instead, Ms. Perlman argued, the possession of these weapons often provokes fear, hatred, and resentment from non-nuclear weapon states.

In order to correct flawed concepts, such as the ones above, advocates for disarmament need to deconstruct the language currently used in the fight for nuclear disarmament and non-proliferation. They need to reframe terms such as “nuclear deterrence” to “nuclear provoker” in order to expose the true implications and intent of the concept. Ms. Perlman suggested, if the language surrounding non-proliferation and nuclear disarmament were deconstructed, and the true meanings behind the words exposed, society might be more inclined to work for the abolition of nuclear weapons.

The event concluded with a brainstorming session on how to promote a nuclear weapon free world. One of the suggestions was the creation of a wordlist circulated via e-mail which would expose the true meanings behind the concealed language used in nuclear disarmament and non-proliferation fora.



Towards the 2010 Conference of States Parties to Nuclear Weapons Free Zones

Dimity Hawkins | International Campaign to Abolish Nuclear Weapons - Australia

In anticipation for the scheduled Second Conference of States Parties to NWFZs, to be held in New York in April 2010, this event was co-sponsored by the Permanent Mission of Mongolia and the Permanent Mission of Mexico, Parliamentarians for Nuclear Non-Proliferation and Disarmament (PNND), and the International Association of Lawyers Against Nuclear Arms (IALANA).

The expert panel explored a range of issues and highlighted the hope that has grown since the first meeting in Mexico in 2005. Ambassador Labbe of Chile chaired the session, opening the event by noting the importance of the development of NWFZs across regions and sub-regions. He emphasised the vital importance of bringing civil society into a clearer role to develop a "bottom up" approach to disarmament and non-proliferation initiatives.

Ambassador Enkhsaikhan Jargalsaikhan, Permanent Representative of Mongolia to the IAEA and other international organisations in Vienna, explained the history behind negotiations so far on NWFZs and shared thoughts on the road ahead, noting that NWFZs are not the final destination but an important destination.

Ambassador Pablo Macebo, Director-General for United Nations Organisations, Mexico Ministry of Foreign Affairs, revisited the successes of the First Conference, which was held in Mexico in 2005. He emphasised that, with 118 out of 192 states party to these agreements, NWFZs make an important contribution to other disarmament and non-proliferation regimes, such as the NPT. He specifically reiterated an invitation to civil society to participate in the next DPI-NGO conference this year to be held from 9-11 September in Mexico.

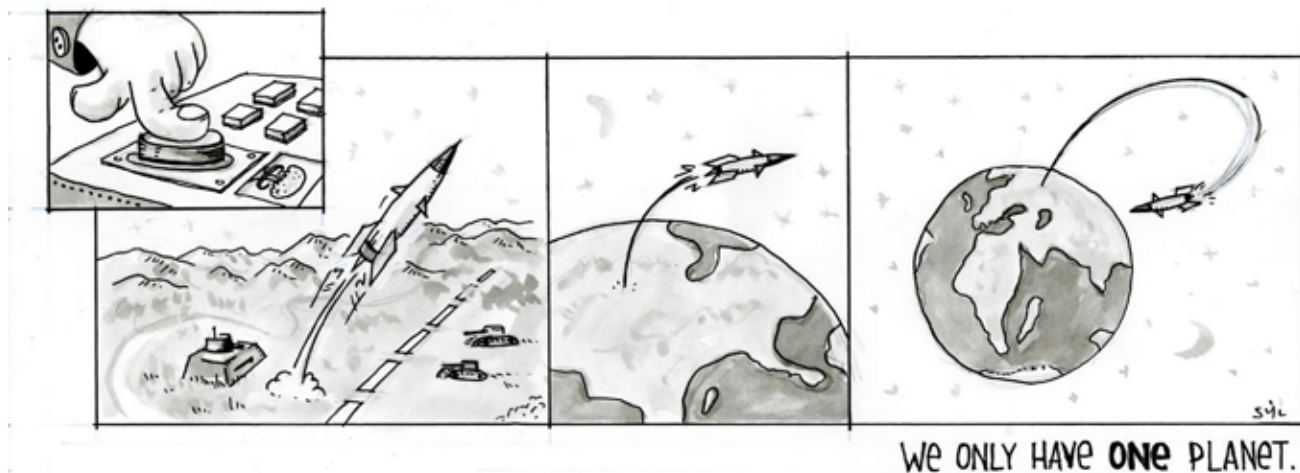
Ambassador Macebo welcomed the possibility

of Chile taking the lead of the Second Conference, with Ambassador Labbe affirming he would stand ready to serve the international community and to try to discharge their responsibility with a mixture of alacrity and confidence.

