

Civil society perspectives on the First session of the Preparatory Committee for the 2010 Review Conference of the Nuclear Non-Proliferation Treaty, April 30-May 11, 2007

Today's Menu

Jennifer Nordstrom, Reaching Critical Will

The 2007 PrepCom met from 3:32 to 3:37 pm on Thursday, long enough for Chairman Amano to tell us that governments' positions have not changed, and that he will continue to hold consultations. He scheduled the next meeting for this morning at 10am. Iran is still unable to accept the last clause of Amano's proposed agenda, which reads "reaffirming the need for full compliance with the Treaty." All other governments are prepared to accept the agenda as is. In shuddering reminders of the time spent arguing over procedure at the 2005 Review Conference, governments and NGOs have used the two missed sessions to run around discussing potential solutions. To give our readers a taste of the menu of options, we have listed some below, with pros and cons, and our best guess of their success.

Option 1: The Chair reads a statement clarifying that the Committee understands that compliance means compliance with all provisions of the Treaty.

Pros: This would make the definition of compliance explicit and put it on the record, without opening the agenda. The PrepCom would be able to officially continue, by consensus, with cluster debates.

Cons: A somewhat similar compromise failed in 2005, in the infamous asterisk situation.
Likelihood of success: Iran may be unwilling to accept this solution.

Option 2: The Chair inserts "all provisions of" into the disputed clause of the agenda, between "with" and "the", so that it reads: "with all provisions of the Treaty."

Pros: This would make the definition of compliance explicit and put it on the record. The PrepCom would be able to officially continue, by consensus, with cluster debates.

Cons: Depending on how the Chair handled it, this option could open the agenda to other amendments, which would make consensus more difficult.

Likelihood of success: The Chair and/or some of the nuclear weapon states may be unwilling to accept this solution.

Option 3: The PrepCom continues without an agenda.

Pros: The PrepCom would be able to continue

based on the current agenda, without a messy or embarrassing vote.

Cons: Without an officially-agreed agenda, the discussions have less authority.

Likelihood of success: Some members of the Non-Aligned Movement may be unable to accept this solution.

Option 4: The PrepCom votes on the agenda, using Rule 28 of the rules of procedure.

Pros: The PrepCom would be able to officially continue, and there would be a record of which states stood where.

Cons: Amendments could be introduced that would further divide the room, and undermine the near-consensus that exists. Also, Rule 28 stipulates that the Chair has to defer the vote for 48 hours after it comes up, meaning the PrepCom would lose another two days of work. Moreover, it would start the review process without consensus, which could undermine the legitimacy of and commitment to future agreements.

Likelihood of success: Some western states may be unable to accept this solution.

Option 5: The PrepCom uses the 2002 agenda.

Pros: This agenda refers to both the 1995 and 2000 outcome documents, but does not contain the "compliance" phrase.

Cons: This ignores the last four months of consultations by the Chair on the agenda and the current compromise that has thus been reached.

Likelihood of success: Only Iran has publicly supported this solution.

Option 6: The Chair deletes the "compliance" clause from the agenda.

Pros: This would remove the controversial clause.

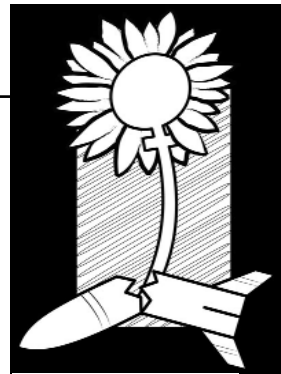
Cons: The agenda would not include compliance.
Likelihood of success: unclear

Option 7: The Chair suspends the meeting.

Pros: Governments drop the pretense, reveal the situation to their citizens, and save resources. A complete failure could inspire necessary public and governmental reaction.

Cons: The PrepCom fails, beginning this review cycle with the admission that one state can stop the entire Treaty review process. The 2010 review cycle begins with a worse result than the 2005

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Return to the International Court of Justice

Michael Spies, Lawyers' Committee on Nuclear Policy

The International Association of Lawyers Against Nuclear Arms (IALANA) briefed NGOs yesterday about its preliminary efforts in seeking an advisory opinion from the International Court of Justice (ICJ), following up on the 1996 Nuclear Weapons case. The Court found in that case that the threat or use of nuclear weapons is generally contrary to international law. John Burroughs, Executive Director of the Lawyers' Committee on Nuclear Policy, presented two versions of a draft UN General Assembly (GA) resolution, which would ask the ICJ to rule, in light of its 1996 decision, on issues related to compliance with the Article VI disarmament obligation to negotiate disarmament in good faith, including:

- 1) Does the obligation apply to all states, regardless if they are party to the NPT?
- 2) What legal principles govern compliance in good faith with the obligation?
- 3) Does compliance require the commencement of negotiations to achieve disarmament?
- 4) Would non-compliance with the obligation be demonstrated by the failure to implement measures agreed to in the 2000 NPT Review Conference Final Document?


