



NEWS IN REVIEW

*Civil society perspectives on the second session of the Preparatory Committee
for the 2010 nuclear Non-Proliferation Treaty Review Conference
28 April–9 May 2008*



Discussions on Article X and institutional reform: Crisis of confidence or ripe for consensus?

Ray Acheson, Reaching Critical Will and Michael Spies, Arms Control Reporter

On Wednesday morning, the US delegation said that instead of debating all Treaty-related issues, NPT states parties should focus on “developing consensus in those key areas that seem ‘ripe’ enough to offer the prospect of agreement in 2010.”

This begs the question, what areas are ripe for agreement?

In his statement, Dr. Christopher Ford argued that one of the “ripe” areas relates to the issue of deterring and responding to withdrawal from the NPT, specifically by Treaty violators—in particular, holding Treaty violators accountable for their violations even after they have withdrawn from the Treaty. Dr. Ford indicated his delegation has been in consultation with others “about how best to articulate some general principles in this regard,” but he did not provide a sense of how much “consensus” on this issue his delegation has found or been able to generate.

Based on Wednesday’s statements and the interactive discussion related to Treaty withdrawal, there does not appear to be much consensus on this issue at all. There was, for example, concern about who would assess a party’s non-compliance: South Africa’s representative emphasized that violators should be identified by an objective body, not unilaterally by other states parties. There were also major disagreements about appropriate responses to withdrawal. Many states argued that any nuclear equipment, material, and facilities that a withdrawn state has imported or acquired while party to the NPT would have to be returned to the supplier state or “neutralized”. During the interactive discussion, Indonesia’s representative asked who would make that decision and how would it be made—we also ask, how would it be operationalized?

Several delegations indicated that the UN Security Council should convene to consider any withdrawal from the NPT and that it should, as Australia’s delegate said, “respond appropriately in accordance with the UN Charter.” However, Indonesia’s delegation identified two problems with this approach, arguing in its official statement that the decision-making dynamic in the UNSC, “which is limited in membership and consists of permanent members who have veto rights,” would result in a biased response. In an interactive response, the Indonesian delegation further argued that withdrawal from the NPT would not necessarily constitute a threat to international peace and security—the decision to withdraw could be taken for a variety of reasons, including because the state party has assessed that the Treaty is no longer beneficial to their interests. The speaker suggested that arrangements such as the US-India nuclear deal, from which a non-NPT state party would receive more benefits than many NPT states parties, could undermine the NPT’s usefulness. Other delegations, including Indonesia, felt that an emergency meeting of NPT states parties would be the better way to deal with a case of withdrawal.

Turning to another issue under consideration on Wednesday, institutional reform of the NPT, again NPT states face a lack of consensus. Several delegations, including Canada, Switzerland, and New Zealand, spoke in favour of a standing secretariat to coordinate and manage the NPT’s meetings and processes. A secretariat would provide consistency throughout review cycles, as it would be able to focus year round on implementing the Treaty’s provisions, keeping track of, standardizing, and assessing proposals and reports, and could provide outreach to member states and increase transparency and balance of the implementation all three pillars. It could, in essence, actually become a framework for achieving the objectives of the NPT.

The US delegation, not surprisingly, insisted that this sort of NPT institutional reform is not useful, arguing it would only add more layers of bureaucracy and provide new arenas for procedural squabbles. Dr. Ford argued that the existing institutional structures can deal with the problems of the NPT. However, if an emergency meeting of NPT states parties was called in response to a withdrawal, who would facilitate and service it? Would the UN Office for Disarmament Affairs drop whatever it happened to be working on, pull funds together, and set up a conference wherever it could find space? In its argument in favour of a standing secretariat, Canada made this obvious connection between dealing with the matter of withdrawal and need for a sufficient institutional structure.

Yet the idea of focusing on specific areas in the hopes of making small steps toward progress is welcome. Over the last two weeks, many other delegations have supported the idea of focusing, with a result-oriented attitude, on issues where progress might be possible and/or where it is most desperately needed in order to preserve (or revive) the NPT’s credibility. They have outlined what they see as concrete, pragmatic steps towards these ends. Unfortunately, there is no apparent consensus on any of these steps.

