



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*

Looking ahead: Recommendations for the rest of the 2010 review cycle

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

In the final plenary meeting of the PrepCom, Chair Yel'chenko announced that his factual summary would not be annexed to the Committee's report, but would be turned into a working paper, just as Chair Amano's summary was last year. This announcement was followed by the adoption of the report and closing statements, when several delegations expressed both great appreciation for Chair Yel'chenko and extreme displeasure with his factual summary (see the News in Brief on page 3 for details).

While some delegations expressed support for the value of a chair's summary, Egypt's representative suggested the Chair should have taken a different approach to his paper, arguing that the PrepCom needed to adopt a report that included substantive items for discussion and that charted areas of convergence. He said that the Chair's draft, which included controversial items and did not sufficiently identify action-oriented proposals, represented a lost opportunity to develop a consensus document upon which the next session of the PrepCom could build.

Over the course of this PrepCom session, several delegations made substantial, concrete proposals on specific issues related to strengthening and implementing the Treaty. Some of these proposals have generated broad interest, momentum, and/or convergence, suggesting they are or could be ripe for action by the 2010 Review Conference. Below, six of these areas are identified, with recommendations for action provided.

Revitalizing the practical steps to nuclear disarmament

While most delegations welcomed the reductions that four of the nuclear weapon states have undertaken, most also argued that reductions are not occurring transparently, irreversibly, or quickly enough—and many argued that there have been little or no effective measures related to nuclear disarmament, as called for in Article VI of the NPT.

The overwhelming majority of delegations argued that the 13 practical steps, unanimously adopted at the 2000 Review Conference, still constitute the roadmap for implementing Article VI. Many delegates reiterated the need for the steps to be recommitted to, reported on, and implemented. Some suggested the steps could be updated or “refreshed” to reflect the changes in global security since 2000. Japan's working paper on nuclear disarmament, aspects of Germany's “New NPT Implementation Baseline,” and France's “action plan” for nuclear disarmament all reflect and build upon elements of the 13 steps. Some delegations expressed interest in the UK's work with Norway and VERTIC on multilateral disarmament verification and in the development of a verifiable post-START

arrangement and more substantial US-Russian bilateral reductions. On 30 April, Switzerland's Amb. Streuli suggested that bolder bilateral reductions along with commitments by all nuclear weapon states to a moratorium on the development of nuclear weapons would go a long way. Many delegations called for nuclear weapon states to reduce the operational status of their nuclear weapons as an interim step to disarmament. Momentum around this particular issue was generated at the 2007 UNGA First Committee, where a resolution on de-alerting received overwhelming support from UN member states.

Recommended action: The RevCon should seek to establish a goal-oriented path toward implementation of Article VI, perhaps through a review of the 13 practical steps that does not forsake past commitments. To this end, the third session of the PrepCom should call unambiguously on all states (with an emphasis on the nuclear weapon states) to report specifically on their implementation on each of the 13 practical steps to the 2010 RevCon.

Increasing transparency through reporting

A number of delegations increased their calls for a standardized reporting mechanism as a means to creating “an environment more suitable for nuclear disarmament” by raising the level of transparency, accountability, and trust among NPT states parties. In WP.26, the New Agenda Coalition highlighted the need for transparency and confidence-building, primarily through a reporting mechanism for nuclear arsenals, future plans for downsizing, and the reduction of reliance on nuclear weapons in national, regional, and collective security doctrines. On 2 May, Canada and Mexico called for increased official reporting on these elements as well, and Japan's WP.10 on nuclear disarmament includes a non-exhaustive list of possible categories for reporting. Project Ploughshares published a report on reporting, Transparency and Accountability, which both assesses the current level and quality of reporting by both NWS and NNWS and makes suggestions for developing a standardized reporting mechanism.

Recommended action: States parties should consider these suggestions at the next PrepCom session and seek to adopt a legally-binding reporting mechanism at the RevCon.

