



# News In Review

A collection of NGO views on the NPT PrepCom 2003

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## Civil Society in Full Force

As delegates and NGO representatives filed into the Palais des Nations for the commencement of the 2003 Nuclear Non-proliferation Treaty Preparatory Committee, activists dressed as Inter-Continental Ballistic Missiles (ICBMs) greeted them at the gates. Shouting, "Destroy me! I'm useless!" the missiles lined up to be decommissioned in a citizens' dismantlement demonstration.

If only the proceedings during the first day of general debate had reflected civil society's demand for nuclear abolition. Instead, the usual suspects delivered the usual statements, although almost each presenter today acknowledged that recent events (namely, a war in Iraq conducted under the pretext of disarmament issues), demand a shift away from "business as usual." As to be expected, the Democratic People's Republic of Korea, as the first State Party to withdraw from the Treaty, was discussed in nearly every State Party's statement. Likewise, the ratification by Cuba of the NPT, the Additional Protocol, and their membership to the Treaty of Tlateloco was celebrated by most.

New Zealand, representing the New Agenda Coalition (NAC), delivered the first statement after Chairman Molnar's opening remarks. The Honorable Marian Hobbs, the Minister of Disarmament of New Zealand, delivered an impassioned speech, conveying NAC's disappointment with the DPRK and its withdrawal from the Treaty, as well as Nuclear Weapons States (NWS) continued procrastination to implement Article VI obligations. Specifically, she cited the inadequacies of the Moscow Treaty, including its lack of irreversibility measures and verification provisions.

Not all Non-Nuclear Weapon States (NNWS) demonstrated the NAC's courage to criticize the NWS for ignoring their responsibilities under Article VI. Australia, for instance, referred to the Moscow Treaty as a "significant step towards nuclear disarmament," in both "its quantitative reductions (and) also in its ushering in of a more cooperative US-Russia arms control relationship."

The afternoon session featured statements by the NWS Parties to the NPT, with the exception of the United Kingdom. Unsurprisingly, they repeatedly congratulated themselves for "a number of avenues that promote the goal of nuclear

disarmament," as stated by U.S. Assistant Secretary of State John Wolf. Mr. Wolf also stressed the "serious consequences" that awaited countries that were perceived to be "going down the same path of denial and deception... (of) North Korea and Iraq." He even went so far as to stress that, in the situation with North Korea, "all our options remain available," which many observers understood as a direct threat to use nuclear weapons against that country.

France, while also including an abundance of self-congratulatory remarks, suggested "including the implementation of robust inspections under the authority of the United Nations Security Council" as a way of increasing transparency. Ambassador Hubert de la Fortelle of France also proposed a Security Council meeting of Heads of State "to take stock of the results of non-proliferation policy and to give decisive impetus to that policy."

Many NGOs hope to use France's suggestion as a positive sign as they launch the campaign to convene a global conference to eliminate all nuclear dangers, as proposed by Kofi Annan in his Millennium Declaration. The Abolition 2000 network, for one, will be hosting both a press conference tomorrow afternoon, as well as a workshop on Thursday that will address Annan's proposal.

The NGOs, meanwhile, are experiencing an odd mix of complete frustration and enraged empowerment. Some representatives expressed dismay that so many States clung to so-called "peaceful" uses of nuclear science as a triumph of the NPT. Angered by what they believed to be hypocritical statements by the United States, other NGO representatives discussed the "strange logic" of NWS to focus responsibility of disarmament and non-proliferation to a few countries, namely, those that the Bush administration has dubbed

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### Tonight!

Women's International League for Peace and Freedom will celebrate its 88th Anniversary with a reception 7:30 until 10 PM, at the 4th Floor of 1, rue de Varembe (corner of Avenue de France)  
All are welcome.

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## For Mother Earth

### 1. What are your hopes or expectations for the Nuclear Non-Proliferation 2003 Prepcom?

As we organize a workshop on "Citizens Inspections & Citizens Disarmament Teams", we hope to spread out our way of working by explaining the importance of non-violent direct action against nuclear weapons. In this manner we want to give a global and clear insight in the efforts for more transparency and disarmament through actions by civilians. There is a clear need for more transparency and accountability regarding nuclear weapons stationed around the world. Both members of parliament, NGO's and concerned citizens seem to face real problems to access to reliable detailed information about the deployment of these weapons of mass destruction. It is also believed that these weapons are in violation with international law.