Switzerland’s Amb. Streuli remarked, it seems that the 2010 Review Conference will have mixed results, as so many states parties are dissatisfied with the gaps in implementing the Treaty and conditions are not yet ripe for fundamental changes. He suggested that in dealing with the issue of withdrawal, it is important to encourage states parties to remain committed to the Treaty by taking a more constructive approach to realizing the objectives of the Treaty. He argued that nuclear weapon states need to respect their obligations under Article VI of the Treaty, as it is the crucial motivation for non-nuclear weapon states to remain committed to the Treaty. During this PrepCom, virtually every delegation except for the United States’ has emphasized its commitment to all three pillars of the Treaty. This is one small, concrete, focused step the United States could take during this review cycle in order to restore confidence in the NPT. •

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The *News in Review* is a daily publication produced by the Reaching Critical Will project of the Women’s International League for Peace and Freedom.

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"For the good of mankind"

Katja Göbel, Pacific Network Germany

The Pacific Network in Germany and the Pacific Information Desk would like to remind the people of today that there are those in the world who have already suffered and are still suffering from nuclear weapons. The memory of them is our deep concern.

On 1 July 1946, the nuclear test period in the South Pacific region began with "Operation Crossroads," which the US government started in Micronesia (Marshall Islands). More than fifty years and 300 tests later, the French government conducted the last test at Fangataufa. But the region still suffers from the consequences of these tests. Until recently, the USA did not fulfil their duty to pay appropriate compensation to the Marshallese people. The French government still refuses to compensate the (indigenous) people of French Polynesia—especially those who worked at the dangerous test sites—for their affected health. The nuclear powers seem to ignore the populations of the affected areas.



In 1946, a US navy officer came to Bikini Island and told chief Juda, "We are testing these bombs for the good of mankind, and to end all wars." Very few of us Marshallese spoke English or even understood it. There was one word that stuck in the chief's mind: "mankind." He knew that word because it is in the Bible. So he said, "If it is in the name of God, I am willing to let my people go." The navy official did not tell the chief that the Bikinians would never see their home again. Bikini is off limits for 30,000 years. It will never be safe for people ever again. (Darlene Keju-Johnston - Marshall Islands)

Now, over sixty years after the first nuclear test in the Pacific, we know that these bombs did not protect the world from wars. On the contrary, the nuclear powers started their arms race that caused even more tensions between states. Wars went on, new ones came along, and countless people died. So the governments of the nuclear states should have realised that the "silver bullet" did not work. But this did not stop them from building more nuclear arms. Today we have around 26,000 nuclear weapons.

What should the people in the test areas of the South Pacific think about these "developments"? They were told that they would serve the people of the world if they left their homes, but it turned out to be untrue.

At the time the tests began, the Marshall Islands were part of the Trust Territory of the Pacific Islands and the United States had, among others, the obligation to:

- promote the economic advancement and self-sufficiency of the Micronesians;

- protect them against the loss of their lands and resources; and
- promote the social advancement of the people.

Quite the contrary happened. The Micronesians lost their homelands, their self-sufficiency, their health, and their self-determination.

The island Rongelap is located 130km away from Bikini. On 1 March 1954, the Rongelapese suffered most when the 17,000 kiloton-Bomb "Bravo" detonated at Bikini and the direct fallout contaminated Rongelap. For the cause of science and military development it was interesting for the nuclear powers to see what happened to the environment and the people. For the inhabitants of Rongelap and other affected areas it was an unjustifiable tragedy.

The loss of land was a very bitter experience and earned the Bikinians and Rongelapese the status of "nuclear nomads". They were brought to islands in the Kwajalein Atoll, where there is not enough space for everybody (Ebeye - 66 acres for more than 10,000 people). There they live in poor conditions without proper nutrition or sufficient water supplies or even suitable housing. They are dependent on food deliveries from outside. Next to them, on two thirds of Kwajalein's lagoon, which is the largest in the world, the USA has installed a military base for missile testing. In 2003, the USA renegotiated the "Compact of Free Association" (CFA) with a pro-American administration in the Marshall Islands. A separate agreement gives the USA continued access to its \$4 billion missile-defence test site on Kwajalein until at least 2066. In return, the USA agreed to pay \$15mn a year, rising to \$18mn after 2014. The new compact gives the Marshallese the right to work and live in America. In the first phase of the CFA (1986-2001), the USA paid \$270mn compensation to nuclear victims. However, the Nuclear Claims Tribunal, established under the compact, determined that the compensation required for damage to property alone was many times greater than this sum. And the new government in the Marshall Islands, elected in 2008, has repeated the call for adequate compensation for the illnesses, genetic defects, miscarriages, and deaths as well as the destruction of the land caused by radioactive contamination. Yet the USA refuses to pay any more.