Implementing the 1995 resolution on the Middle East

To some states, establishment of a nuclear weapon free zone in the Middle East constitutes a fourth pillar of the NPT. This goal is at the heart of the bargain to extend the Treaty indefinitely in 1995; it is bound to a related, identified goal of states

Final Edition No. 9

In this issue:

News in Brief 3

What can NPT states realistically do today? 3

Negotiations on a nuclear weapons convention 4

Good Faith 5

Global Article 9 Conference Statement 6

Working Paper Review 8

Blurring the Nuclear Threshold 10

France, NATO, and nuclear disarmament ... 11

2008 NPT PrepCom Summary 12

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.

See www.reachingcriticalwill.org for information, statements, papers, reports, archived *News in Reviews*, and more from the NPT.

continued on next page

Looking ahead (cont.)

parties— achieving the Treaty's universality; and it has implications for global security concerns, including the Middle East peace process.

In WP.20, which appeared to interest even some of the nuclear weapon states, Egypt presented a non-exhaustive list of concrete measures aimed at operationalizing the 1995 Middle East resolution. The paper calls on the 2010 Review Conference to consider: calling on the NWS to convene a conference of all Middle East states to conclude a legally-binding and internationally and effectively verifiable treaty establishing a NWFFZ in the Middle East, further inviting the NWS to undertake multilateral and bilateral consultations to define the modalities of this conference; calling on all states parties to require as a precondition that Israel accept IAEA fullscope safeguards and legally-binding commitments not to acquire nuclear weapons before entering into supply arrangements; calling on the IAEA to reduce the level of technical cooperation with Israel until it accedes to the NPT as a NNWS; further requesting all states parties take practical measures to bring about Israel's accession to the Treaty as a NNWS; issuing a statement of support for establishment of a Middle East NWFFZ within a declared time frame; and calling on states parties to submit reports to each Preparatory Committee meeting and Review Conference on their efforts toward implementation of the 1995 resolution.

Recommended action: These steps should be carefully considered at the next PrepCom, with a view to establishing a subsidiary body dealing with specific and substantive proposals at the 2010 RevCon and seeking consensus on next steps through informal and formal discussions on the issue at the UNGA and in other fora.

Establishing a standing NPT secretariat

During this PrepCom, 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: it would be able to focus year round on implementing the Treaty's provisions; keeping track of, standardizing, and assessing proposals and reports; providing outreach to member states; and increasing transparency and balance of the implementation all three pillars. It could, in essence, actually become a framework for achieving the objectives of the NPT. One delegation insisted that a standing secretariat would not be useful, but the majority appear willing to consider an institutional framework for the NPT.

Recommended action: The 2010 Review Conference would be the perfect time to give the NPT the structural support it needs and deserves. States parties should use the rest of this review cycle to discuss and devise a standing NPT secretariat, recognizing the valuable contribution that the BWC Implementation Support Unit and the OPCW have played in implementing those WMD conventions.

Disarmament and non-proliferation education

Nineteen delegations joined Japan this year to emphasize the importance of disarmament and non-proliferation education as a tool to working toward creating the conditions for a nuclear weapon free world. They argued that education will nurture new thinking by both governments and citizens, which will in turn “empower individuals to make their contribution, as national and world citizens, to disarmament and non-proliferation.” In WP.9, Japan elucidated the value of disarmament and non-proliferation in the NPT context and

suggested that the recommendations in UN Secretary-General report A/57/124 on how to promote disarmament and non-proliferation education should be reaffirmed and followed. In order to implement the recommendations, the paper suggests that efforts on education in the NPT context should include “deepening discussions among security and disarmament experts on the security benefits of and challenges to the NPT regime, and providing knowledge on these issues to the public.” It recommends that experiences in education efforts should be shared among member states, international organizations, and civil society.

Recommended action: This review cycle should emphasize education and call for states parties to implement the recommendations contained in A/57/124 as a means to strengthening the NPT regime through enhancing transparency and awareness, leading to democratic engagement of the people on issues of security and disarmament.