Dr Bill Potter, Director of the James Martin Center for Non-Proliferation Studies but speaking in a personal capacity, spoke to the significant problem that arises if states begin to cherry pick provisions to support NWFZs, such as was seen in recent times with nuclear deals to countries outside of the NPT. He noted nuclear weapon states have been slow to ratify protocols to NWFZs and expressed hope that the upcoming International Commission for Nuclear Non-Proliferation and Disarmament will specifically address NWFZs as an issue.

Jean du Prez, Chief of External Relations and International Cooperation Section of the CTBTO, again speaking in a personal capacity, focussed on ten key benefits and reasons why NWFZs are useful to states party to them, and as a contribution towards greater international security and disarmament. Some of the points made included: building on other non-proliferation, disarmament, and safeguards treaties or measures; assisting in stopping testing of nuclear weapons; and the ability to bind nuclear weapon states to not use, threaten to use, or situate nuclear weapons in the party countries.

Alyn Ware, Global Coordinator for PNND and Consultant for IALANA, outlined more of the history of the nuclear free zones from homes and workplaces to national and regional approaches, exploring the commonalities and differences between regional NWFZs. He noted the most recent issue of the PNND magazine is dedicated to the NWFZ issue. See www.pnnd.org.



Disarmament, Law, and Community: From the Local to the Global

Anabel Dwyer*

"Peace and security of a world without nuclear weapons"¹

President Obama's Prague speech put nuclear disarmament at the center of solvable problems concerning our continued survival as human beings and the well-being of the planet. He reflects the desires of most people, seventy percent of Americans, who want nuclear disarmament, according to the Global Zero polls.²

"Human destiny will be what we make of it."³

"Think globally! Act locally!" rings as a concise statement of how we might solve a range of pressing problems including nuclear disarmament. We can engage in normal human processes of making essential changes, by defining problems honestly, conducting open discussion with wide participation, and devising real, that is, practical solutions. And we can consciously judge the effectiveness of projects, programs, and coalitions by whether the processes in this transition "involve minimization of violence, maximization of social and economic well-being, maximization of social and political justice and maximization of ecological balance."⁴

Nuclear disarmament in all its aspects requires major institutional changes

President Obama expresses a shift in ideology. Security and success can be achieved with care for each other and our common environment, not threat or use of ever greater force.

However, the institutional changes President Obama lists involving steps toward eliminating nuclear weapons must be questioned and refined. He has said, "reducing the role of nuclear weapons in our national security strategy" while "maintaining a "safe, secure and effective arsenal to deter any adversary." This is an example of an important place where we can help properly define the questions. Judge Weeramantry, former president of the International Court of Justice, has explained the unlawfulness of any use of any nuclear weapon and has said that deterrence policy is unlawful intent to use nuclear weapons. He has also noted, "The expenditure of millions of pounds [or dollars] and the heavy scientific and military effort involved are clearly not incurred to keep the weapons for showcase display. These things are clearly done with an intention of use. If one does not really intend to use them one cannot convince others that one will use them if the circumstances occurred for their engagement."⁵

Everyone has important roles

Both experts and grassroots organizers are necessary to achieve nuclear disarmament. President

Obama talked of the moral obligation of the US. That is important and should lead to renewed understanding of the effects of nuclear weapons and the US role in the nuclear age.