Even though these islands are small they are still the homes of people! Acknowledging this is only human.

It wasn't easy to leave Rongelap. We had to give up everything. Many people don't think that our tiny island of Rongelap is very important to us. But it is our home. We are meant to be there. Our land is everything, our medicine, our food, our houses, our everyday supply. Our land is our memory of those people we've lost, their spirit is in the land. Our land is everything and it has been ruined by the US government. But we had to plan ahead for our children. I know it is too late for me and the others, our lives have already been ruined, but it's the future we're thinking about. We don't want our kids to receive all the sickness we are receiving now. The story of the Marshallese people since the nuclear weapons tests has been sad and painful. Allow our experience, now, to save others such sadness and pain. (Lijon Eknilang - Marshall Islands) •

Texts of Darlene Keju-Johnston and Lijon Eknilang are taken from: Zohl dé Ishtar (ed.): Pacific Women Speak Out. For Independence and Denuclearisation. Christchurch 1998.

Picture: The National Geographic Magazine, July 1946, p. 101.



News in Brief

Michael Spies, Arms Control Reporter

Highlights from the Cluster 3 Discussion:

Articles III and IV: Discussion of nuclear fuel cycle proposals

- Thailand reiterated basic elements of the NAM position on fuel cycle proposals.
- The United States expressed support for fuel supply assurances as a backup mechanism, which could contribute to the expansion of nuclear power and provide an alternative to the spread of sensitive nuclear technologies. The United States encouraged other states to support the NTI nuclear fuel bank initiative.
- Nigeria said any attempts to limit nuclear activities due to their proliferation-sensitivity must cease and that any proposals for fuel assurances must be consistent with the NPT and IAEA Statute.

Highlights from the Cluster 3 Discussion on Other Provisions of the Treaty:

Article X: Withdrawal

- Australia said the UN Security Council should convene automatically in the case of withdrawal and should demand immediate verification with the Treaty's provisions. Australia expressed the view that any state that withdraws should be banned from receiving nuclear material, equipment, or technology, and should be obligated to verifiably return or dismantle any such items provided under Article IV.
- Canada reiterated its call for agreement on the principles that no state should be allowed to withdraw and maintain its Treaty benefits; that a state should be in compliance with the NPT prior to withdrawal; and that withdrawal from the Treaty does not absolve a state of violations com-

mitted while it was party to the Treaty.

- Japan said that upon notice of withdrawal, the depositary states should convene an extraordinary meeting of states. As contained in its working paper on the subject, Japan also described areas of "common awareness" reached in previous discussions on the issue.
- South Africa said discussion of withdrawal should be limited to interpretation of Article X and that it could not accept any proposal that represented a de facto amendment to the Treaty. South Africa also said penalties for withdrawal were not provided under the Treaty and that any change could only be dealt with through the Treaty amendment process.
- Indonesia raised concerns about the UN Security Council dealing with withdrawal cases in light of its limited membership and application of the veto right. Indonesia called for withdrawal cases to be dealt with through an emergency meeting of NPT parties instead.
- The Republic of Korea expressed the view that a notice of withdrawal must be provided in writing to be valid, NPT obligations must be satisfied at the time of withdrawal, and any equipment and material obtained under Article IV must be returned to the supplier. Its suggestions for a response mechanism included an emergency meeting of states parties empowered to call upon a withdrawing state to elaborate its motives and to consider how materials and equipment will be returned, ensuring such material and equipment remains under IAEA safeguards.
- The United States said "constructive" consensus was only possible on responding to withdrawal of treaty violators, noting there was no consensus on penalizing withdrawal per se or on making withdrawal more difficult.

continued on next page

The International Campaign to Abolish Nuclear Weapons (iCan) works to bring together medical professionals, mayors, civil society groups, non-government organisations, churches and citizens to demand an end to nuclear weapons.

iCan is now active across the world, helping to build political and community awareness towards a nuclear weapon free world.