Fissile materials treaty

In 2007, the Conference on Disarmament came closer than ever to beginning negotiations on a fissile materials cut-off treaty (FMCT). Some states maintain reservations about starting negotiations without a clear mandate guided by the principles of verification and non-discrimination, which the vast majority of states agree should be included in the treaty, along with restrictions on fissile material stocks. The International Panel of Fissile Materials (IPFM), an independent group of arms control and non-proliferation experts from both nuclear weapon and non-nuclear weapon states, has engaged in and will soon publish extensive research on the verification of a future fissile material treaty.

In the interest in regaining momentum towards negotiation of such a treaty, Germany, in WP.21, suggested that first steps could include fissile material-producing countries committing to: a political declaration containing a fissile material cut-off; adopting the necessary measures for security, control, and accounting of weapon-usable materials; and to enter without preconditions into negotiations on a non-discriminatory, legally-binding FMCT. WP.21 also suggests an alternative approach toward an FMCT, calling for a “framework treaty” and charting the course for a gradual implementation process. Under this approach, states parties would separately conclude additional implementation protocols, developing an effective verification system and broadening the scope of the treaty. In parallel to this approach, the paper also suggests the establishment within the CD of a Group of Scientific Experts to examine technical aspects of an FMCT and the commencement of a “Fissile Material Control Initiative” as a voluntary arrangement to be pursued along with or independently of an FMCT.

Recommended action: Initiatives parallel to negotiation of a fissile materials treaty, such as Germany's proposal of a control initiative, should be discussed during this review cycle, with an aim to engaging the majority of UN member states—as opposed to just the 65 CD members—and independent initiatives such as IPFM in order to generate support for immediate commencement of negotiations for a fissile materials treaty in the CD. •



News in Brief

Michael Spies, Arms Control Reporter

Procedural Matters:

Adoption of the Final Report

- The Committee was able to adopt only a technical final report, omitting the chair's factual summary.

The Chair's Factual Summary

- Following the precedent of the first PrepCom, the chair was compelled to submit his factual summary of the session as a working paper, instead of appending it to the final report, due to disagreement over its contents and balance.
- New Zealand and Nigeria made comments supportive of the chair's summary. New Zealand expressed the view that the summary was fair and balanced, stating it was inevitable it would contain views that some disagree with. New Zealand found the process of compiling the summary worthwhile, despite its difficulties, noting that its summarizes the discussions in a thematic and analytical way not done elsewhere.
- The European Union blandly stated the summary reflected discussions and working papers of the session.
- Iran said a consensus text could only be adopted through a negotiation process. In criticizing the summary, Iran stated the chair should not be expected to summarize the delicate positions of states on sensitive issues affecting national security. After a "thorough review" of the text, Iran concluded that it lacked balance and did not represent the view of all states, providing a list of fifteen examples from the summary text.
- Egypt suggested the report could have done more to highlight areas where consensus existed. Egypt criticized it for focusing on controversial positions without specifying the level of support enjoyed by those views and for drawing heavily on the report of the first PrepCom. Egypt said an opportunity had been lost in building toward the RevCon, stating the purpose of the session was supposed to be more than merely deliberative.
- The United States said it felt compelled to note some of the "inaccuracies" in the summary, which included its treatment of Iran, Syria, the nature of US nuclear cooperation with Israel, and the US disarmament record. The United States suggested pressure from Iran had succeeded in causing the chair to "whitewash" and "soft pedal" its discussion of Iran and that the Syrians owed the chair a debt of gratitude.
- Algeria said it was unable to endorse the summary, citing its "imbalances", which included its treatment of the Middle East, peaceful uses of nuclear energy, and disarmament.

Other Closing Comments

- The United Kingdom delivered a statement on behalf of the P5, which focused largely on the need for compliance with non-proliferation objectives. In addition, the P5 stressed the necessity for the RevCon to deal with the issue of a nuclear fuel supply mechanism, in the context of multilateral approaches to the fuel cycle.
- In a right of reply, Iran criticized the P5 statement for calling out Iran, suggesting such statements did not contribute toward achieving a peaceful, negotiated solution to the dispute over Iran's nuclear program.
- The EU said NPT states would need to streamline their discussions in order to properly prepare for the RevCon.