Can this model continue to mobilise and inspire citizens taking direct action for nuclear disarmament. Citizens upholding international treaties where governments fail? And at times taking it as far as non-violent direct disarmament. New instruments like reporting to the UN Security Council are also dealt with. By showing the results of our actions we wish to encourage other NGO's to join us in our struggle for disarmament.

We also look forward to exchange experiences, opinions and information through our workshop and by meeting NGO's who work around similar themes.

### 2. What topics do you work on most or find the most interesting in this forum?

FOR MOTHER EARTH is a non-violent, international, non-profit citizens organisation, which takes initiatives to promote human rights, disarmament and protection of the environment and all creatures. FME's main international campaign is anti-nuclear. Non-violent direct action is crucial to our organisation; the Civil Inspections are a great example of such action. The idea of the citizens' inspections was born following the series of UN-inspections in Iraq, where the UNSCOM weapon inspection teams were looking for evidence on the deployment of illegal chemical and biological weapons of mass destruction. Peace campaigners all over the world were appalled by the fact that while these inspections took place, all five members of the UN Security Council were themselves deploying illegal nuclear weapons of mass destruction in a secretive manner.

Because of the lack of openness about nuclear weapons by the governments, and the absence of UN-inspectors on the sites of nuclear crime, we decided to take the responsibility of upholding international law on ourselves, and start a campaign of citizens war crimes inspections.

The current round of UN weapon inspections in Iraq (2002-2003) has led to renewed interest in this model of non-violent direct action.

Citizens inspections have been a very useful and practical tool for MP's, NGO's and citizens to make a case. Since 1997 For Mother Earth has done a considerable job in advocating this model of action, involving both MP's and thousands of citizens. We have noticed an increasing number of NGO's using this model of action the past year, especially in a search and/or condemnation of the Weapons of Mass Destruction in the US, the UK and Israel.

Consequently we are especially interested in topics that concern transparency and accountability towards nuclear weapons and of course themes that raise the need for participation in the disarmament process are of great importance to us (i.e. citizens participation in the disarmament process, double standard, non proliferation from below, etc.)

*You can contact For Mother Earth at <http://www.motherearth.org>*

*There will be a presentation on Citizen's Inspection Teams, Thursday May 1st, 10 am until 1pm in Conference Room XXIV*



## Quote of the Day

### Favorites from NPT 2003 Prepcom

It stands to reason that the best way to keep nuclear weapons out of the hands of terrorists and countries of concern is to eliminate them entirely

**Ambassador Tim Caughley of New Zealand**

## NPT APPLIES TO BOTH NORTH KOREA AND THE U.S.

The Nuclear Nonproliferation Treaty (NPT) is much in the news due to North Korea's January 10, 2003 announcement of withdrawal. What has received no attention is that the United States is also undermining the NPT by ignoring recent political commitments to implement the treaty's disarmament obligation.

### The NPT and North Korea

North Korea's violations of the NPT, in the early 1990s, and again now, consist at least in operating programs for production of plutonium and perhaps uranium that are not monitored by the International Atomic Energy Agency (IAEA) to prevent diversion of the materials to weapons. Accordingly, in February, the IAEA reported to the Security Council that North Korea is in breach of the NPT. It is not known whether North Korea has produced any nuclear explosive devices with unaccounted for plutonium from its earlier program, which of course would violate the NPT's basic non-acquisition obligation.

According to North Korea, its announcement of withdrawal from the NPT was effective immediately. However, as the IAEA has recognized, under the treaty's terms it becomes effective only after three months. Moreover, and fundamentally, while North Korea may be able to withdraw from the treaty, it cannot withdraw from the underlying obligation not to acquire nuclear weapons.

First, NPT general obligations are now sufficiently settled, accepted, and longlasting to be customary international law, binding on all states whether or not they are parties to the treaty. The NPT has been in force since 1970, and its membership is nearly universal, with only three states outside the regime, all, however, nuclear-armed, India, Pakistan, and Israel.

Second, the NPT is widely recognized, along with the UN Charter, as a cornerstone of global order. In its resolution on the May 1998 Indian and Pakistani nuclear tests, the Security Council declared that proliferation of weapons of mass destruction is a threat to peace and security. Under Chapter VII of the UN Charter, that means, in principle, that the Security Council is required to respond to any state's efforts to acquire nuclear weapons, at least by making recommendations as to how to reverse such efforts.