To find out more, look out for representatives and **iCan** events at this NPT PrepCom or visit our website:

www.iCanw.org

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News in Brief (cont.)

- The European Union said the legal requirements of Article X and the implications for withdrawal should be clarified. It expressed the understanding that in the case of withdrawal, a state should remain liable for violations committed while party to the Treaty and that technology and material previously acquired should continue to be used exclusively for peaceful purposes.
- New Zealand said the need for a response mechanism was a matter of priority.
- Switzerland suggested two elements toward addressing withdrawal: creating disincentives by specifying consequences and creating incentives by specifying benefits of Treaty membership, with implementation of Article VI crucial in the latter context.
- Iran argued against taking up the issue of withdrawal, stating the NPT faced more urgent priorities. In a right of reply to the EU cluster 2 statement, Iran asked what incentives do states have to stay in the Treaty if non-NPT states are rewarded for non-participation?
- Cuba rejected equating withdrawal to a threat to international peace and security.
- Argentina favored the study of a response mechanism and suggested withdrawal could be dealt with through an extraordinary session of states parties.

Interactive discussion on withdrawal

- Indonesia asked Japan, who would decide if a withdrawing state is no longer allowed to use equipment, material, and facilities supplied to it? Indonesia also disagreed that the issue of withdrawal was automatically linked to international peace and security. Indonesia gave several examples of why a state might decide to withdraw, which included: deciding the Treaty no longer served its interests or that it no longer provided any economic benefit. In the latter case, Indonesia specifically referred to the US-India deal.
- South Africa expressed appreciation of the US position, which focused on targeting violators of the Treaty that withdrew. South Africa said it would have appreciated it more if the United States had added that violators would be identified through some internationally recognized forum rather than through the unilateral view of states.

Strengthening the Treaty: Standing Secretariat

- Canada argued in favor of a standing NPT secretariat, calling for the establishment of a standing bureau an important first step. Over the next year, Canada will work out the financial aspects of its proposal and present the results as a working paper to the third session of the PrepCom. Canada also called for annual meetings of states parties.
- The United States argued against creating any standing NPT body, stating the problems facing the NPT regime were political rather than procedural and that there were no institutional gaps that needed to be filled.
- New Zealand specifically endorsed Canada's proposal for a standing NPT secretariat, and repeated the call for annual meetings.
- Switzerland listed proposals for a standing secretariat and annual meetings of states as possible steps that would reinforce the NPT's institutions.

Strengthening the Treaty: Other measures

- The United States said work should be done to control the costs of the NPT conferences, suggesting the secretariat should maintain electronic copies of documents only. The United States suggested the scale of assessments be re-

viewed. The United States also suggested revision of the procedures of selecting the bureau.

- New Zealand expressed support for a cross-regional bureau.
- The Secretariat, in response to issues raised by the United States, agreed to the need of shifting from written summaries to digital audio records archived on the internet. The Secretariat said it would be in a better position to provide information about these options by the Review Conference.

Procedural Matters:*2010 Review Conference agenda*

- The chair announced he would be conducting informal consultations with the chair of the first PrepCom, intended to facilitate work on the agenda for the Review Conference, to be agreed to at the third PrepCom.

Chair's factual summary

- The chair announced he would circulate his factual summary of the session on the afternoon of Thursday, 8 May.

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—Walter Cronkite*

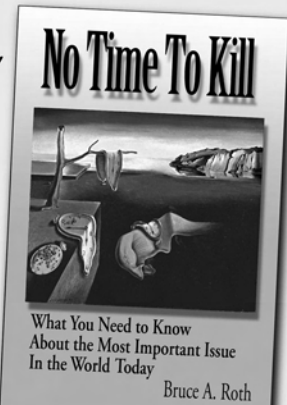
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The Entry into Force of the CTBT: New Opportunities?

Emma Rosengren, Women's International League for Peace and Freedom

The United Nations Institute for Disarmament Research (UNIDIR) organized this side-event chaired by UNIDIR Director Dr. Patricia Lewis, who emphasized the importance of changing attitudes among some governments to make the entry into force of the CTBT possible. The panel featured Dr. Rebecca Johnson, Acronym Institute for Disarmament Diplomacy and Mr. Alexander Kmentt, Special Assistant to the Executive Secretary of the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO).