What can NPT states realistically do today?

Emma Rosengren and Linnéa Lagergren,

Women's International League for Peace and Freedom

At an event organized by the British American Security Information Council (BASIC) Paul Ingram of BASIC argued that the lack of faith in the non-proliferation regime corrodes the ability of the international community to work together. He suggested, however, that this pessimism towards cooperation is not static, and that it is time for states to pass through "a maturing process and accept their international responsibilities, just as we all as individuals pass through stages of adult development." Arguing that one of the most powerful drivers for states to acquire nuclear weapons is fear, Mr. Ingram said that aggressive counter-proliferation strategies against NNWS suspected of developing nuclear weapons can be self-defeating. He suggested the most effective international non-proliferation strategy reducing fear. Mr. Ingram also pointed to the elimination of high-alert warheads on launch-on-warning status (read more about this in News in Review, No. 7) as a crucial step toward disarmament. He also highlighted the need to bring the CTBT into force and to negotiate an FMCT.

Andreas Persbo of the Verification Research, Training and Information Centre opened his speech by stating that "[t]he [nuclear] bomb has always been the unwanted child of warfare," while also noting that the elimination of these weapons faces great difficulties because of its relation to power. However, different verification mechanisms could improve the disarmament process since they would both detect violations and serve as a deterrent. Therefore, funds, techniques, and technologies need to be strengthened which would advance the work of both the IAEA and CTBTO.

During the Q&A session, a representative from France argued it is necessary to change national strategic interests instead of "naming and shaming". Using the Ottawa Convention Banning Landmines as an example, he argued that states can reassess the context of their strategic interests. •

"No Time To Kill is a
fascinating and informative
work. It will be a valuable addition to my research library."
—Walter Cronkite

"Your book contains
a mine of useful information..."
—FW de Klerk

"Warmest congratulations on your capacity to go
straight to the heart of these complex issues..."
—Robert J. O'Neill, A.O.

"I appreciate your efforts to promote
a world...without weapons of mass destruction."
—Desmond Tutu

"Your book is
attractive, impressive, effective,
and powerful—a noble effort."
—Sydney Drell

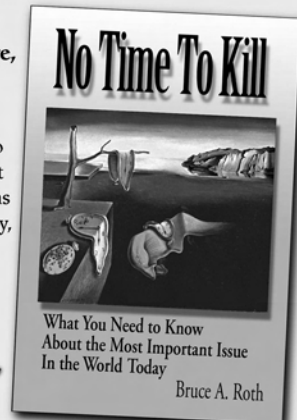
No Time To Kill is a holistic guide to WMDs, terrorism, and genocide. It focuses on these complex problems through the lenses of anthropology, foreign policy, psychology, the history of war, religious violence, and the rule of law.



Daisy
Alliance

To order, go to:

www.daisyalliance.org



What You Need to Know
About the Most Important Issue
In the World Today

Bruce A. Roth

Make the World free from WMD



Negotiations on a nuclear weapon convention held by European students! - Calls for a Nuclear Weapons Convention from a nuclear safe bunker -

Inga Blum and Julia Kramer

On Saturday, 3 May, 36 students held a model negotiation on a Nuclear Weapons Convention (NWC). Together with over 40 other students, they had observed the first week of the NPT PrepCom, while staying in one of Geneva's nuclear fall-out shelters that are rented out as cheap accommodations.

From beginning to end it was an in-depth learning experience for the students of the European youth network BANG and the universities of Darmstadt and Hamburg. Moving into a fall-out shelter evoked images of the effects of a nuclear war, while witnessing the ongoing negotiations at the UN and simulating as realistically as possible the negotiation of a NWC made the obstacles towards a nuclear weapon free world visible to all.