Burroughs explained that IALANA declined to seek an ICJ opinion clarifying or elaborating on the Court's ruling on the legality of threat or use of nuclear weapons. The 1996 opinion is deficient due to its treatment of the issue of use in "extreme circumstances", interpreted by some NGOs as a loophole that has been exploited by some nuclear weapon states in the elaboration of their nuclear doctrines over the past decade.

Carlos Vargas, legal advisor to the Costa Rican delegation, human rights lawyer, and IALANA Vice-President, explained how non-nuclear weapon states can have an expectation that their actions can affect the policies of the nuclear weapon states (NWS). Citing the example of the success of the Tlatelolco treaty, establishing a nuclear-weapon-free zone in Latin America, which NWS representatives lobbied against during negotiations and warned the treaty would have little effect. Vargas contrasted the experience of Latin America against the experience of Europe, which for decades endured the constant spectre of nuclear war.

Alyn Ware, consultant with IALANA, described

potential processes for how to get a case to the Court. Providing a history of the events leading to the 1996 ruling, Ware critically observed that the idea, originating in the 1960s, had little traction among governments until an NGO movement sprang up in the early 1990s to support the effort. However, he noted that the political climate has changed significantly in the past decade, likely complicating current efforts. The Non-Aligned Movement, which was instrumental in supporting the 1994 effort at the GA, has changed and now includes two nuclear armed states: India and Pakistan. While Ware speculated that the New Agenda Coalition might be too small to garner sufficient support in the GA, there may be the possibility of mobilizing a bloc of states party to nuclear-weapons-free zone treaties. Although many governments that IALANA has consulted have expressed interest, no country has stepped forward yet to take the lead on sponsoring a GA resolution.

An open organizing meeting on the return to the ICJ project is being held Friday from 15:15-17:30 in the NGO Room.



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Towards 2010

Jim Wurst, Program Director, Middle Powers Initiative

The Middle Powers Initiative (MPI) prepared a position paper for the NPT PrepCom entitled "Towards 2010: Priorities for NPT Consensus," with the aim of presenting to states parties and NGOs a focused agenda of seven priorities issues that MPI "believes are sufficiently mature and general to be usefully emphasized now within the NPT review process." The position paper distills the deliberations and recommendations from the four Article VI Forum consultations that MPI has convened since October 2005.

On May 2, MPI sponsored a panel at the PrepCom to present this paper and to host a dialogue on the issues. The Hon. Douglas Roche, O.C., the Chairman of MPI, said the initiative is designed to focus on two needs: first to ensure that the 2010 Review Conference ends with a substantive final document and, second, to help "set a course for the achievement of a nuclear weapons free world."

Dr. John Burroughs, the Executive Director of the Lawyers' Committee on Nuclear Policy, detailed the values and difficulties of each of the priorities. The verified reduction of nuclear forces and the standing down of nuclear forces are stalled because "the US and Russia remain stuck in a Cold War balance" thus "the landscape must be changed" in order to bring the other NWS in so as to make any movement towards a nuclear weapon free world. The reasoning behind bringing the CTBT into force has been elaborated upon for years and negotiation of an FMCT is "about the materials you use to make weapons ... one of the most essential things we have to work with." He noted that strengthening negative security assurances date back to the inception of the NPT and thus may seem anachronistic; however, not only do "non-nuclear weapon states deserve the assurance that nuclear weapons will not be used against them," but there is a need to place the issues in the larger context that "under no circumstance is the use of nuclear weapons proper." Burroughs said common views on the regulation of

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"WEAPONS IN SPACE AND THE DISARMAMENT/NONPROLIFERATION REGIME"

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Dr. Patricia Lewis, UNIDIR
Ambassador (Ret.) Robert Grey, fmr. US
ambassador to the CD

Chair: Jonathan Granoff, President, GSI

Co-sponsored by:

The Government of Sweden
The Secure World Foundation

Wednesday, May 9

Plenary Room A
1:15- 3:00 PM

**Lunch will be provided*

nuclear fuel production and supply are still being formed and would be "a hard one for some governments," nevertheless it is clear the better course "would be less reliance on nuclear energy and the establishment of a sustainable energy agency." Numerous states have promoted structures for dealing with improved NPT governance, including "at a minimum" establishing a secretariat and mechanism through which States Parties could address issues of compliance and withdrawal.