Dr. Johnson spoke about lessons learned from CTBT negotiations and how they can be used to further multilateral arms control and disarmament. She especially pointed out three prospective treaties: a fissile material cut-off treaty, a space security treaty, and a nuclear weapons convention. The first lesson was of the importance of leadership among states who possess these weapons, even though they may be reluctant at first. Dr. Johnson explained that history has shown that it is exactly the states that oppose proposals at a first stage that often come to play key roles later on. She also pointed out the need for political and civil society input and pressure, using the civil society pressure that led to moratorium on nuclear weapons testing in several countries as a good example of how civil society has promoted political change. Dr. Johnson also highlighted the importance of pre-negotiations and laying political and technical groundwork, adding that militarily and economically strong states do not always get their way. Small states have the possibility to work together with each other and civil society and to use mechanisms to change state interests. By proposing models demonstrating that different tasks are feasible, states can make a huge impact on future outcomes of negotiations.

Mr. Kmentt presented an overview of the main tasks of the CTBTO: the establishment of International Monitoring Systems and an International Data Centre, and the development of operational manuals. He stated that improvements have been made in technologies and data and that they will advance further. However, inspections can only be done after the CTBT has entered into force, which is why it is urgent to encourage all states to sign and ratify the Treaty. This would not only further establish a norm against nuclear testing, but would also lead to the establishment of an executive council and the implementation of inspections, which would be important measures and catalysts for nuclear disarmament. Furthermore, it would provide new forms of arms control based on global real time data, build confidence because of the possibility of verification, decrease distrust, and limit the possibility of proliferation.

Further issues were raised during the Q&A Session. Regina Hagen from the International Network of Engineers and Scientists Against Proliferation asked how the International Monitoring Stations could be used for other purposes. Mr. Kmentt explained that there are no technical, only political, limitations for the use of existing technology. He said that for example it could easily be used for research about climate change. A representative from the Pakistan Mission asked if verification measures should be prioritized in future negotiations, based on CTBT lessons. Dr. Lewis made clear that "scope and verification are hand and glove," and Dr. Johnson added that in many cases the technological aspects of verification already exist. •



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NEWS IN REVIEW



What's On Today's Calendar of Events

Government Briefing: Counsellor Febrian A. Ruddyard of Indonesia

Where: NGO Room (Room VIII)

When: 9:00 - 10:00am

Contact: Susi Snyder, WILPF

Website: www.wilpf.int.ch

Building on the momentum for disarmament: what can NPT states realistically do today?

Where: NGO Room (Room VIII)

When: 1:15 - 2:45pm

Contact: Paul Ingram, British American Security Information Council (BASIC)

Website: www.basicint.org

US Eliminations Under the INF Treaty and Additional Reductions

Where: Room XI

When: 1:15 - 2:45pm

Contact: US Delegation

Answers from yesterday's crossword puzzle:



Nuclear Wordsearch

mi ent d b h n e m a t t a c n i w e i
e r c d n e t n u m e y i e i n n n m i g
i r n o o l g n c g t t a r p o n r t t a
w c n t i i t n l a n i t s i r z n h r n
m o a r t v m z e g i t e t o b e n u m i
r o t c a e r r a e l c u n e m w l o i t
s a i e i r t m r r t l i s e o e b o r a
a z e f d y i m f n o o a c t b t e i e n
n r r a a v y r r s e h r n d a t n c d l
c r n e r e v i e w c o n f e r e n c e g
t i r d i h o r e t f m s b i o t e o n u
o o o y e i l a w n t t u r m v a c e r m
t c g e d c t n e m a m r a s i d e g n d
a a p m i l i t a r i z a t i o n e i m e
e n e e a e s n p h t i n m a e a r e e a
g l e n t s v f o r a i i l u r m e s t f
n n u e c o n r n n r f u i a z r e o n d
a m r e e v n a s z r r m t m m m r o p t
a u l i n s a r z s e t h a r u r h o r a
a e s r a n n b o n z i d w i o b o n c e
l r r s f e a n n s m e m u o e e u c d s
i i t r e l a r e g g i r t r i a h a t i

Resolution
Uranium
Disarmament
Mandate
Treaty
Militarization
Radiation
Review Conference
Nuclear free weapons zone
CTBT
Nuclear reactor
Enforcement
Hair trigger alert
Delivery Vehicles
Bomb