Background to negotiations

The students formed 13 country delegations over the internet before coming to Geneva. Upon their arrival, they were faced with a hypothetical scenario in order to give a sense of urgency to their negotiations: the 22 countries of the Arab League had announced their withdrawal from the NPT in response to an official confirmation of Israel possessing nuclear weapons. Consequently, the Conference of Disarmament scheduled a conference for 3 May to discuss the imminent danger of the NPT losing its claim of near-universality and its credibility, thereby opening the door for uncontrolled proliferation. The purpose of the CD's emergency conference was the negotiation of a universally acceptable text of a NWC, including practical steps and a time frame for nuclear disarmament.

Diplomats ask for pressure of youth

To prepare for this conference, the students followed the real proceedings of the PrepCom and researched the positions of the countries they represented. They also met with members of nearly all 13 official delegations represented in the model conference. The diplomats warmly welcomed their interest and made an effort to help them make their position as realistic as possible.

While in the beginning most diplomats said that the proposed scenario and negotiations on a NWC were unlikely, after a while they often engaged in thought-provoking discussions on what their countries' reactions to such a scenario and their position on a NWC might be. Notably, afterwards many diplomats emphasized how important they considered such meetings. The real German delegation to the PrepCom even excused itself in the discussion on Cluster 1 issues for being incomplete because some of its members were currently attending an important meeting with students. They said that delegates needed the pressure from youth to improve global security.

The simulation

During the evenings in the bunker, alliances were formed, strategies discussed, and numerous working and position papers drafted.

On the day of the model conference, the student delegates had adopted the style of real diplomats, from the formal suits and dresses they wore to their diplomatic manner of speech. Prof. Tilman Ruff, member of the official Australian delegation to the NPT PrepCom, and Xanthe Hall, IPPNW Germany, expertly acted as chairs of the simulated negotiation. The agenda consisted of a discussion of article 1 and 4 of the NWC, the first containing general state obligations for disarmament and the latter dealing with the time frame for elimination of nuclear weapons. The draft version of the NWC was taken from the working paper NPT/CONF.2010/PC.I/WP.17, submitted to the 2007 PrepCom by Costa Rica.

In the beginning, position papers were read out by the delegations, setting the course for a conference that had to deal not only with an ambitious agenda, strict rules of procedure, and a very limited time frame (10.00 - 18.00), but also with huge differences in interests and opinions.

Realistic and hopeful simulation result

Realistic and hopeful simulation result

Due to the limited time frame of the negotiations, agreement could only be reached on Article 1 of the NWC. The "no use policy" of nuclear weapons suggested in the official draft was diminished into a weaker "no first use policy". Later, informal discussions brought to the surface that this amendment was a concession to certain nuclear weapon states and part of a wider strategy that had been worked out during informal meetings to ensure that there could be a consensus on a final document.

As most nuclear weapons states in the real world do not have a "no first use policy", such an outcome would be an improvement. However, the simulation demonstrated that some nuclear weapons states are probably not ready to immediately give up their reliance on nuclear weapons.

Overall, the conference was seen as a success: both the simulation delegations of Israel and Iran commented afterwards that it was an important first step towards trust and peace in the Middle East, as well as a cornerstone for further negotiations on a NWC.

The impressive commitment of all the student delegates, to take time to come to Geneva and to engage so actively in preparing their positions, is a reason for hope. Both the students and the simulation organisers—Stephanie Petrasch, TU Darmstadt, and Regina Hagen, INESAP—say that the learning affect of actively taking the role of a diplomat in the negotiations has been immense. The informal meetings showed the students' dedication to reaching agreement on a NWC as a solution to the threatening scenario of the simulation game.

Student comments after the model conference

- "A NWC is possible, but it is really difficult. There must be more trust in the world, among the states and among people."
- "I have learned how to negotiate, dress, speak good English, lie, not applaud, get along with everyone. It felt great to think of myself in other positions and to negotiate and form alliances."
- "I have come to know much better that a restricted and one-sided view is insufficient."