Third, based in part on the incompatibility of threat or use of nuclear weapons with humanitarian law forbidding the infliction of indiscriminate harm and unnecessary suffering, the International Court of Justice, interpreting NPT Article VI, concluded unanimously in its 1996 opinion that states are obligated to bring to a conclusion negotiations on nuclear disarmament. The clear implication is that the obligation of non-possession of nuclear arms is universal in scope; that states therefore are not to acquire nuclear weapons; and that possessor states are obligated to eliminate them with all due speed.

None of this is to say that the Security Council should respond to a North Korea nuclear weapons program by authorizing use of force. Security Council practice indicates that use of force is a permissible response only to actual or imminent attacks, large-scale violence, or humanitarian emergency. (See Appeal, p. 6) There is no legal basis for U.S. military action. A political approach combining censure with dialogue, inducements, and, perhaps, limited sanctions is the right course of action.

### The NPT and the United States

To balance obligations, Article VI of the NPT requires the nuclear powers to "pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament." In 1978 and again in 1995, the United States and other nuclear powers also formally declared policies of non-use of nuclear arms against non-nuclear NPT states.

In the post-Cold War era, non-nuclear countries have demanded progress on the promised disarmament. In 1995, the year that the NPT was due to expire, the United States and other nuclear states pressed for the treaty to be extended indefinitely. Other states agreed in return for pledges to complete negotiations on a treaty banning all nuclear test explosions by 1996, to begin negotiations on an agreement banning production of plutonium and highly enriched uranium for use in weapons, and to pursue "systematic and

progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons."

Additional commitments made in 2000 include "an unequivocal undertaking to accomplish the total elimination of their nuclear arsenals," preserving the ABM Treaty, applying the principle of irreversibility to nuclear weapons reductions, further developing verification capabilities, reducing the operational readiness of nuclear weapons, and a diminishing role for nuclear weapons in security policies.

Measured against the standards set in 1995 and 2000, the nuclear powers, especially the United States, are not complying with the disarmament obligation. The Senate declined to approve ratification of the Comprehensive Nuclear Test Ban Treaty in 1999. Negotiations on a fissile materials treaty are stalled. The United States withdrew from the ABM Treaty in June 2002. Perhaps most disturbingly, the Defense Department's Nuclear Posture Review submitted to Congress at the end of 2001 signals the end, or at least the suspension, of verified and irreversible arms control.

In accordance with the Nuclear Posture Review, the short and starkly simple Moscow Treaty signed in May 2002 with Russia does not require the verified destruction of any delivery systems or warheads. In addition to treaty-permitted deployed strategic warheads, 1700-2200 in 2012, the Defense Department plans to retain many thousands of warheads in reserve. That includes large numbers — probably more than 2000 a decade from now — in a "responsive force" capable of redeployment within weeks or months. A more blatant rejection of the NPT principle of irreversible arms control could hardly be imagined.

Nor is there any indication in the Nuclear Posture Review or elsewhere that the Bush administration will seek to reduce the readiness level of deployed strategic forces, for example by separating warheads from delivery systems. Today, both the United States and Russia each have about 2,000 warheads on high alert, ready to launch within minutes of an order to do so.

The Nuclear Posture Review also ignores the commitment to reduce the military role of nuclear weapons and the longstanding assurances of their non-use against non-nuclear countries. Instead it reveals new trends towards making nuclear arms more usable, notably in response to non-nuclear attacks or threats involving biological or chemical weapons or "surprising military developments." Among the "immediate contingencies" it identifies for possible U.S. nuclear use is "a North Korean attack on South Korea" — not necessarily a nuclear attack.

Indeed, the reference to use of nuclear weapons against North Korea was one of a series of provocative Bush administration statements spurring North Korean nuclearization. They include naming North Korea as a member of the "axis of evil"; strategy documents embracing "preemptive" military actions against states acquiring of nuclear, chemical, biological, and radiological weapons; and depiction of a potential future North Korean missile deployment as a major basis for withdrawal from the ABM Treaty.

### Resolving the Crisis

The right and lawful thing for North Korea to do is to abandon any aspirations for a nuclear arsenal and to remain a member of the NPT. For its part, the United States should provide a formal assurance that it will not use nuclear weapons against North Korea. That step follows from the U.S. commitment already made to all non-nuclear weapon NPT states, and also was promised as part of the 1994 U.S.-DPRK agreement. The United States should also end the state of near war that has existed between the two countries for decades and normalize relations, including economic relations. That is fundamentally what North Korea seeks.