Ambassador Sergio De Queiroz Duarte, the President of the 2005 NPT Review Conference and the Head of the Brazilian delegation to this PrepCom session said that while each proposal is "worthwhile in itself," there would be difficulties in paths of each of the seven measures, largely based on the "false argument" over whether the priority should be disarmament or non-proliferation. "We need parallel progress," he said, "We much have clear commitments on the part of nuclear weapon states and their allies to proceed to nuclear disarmament" as well as strengthening non-proliferation. He said the situation since the 2000 Review Conference has been characterized "a lack of transparency, credibility and trust" and that he hoped NGOs action to bring "lucid views" to the debate would help "reverse that trend."



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Fissile materials: definitions, detection, and hopefully negotiations

Beatrice Fihn, Women's International League for Peace and Freedom

In efforts to reduce the danger of nuclear weapons, securing and reducing stocks of highly enriched uranium (HEU) and separated plutonium is essential. The International Panel on Fissile Materials (IPFM) and the Independent Group of Scientific Experts on the detection of nuclear weapons-usable materials production (iGSE) hosted an event on fissile materials on Thursday. Dr. Zia Mian, IPFM, started by discussing definitions of fissile materials, and pointing out the dangers of only reducing fissile materials for military use. Dr. Mian also highlighted the importance of states declaring their stocks of fissile materials. These are not only valuable as confidence-building measures, but also useful to the declaring state, as reconstructing the history of production may become more difficult over time.

From the Norwegian University of Science and Technology, Mr. Ole Reistad gave a presentation of the complex nature of HEU. He discussed different areas where it is used, including naval fuel, research reactors, and Russia's fleet of nuclear-powered ice breakers. He discussed the safety and security issues of HEU use and the possibilities and difficulties of a global clean-out of fissile materials.

Recent developments, such as the nuclear weapon test by North Korea and the uranium enrichment in Iran, have raised concerns about detecting clandestine production of fissile material. Regina Hagen, iGSE, explained that there is no current technology or method for detecting clandestine production of such materials, but that such technology would help counteract the

uncertainty that can cause regional and international crises.

There is ongoing research about possible ways to detect production of fissile material through environmental measurements. Petra Seibert, University of Natural Resources & Applied Life Sciences in Vienna, gave examples of how to detect plutonium separation using krypton. Krypton-85 is released when chopping and dissolving fuel rods in reprocessing plants, and once measured, will show variable concentrations, or peaks, indicating that plutonium has been separated and transported. Together with meteorology, this method can be a useful estimate of the specific time and place of the release. This will give indications whether plutonium is being separated, and could be valuable in a future verification mechanism of a ban on the production of fissile materials for nuclear weapons, or a Fissile Materials Treaty (FMT).

Immediately after this NPT PrepCom ends, the Conference on Disarmament is about to take a decision on whether to commence negotiations on an FMT. While no state publicly opposes it, there are major differences on its scope, definitions, stocks, and verification. In the absence of an ad hoc committee dealing with these specific issues, NGOs and independent panels can contribute with expertise and insight. When negotiations finally begin, much deliberation around the issue will have already taken place.

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review cycle did, at a time when the disarmament and non-proliferation regime is in crisis.
Likelihood of success: Unlikely.

Option 8: The Committee continues to meet each day for five minutes, and the Chair says that he is continuing consultations and needs more time.

Pros: The PrepCom continues to try to find solutions, and does not admit defeat.

Cons: Governments and NGOs waste time and money pretending to find solutions instead of actually finding them, or admitting the truth.

Likelihood of success: Success? hmmm. Occurrence? Likely.

These discussions are about more than the diplomats in this room, they are reflective of an international security environment and macro politics in which nuclear weapons are used as threats. In order to build comprehensive, collective security, compromise agreement must be reached. All options are on the table.