The positive reception by many diplomats and the emphasis made by Germany that youth are needed to improve international security was encouraging, and there are plans for continuing model negotiations and other student activities. However, the voices of the real politicians and diplomats are needed even more: to pick up the call, to overcome the obstacles, and to begin negotiations on a Nuclear Weapons Convention now—to make sure that the fall-out shelters of this world remain redundant, or at most, hosting facilities for intercultural youth meetings. •



Good Faith: A Fundamental Principle of International Law*John Burroughs, Lawyers' Committee on Nuclear Policy*

"Good faith is a fundamental principle of international law, without which all international law would collapse," declared Judge Mohammed Bedjaoui during the first week of the PrepCom. Bedjaoui was President of the International Court of Justice when it gave its 1996 advisory opinion on nuclear weapons, and more recently, Algerian Foreign Minister. He delivered the keynote address to a conference, "Good Faith, International Law, and the Elimination of Nuclear Weapons: The Once and Future Contributions of the International Court of Justice," held on 1 May at the Warwick Hotel in Geneva.

A major portion of Judge Bedjaoui's address was devoted to the legal significance of the addition of the phrase "good faith" to NPT Article VI, which requires each state party to "pursue in good faith negotiations on effective measures ... relating to nuclear disarmament". The phrase also figures in the Court's unanimous formulation of the obligation, based on NPT Article VI, "to pursue in good faith and bring to a conclusion negotiations on nuclear disarmament in all its aspects." He explained that general legal principles governing good-faith negotiation as applied in the NPT context include:

- sustained upkeep of the negotiation; awareness of the interests of the other party; and a persevering quest for an acceptable compromise, with a willingness to contemplate modification of one's own position
- refraining from acts incompatible with the object and purpose of the NPT; proscription of every initiative the effect of which would be to render impossible the conclusion of the contemplated disarmament treaty
- respect for the integrity of the NPT; no selectivity regarding which provisions to implement
- a general obligation of information and communication
- prohibition of abuse of process such as fraud or deceit
- prohibition of unjustified termination of negotiations

In related observations regarding "building confidence," Judge Bedjaoui stated: "Today more than ever, it is important to attribute a more decisive role to the UN in the coherent, democratic conduct of an integrated process of nuclear disarmament, with a realistic and reasonable schedule."

Judge Bedjaoui also offered some fascinating comments on the 1996 opinion's treatment of the question of legality of threat or use of nuclear weapons. He noted the "radical incompatibility existing in principle between the use of nuclear weapons and respect for international humanitarian law" reflected in the opinion. And he attributed the Court's failure to advise that threat or use is illegal in all circumstances to the inability of some judges to ignore the "pseudo-scientific chiaroscuro" of a "clean" nuclear bomb raised by some states and referred to in paragraph 95 of the opinion.

One of the conference panels considered the strategy of returning to the International Court of Justice to seek its advice on the legal consequences of the disarmament obligation. Phon van den Biesen, an Amsterdam-based lawyer, advocate before the Court, and vice president of the International Association of Lawyers Against Nuclear Arms (IALANA), observed that the nuclear weapon states "pretend there are no specific obligations" flowing from the Court's 1996 opinion. He

said it is time for civil society to rally as it did in supporting the request for the first opinion, and for the UN General Assembly to "break the stalemate and ask the Court to remind the world that international law is not just text on paper, but agreed norms and obligations." Representatives of organizations sponsoring the conference explained the emerging "good faith" campaign. Among them was John Loretz, program director of the International Physicians for the Prevention of Nuclear War (IPPNW). He said that the initiative to return to the Court and the International Campaign for the Abolition of Nuclear Weapons (ICAN) complement each other.

Other speakers addressing the conference were international lawyers and law professors and NGO analysts. Peter Weiss, vice president of IALANA and of the Fédération Internationale des Droits de l'Homme, called the U.S. retrogression from the 13 practical steps for nuclear disarmament agreed at the 2000 NPT conference a "clear violation" of good faith. Professor Marcelo Kohen of the Graduate Institute of International and Development Studies, Geneva, defended the Court's holding in the 1996 opinion that states are required to "conclude" negotiations on nuclear disarmament. While that term is not found in Article VI, it is implied by the mandate to achieve the object and purpose of the NPT.