More broadly, if North Korea's hopefully temporary defiance of the NPT is to remain an aberration not imitated by other countries, the United States will have to learn that a viable nonproliferation regime depends crucially on compliance with the obligation to disarm nuclear weapons as well as the obligation not to acquire them.

*John Burroughs, LCNP executive director, is the principal author of the chapter on the NPT in Rule of Power or Rule of Law? An Assessment of U.S. Policies and Actions Regarding Security-Related Treaties (New York: Apex Press, 2003).*

# WHAT'S ON

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All Week-

NGO Morning Caucus, **9am - 10 am, Conference Room XXIV**

Linus Pauling Exhibition, Palais des Nations- **Halle des Pas Perdus**

## **TUESDAY 29 APRIL**

\*CTBTO Representative to address NGO Morning Caucus, **9am - 10am, Conference Room XXIV**

\* Prepcom Continues, Session Open, **10am - 1pm, Palais des Nations, Room XVIII**

\* The NPT: Past, Present and Future Key note Address by Jayantha Dhanapala, UN Under-Secretary General for Disarmament, Introductory remarks by Jonathan Granoff, President Global Security Institute and Senator Douglas Roche, O.C. Chair, Middle Powers Initiative. **1pm - 2pm, Palais des Nations, Room XVIII**

\* Abolition 2000 Press Conference: Heeding the Secretary General's Call for a Conference on Nuclear Dangers, **2pm - 3pm, Palais des Nations, Press Room 2, Building C**

\* Prepcom Continues, Session Open- **3pm - 6pm, Palais des Nations, Room XVIII**

\* Compliance Within a Nuclear Abolition Regime, Panel Discussion sponsored by Mayors for Peace, IALANA and INESAP, **5pm - 7pm, Palais des Nations, Conference Room XXIV**

\* Women's International League for Peace and Freedom 88th Anniversary Reception, **7:30pm- 10pm, WILPF Office 4th Floor, 1 Rue de Varembe (corner of Avenue de France)**

## **WEDNESDAY APRIL 30**

\* NGO Presentations to the Prepcom, **10am- 1pm, Main Prepcom Room, Room XVIII**

\* NGO Feedback Session with Plenary **1pm - 3pm, Room XVIII**

\* Northeast Asia Nuclear Weapons Free Zone workshop, **3pm - 6pm, Palais des Nations, Conference Room XXIV**

\* Interfaith/ ecumenical Service of Prayer for the Healing of the Nations and good success of the 2003 Preparatory Committee Meeting of the NPT, **6pm- 6:30pm, World Council of Churches, 1 route des Morillons 1218 Grand-Saconnex**

\* Poets Against The War, presented by the Atomic Mirror- RSVP to Janet Bloomfield: [info@atomicmirror.org](mailto:info@atomicmirror.org)

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the "axis of evil." "There is no give and take," said one representative of Abolition 2000, referring to the NWS. "But I guess that is where NGOs come into play."

Despite the seemingly desperate moment for disarmament that the world faces at the time of this PrepCom, NGOs are utilizing this opportunity to build upon the abolition networks established in past years, which have been fortified as a result of the burgeoning peace movement of recent months. The convening of the PrepCom, if nothing else, is facilitating major networking of NGOs from around the world. We are meeting, learning, and discussing these issues with each other, which empowers and inspires us to strengthen our individual disarmament work at home. New ideas, projects and initiatives are blossoming already. "If we had 1/10th of the money spent on the conference proceedings," exclaimed one NGO representative, "imagine what we could do!"

We are here to represent the millions of people who want to rid the world of nuclear weapons. We are here to draw media attention to this urgent issue of nuclear disarmament, to put pressure on the NWS to fulfil their commitment under the NPT. We are here to strengthen our global ties among the peoples of the world who have converged in Geneva in the name of nuclear abolition. Our presence here serves to remind the delegates that the world is paying close attention to what is happening at this conference. The States Parties were correct in their statements today: this will not be business as usual. And the non-governmental organizations will do everything we can to hold them to their words.

**Rhianna Tyson**  
**Reaching Critical Will**  
**WILPF**

Some say the most beautiful  
thing in the world  
is a great cavalry riding down over the hill

Others say it's a vast infantry  
on the march.

But I say the most beautiful  
thing is the beloved.

Sappho ~700 BCE  
International Movement of Poets Against War  
<[www.PoetsAgainstTheWar.org](http://www.PoetsAgainstTheWar.org)>  
submitted by the Atomic Mirror