Steps NGOs can take now:

1. Support IRENA.
2. Publish a nuclear weapons reader, including testimony from survivors of Hiroshima and Nagasaki, atomic veterans, down-winders, uranium miners, forgotten nuclear workers, and studies of contamination as well as clean-up and disarmament achievements. Start nation-wide Community Reads projects using the Nuclear Reader.
3. Draft a Declaration of Facts and Law summarizing facts of nuclear weapons and the unlawfulness of any use or threat of use.
4. Draft a short brief: "Why war powers do not include torture or threat/use of nuclear weapons."
5. Organize NPT NGOs. Identify, expand, and deepen existing networks of peace, justice, and environmental groups. Look for ways to expand numbers of paid staff and organizers and for specific actions regarding weapons or research budgets or closing weapons and complex sites. Look to a decisive grassroots consensus and unequivocal steps for complete nuclear disarmament and a successful 2010 NPT Review Conference.
6. Calculate nuclear weapons elimination costs.
7. Go back to the ICJ. Draft a two page statement about what clarifications are needed from the ICJ as to good-faith disarmament negotiations. Sign an "Affirmation of Freedom from Nuclear Weapons" on the World Court Project website, world-courtproject.org/index.php/join_in/affirmations.
8. Organize effective grassroots coalitions for substantive civil society participation in the Security Summit and drafting of the US Nuclear Posture Review as well as the 2010 Review Conference.
9. Start community study and action plans that invest systematically in schools, food, health care, housing, appropriate technologies, reforestation, environmental cleanup instead of weapons or nuclear power.

Anabel Dwyer is a Michigan attorney who has worked for disarmament and ecological sustainability for many years and serves as a member of board of directors of the Lawyers Committee on Nuclear Policy.

Notes

1. President Obama, Prague speech, April 4, 2009.
2. WorldPublicOpinion.org.
3. Obama, Prague, Apr. 4, 2009
4. Falk, p.685
5. "The Trident and International Law, Scotland's Obligations," Judge C.G. Weeramantry, February 3, 2009



Outlawing the Use of Nuclear Weapons

Michael Spies | Reaching Critical Will of WILPF

The Acronym Institute for Disarmament Diplomacy hosted a roundtable event on Thursday on outlawing the threat or use of nuclear weapons. Chaired by Dr. Rebecca Johnson, executive director of the Acronym Institute, the session explored the means and feasibility of banning the use of nuclear weapons in the context of achieving nuclear disarmament.

In her introductory remarks, Dr. Johnson recalled that the International Court of Justice, in its 1996 decision on the threat or use of nuclear weapons, drew largely upon international humanitarian law (IHL) in its finding that the threat or use of nuclear weapons is generally contrary to international law. The Court, however, left open the possibility that the threat or use of nuclear weapons could be permissible in extreme circumstances when the survival of the state was at stake.

Dr. Johnson suggested two means to outlaw the use of nuclear weapons: either through an amendment to the Rome Statute for the International Criminal Court or through an act or decision of the UN Security Council.

Ambassador (ret.) Max Kampelman, the driving force behind the January 2007 Wall Street Journal essay by George Schultz et al, expressed skepticism about the utility of pursuing preliminary steps to disarmament. He argued that the pursuit of such steps divert energy from the goal of achieving “global zero” and become ends in themselves that compete with other objectives.

Related to the issue of threat or use, Kampelman appealed for the use of nuclear weapons to be declared a crime against humanity that does harm to the purposes and objectives of the United Nations. He called for President Obama and other world leaders to reaffirm President Truman’s declaration that the goal of zero is a foundational principle of the UN.

Following from Kampelman’s appeal, Dr. Patricia Lewis, Scientist-in-Residence at the Monterey Institute for International Studies and former director of the UN Institute for Disarmament Research, argued that the use of nuclear weapons should be considered unlawful under IHL. Drawing from the example of efforts to ban chemical weapons after the first world war, she argued that, point by point, the use of nuclear weapons violated customary principles of IHL.

Dr. Lewis charged the arms control community

with falling into the trap of valuing nuclear weapons as providing a deterrence against other nuclear weapons and appealed for non-nuclear weapon states to comply with their obligations under Article VI on the NPT and end their reliance on nuclear umbrellas.

Dr. Randy Rydell, Senior Political Advisor to the UN High Representative for Disarmament Affairs, agreed with Kampelman on the problem of preliminary steps. Dr. Rydell described the proliferation of preconditions for nuclear disarmament as a strategy for indefinitely delaying disarmament. He argued that disarmament needs sufficient infrastructure in order to be achieved and maintained, including adequate dedicated administrative and departmental support from governments.