Professor Karima Bennouna of Rutgers Law School, USA, surveyed the human rights critique of nuclear weapons, which she said has been underutilized in both the human rights and disarmament fields. She commented: "As in the area of nuclear disarmament, in the world of human rights, all too often we see clear and repeated violations of Article 26 of the Vienna Convention on the Law of Treaties which stipulates that 'Every treaty in force is binding upon the parties to it and must be performed by them in good faith.' States are rarely held accountable for these abuses." She concluded: "Ultimately, I think that human rights and nuclear disarmament advocates should see a common interest in a vigorous defense of the principle of good faith in international legal process—as it is central to both our sets of projects."

Ambassador Jaap Ramaker, drawing on his experience as chair of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) negotiations in 1996 when the treaty was adopted, identified political and legal conditions that support successful negotiations. Among them are: prior commitments to negotiation of a treaty (both the Partial Test Ban Treaty and the NPT identify the CTBT as an objective); commitments regarding completion of negotiation (the NPT 1995 Principles and Objectives specified 1996); establishment of a proper negotiating mechanism; and clear circumscription of the scope of the negotiations.

Speaking for the New York-based Lawyers' Committee on Nuclear Policy, I outlined the lack of compliance with the disarmament obligation in the last decade. There have been no negotiations, bilateral, plurilateral, or multilateral, on the reduction and elimination of nuclear arsenals. The only arguable exception, the two-page 2002 U.S.-Russian agreement, was more of a confidence-building measure, lacking provisions on verification or irreversibility.

Jacqueline Cabasso, executive director of the California-based Western States Legal Foundation, characterized the policy of the nuclear weapon states, in particular the USA,



Global Article 9 Conference Statement towards the NPT PrepCom

Markuhari, Tokyo, 6 May 2008

Article 9 of Japan's Constitution was born out of the excruciating human agony and devastating destruction brought about by the nuclear bombings on Hiroshima and Nagasaki. Following the nuclear attacks on two of its cities, Japan renounced war and the threat or use of force as a means of settling international disputes and prohibited the maintenance of armed forces and other war potential. Thus, the spirit of Article 9 reflects the appeal of hibakushas (the A-bomb survivors) calling for "No more Hibakushas, No more Hiroshima/Nagasaki, No more Wars" and rejects dependence on nuclear weapons in security policies and demands that all nuclear weapons be outlawed and abolished.

So far, however, the international debate has prioritized non-proliferation over nuclear abolition and no significant steps towards disarmament have taken place. Moreover, nuclear weapon states have not carried out their obligations under Article 6 of the Non-Proliferation Treaty (NPT) and have been modernizing and developing new nuclear weapons and systems for their delivery. Nuclear weapon states parties to the NPT must revive the process of disarmament and abolition of nuclear weapons by beginning immediate negotiations for a Nuclear Weapons Convention.

We, the under-signed participants and supporters of the Global Article 9 Conference to Abolish War, reiterate the unlawfulness and immorality of nuclear weapons; express our strong support and solidarity to Abolition 2000 that held its Annual General Meeting on May 3; and make the following recommendations while the second Preparatory Committee meeting for the NPT 2010 Review Conference is taking place in Geneva.

We urge all governments to:

- 1) move beyond nuclear threats and preparation for nuclear wars, stop invoking the unstable security environment to justify their refusal to implement the NPT and engage constructively towards enhancing international security without relying on nuclear weapons;
- 2) respect their obligations under the 1970 NPT and the 1996 ICJ advisory opinion to "pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control," and implement their "unequivocal undertaking" as set forth in the 13 agreed practical steps of the 2000 NPT Review Conference Final Document;
- 3) support the Model Nuclear Weapons Convention produced by civil society and introduced to the UN as a basis for completing negotiations by 2010 on a treaty for the elimination of nuclear weapons;
- 4) immediately cease all programs for research, design, development and production of nuclear weapons and missile defense programs invoked to justify overwhelming military budgets, and reallocate these resources to cleaning up the toxic legacy of the nuclear age and provide for health, education and sustainable development, as well as develop non-military mechanisms to achieve and maintain national and global security;
- 5) support immediate negotiations for a Missile Ban Treaty and a ban on weapons in space;
- 6) promote the establishment of Nuclear-Weapon-Free Zones, especially in the Middle East and Northeast Asia, as a step towards the speedy, universal and verifiable abolition of nuclear weapons and as a way to avert possible nuclear crises, while at the same time fostering a basis for