Space Security: Impact on Nuclear Disarmament

Where: NGO Room in the Austria Center (02 C 246)

When: Monday, May 7, 10:30-12:30

Moderated by:

Paolo Cotta-Ramusino, Pugwash

Speakers:

Regina Hagen, INESAP

Götz Neuneck, Institute for Peace Research and Security Policy at the University of Hamburg

Kai-Uwe Schrogl, European Space Policy Institute

Jessica West, Project Ploughshares

Co-Sponsored by INESAP and Pugwash



What's On Calendar of Upcoming Events

Friday, May 4

Exhibition: "Verifying the Comprehensive Nuclear Test Ban"

Where: Austria Centre, Foyer A

When: all day

Contact: info@ctbto.org; +43 (1) 26030 6200

Website: www.ctbto.org

Abolition Caucus Strategy Meeting: Open

Where: NGO Room in the Austria Center (02 C 246)

When: 8-9 am

Contact: Anthony Salloum

Website: www.abolition2000.org

NGO Briefing with Ambassador Tarui of Japan

Where: NGO Room in the Austria Center (02 C 246)

When: 9 - 10 am

The US-India Nuclear Deal and the Future of the NPT: A Role for the Nuclear Suppliers Group?

Where: NGO Room in the Austria Center (02 C 246)

When: 10:30 am -12:30 pm

Contact: Regina Hagen for CNIC, Gensuikin, INESAP, and IPFM

Website: <http://cnic.jp/english/>, www.gensuikin.org, www.inesap.org, www.fissilematerials.org

Film: Barefoot Gen: Out of the Ashes

Where: Austria Center, Room 02 C 251

When: 1 - 3 pm

IALANA Board Meeting (Open Session)

Where: NGO Office in the Austria Center (02 C 248)

When: 12:30 - 3:00 pm

Contact: Tomislav Chagall

Website: <http://www.ialana.net/>, <http://www.ialana.de/>

A European proposal for nuclear disarmament

Where: NGO Room in the Austria Center (02 C 246)

When: 1:15-2:45 pm

Contact: Dominique Lalanne

Website: www.abolition2000europe.org

Organizing Meeting for Return to the International Court

Where: NGO Room in the Austria Center (02 C 246)

When: 3:15-5:15 pm

Contact: George Farebrother

Website: <http://wcp.gn.apc.org/>

What approaches should be taken to ensure a successful outcome of the 2010 Review Conference?

Where: NGO Room in the Austria Center (02 C 246)

When: 5:30-7:15 pm

Contact: Colin Archer

Website: www.ipb.org

Saturday, May 5

Abolition 2000 Annual General Meeting

Where: The Church at Mexikoplatz 12, A 1020 Wien (near U 1 station Vorgartenstrasse)

When: 9 am to 6:30 pm

Contact: Anthony Salloum

Website: www.abolition2000.org

Monday, May 7

Abolition Caucus Strategy Meeting: Open

Where: NGO Room in the Austria Center (02 C 246)

When: 8-9 am

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Website: www.abolition2000.org

NGO Briefing with Ambassador MacKay of New Zealand

Where: NGO Room in the Austria Center (02 C 246)

When: 9 - 10 am

Space Security: Impact on Nuclear Disarmament

Where: NGO Room in the Austria Center (02 C 246)

When: 10 am -12:30 pm

Contact: Regina Hagen for INESAP and Pugwash

Website: www.inesap.org, www.pugwash.org

Greenpeace Event: Nuclear Free Middle East

Where: NGO Room in the Austria Center (02 C 246)

When: 4-6 pm

Contact: Merav Datan, Mideast Political Advisor

Website: www.greenpeace.org, www.greenpeace.org/mediterranean/campaigns/nuclear-free-middle-east

ABOLITION 2000 AND ABOLITION 2000 EUROPE A European proposal for nuclear disarmament.

Friday, May 4, 2007

13:15-14:45

NGO Room in the Austria Center

Dominique Lalanne (*France*), Abolition 2000-Europe/Stop Essais;

Peter Nicholls (*U.K.*), Abolition 2000 UK;

Pol d'Huyvetter (*Belgium*), For Mother Earth/Abolition 2000 - Europe;

Axel Schwanhäusser (*Germany*), Institute for Peace Research and Security Policy, University of Hamburg

Discussion: How can the European Nuclear Weapons States and NATO respond to the Hans Blix WMD Commission's recommendations?



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