Dr. Rydell described himself as agnostic, however, on the merits of pursuing a separate agreement outlawing the use of nuclear weapons, such as an international convention, citing practical concerns. He argued that the use of nuclear weapons could be outlawed in the context of an agreement prohibiting their possession.

We’re not finished yet ...

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for this PrepCom,
which will be released
early next week.

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What's On Today's Calendar of Events

Abolition 2000 Caucus

Where: Conference Room E

When: 8:00–8:50 AM

Contact: Anthony Salloum, Abolition 2000

Government Briefing: Norway

Where: Conference Room E

When: 9:00–9:50 AM

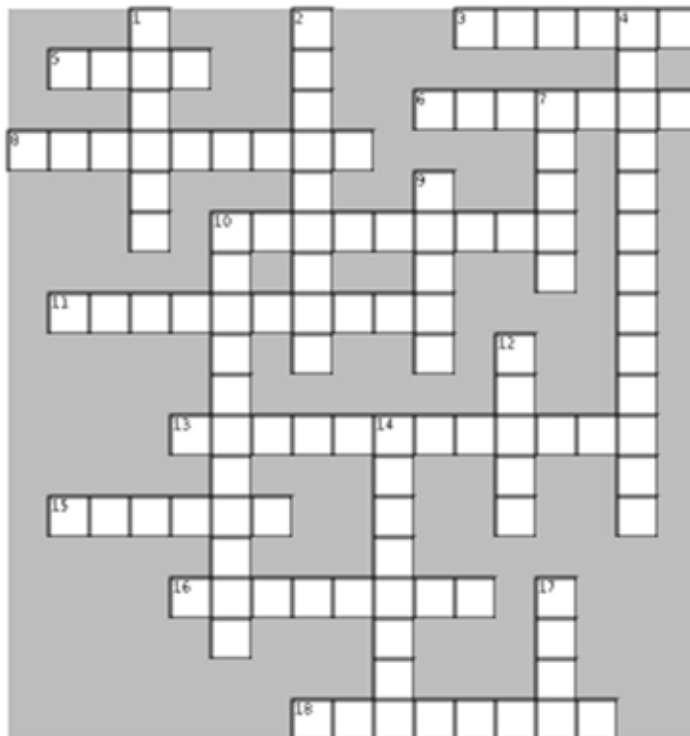
Contact: Ray Acheson, Reaching Critical Will

Plenary

Where: Conference Room 1

When: 10:00 AM

Nuclear Crossword



Across

- 3 In February 2009, a British submarine and a _____ submarine, each carrying nuclear missiles collided in the Atlantic ocean
- 5 The "father" of Pakistan's nuclear weapons program
- 6 The UNDC has _____ Principles of Verification
- 8 North Korea banned further UN nuclear inspections in the month of _____ in 2008
- 10 A _____ inspection is one triggered by a suspected violation of a treaty or agreement
- 11 The Atoms for Peace program was announced by what US President in 1953
- 13 A new type of weapon of mass destruction that could disperse radioactive materials without a nuclear explosion
- 15 The orders to bomb Hiroshima and Nagasaki were signed by US President
- 16 The predecessor to the U.N. Conference on Disarmament is the ENDC, what does the "E" stand for
- 18 The excessive force of a nuclear explosion

Down

- 1 The United States has had a policy against reprocessing spent nuclear fuel since what President's administration
- 2 A _____ slows down fast-moving neutrons released by nuclear fission so they have more time to react with the nuclear fuel
- 4 In March of 2009, the Prime Minister of the _____ (two words) cancelled a parliamentary vote which would have established part of a US "missile defense" system in the country
- 7 The conference on disarmament meets how many times a year?
- 9 French clothing designer who invented the original "bikini" and named it after the Bikini Atoll in the South Pacific
- 10 The first nuclear-weapon-free zone to be established in the northern hemisphere and the first to encompass an area where nuclear weapons previously existed (two words)
- 12 The only countries able to launch nuclear warheads on land-based ICBMs are the United States, Russia and _____
- 14 Pulitzer prize winner who said of the Manhattan project, that the nuclear age would "[abolish] disease and poverty, anxiety and fear... [control] the weather and [find] the key to the riddle of old age"
- 17 Model who said: "Mick Jagger and I just really liked each other a lot. We talked all night. We had the same views on nuclear disarmament."