dialogue and peaceful solutions;

- 7) promote peace and disarmament education and ensure that the appeals and voices of sufferings of hibakushas are passed on to present and future generations;
- 8) institute a ban on uranium mining, support the establishment of an International Renewable Energy Agency (IRENA) and join with other governments immediately to fund the initiative and provide technological assistance, as an alternative to nuclear energy, thus avoiding the risk of proliferation and the deadly environmental and health consequences of nuclear power generation;
- 9) recognize the major role played by civil society in raising awareness and making proposals for the abolition of nuclear weapons as a step towards general and complete disarmament; support NGOs financially and press for NGO attendance and participation at all multilateral disarmament conferences and meetings. •

Signatures:

Individuals

- Mairead Maguire, Nobel Peace laureate, N.Ireland
- Ikeda Kayoko [Translator/Co-Chair, Japan Organizing Committee of the Global Article 9 Conference to Abolish War]
- Niikura Osamu [Japanese Lawyers International Solidarity Association/Co-Chair, Japan Organizing Committee of the Global Article 9 Conference to Abolish War]
- Yoshioka Tatsuya [Peace Boat/GPPAC Northeast Asia/Co-Chair, Japan Organizing Committee of the Global Article 9 Conference to Abolish War]
- Fadi Abi-Allam [Permanent Peace Movement/GPPAC Middle East and North Africa]
- Emmanuel Bombande [West Africa Network for Peacebuilding (WANEP)/GPPAC West Africa]
- Charles Danbach [Alliance for Peacebuilding/GPPAC USA]
- Tina Gogueliani [International Center on Conflict and Negotiation (ICCN)/GPPAC South Caucasus]
- Syed Rifaat Hussain [Regional Centre for Strategic Studies (RCSS)/ GPPAC South Asia]
- Raya Kadyrova [Foundation for Tolerance International (FTI)/GPPAC Central Asia]
- Andre Kamenshikov [Nonviolence International/GPPAC Western Commonwealth of Independent States and Northern Caucasus]
- Kwezi Mngqibisa [African Center for the Constructive Resolution of Disputes (ACCORD)/GPPAC Southern Africa]
- Florence Mpaayei [Nairobi Peace Initiative-Africa/GPPAC Central and East Africa]
- Augusto Miclat [Initiatives for International Dialogue/GPPAC Southeast Asia]
- Tatjana Popovic [Nansen Dialogue Network in the Balkans/GPPAC Balkans]
- Rena Ramkay [Canadian Peacebuilding Coordinating Committee (CPCC)/GPPAC Canada]
- Andres Serbin [Regional Coordination for Economic and Social Research (CRIES)/ GPPAC Latin America and the Caribbean]
- Paul van Tongeren [European Centre for Conflict Prevention (ECCP)/GPPAC Global Secretariat]
- Mosese Waqa [Pacific People Building Peace/GPPAC Pacific]
- Akibayashi Kozue [Women's International League for Peace and Freedom Kyoto]
- Ban Zhongyi [Film maker]
- Christophe Barbey [APRED]

continued on next page



Global Article 9 Conference Statement (cont.)

- Chen Jau-hwa [Peacetime Foundation of Taiwan]
- Aidan Delgado [Iraq Veterans Against the War]
- John Devaraj [Bornfree Art School]
- Frederic Durand [International Peace Bureau]
- Corazon Fabros [International Network for the Abolition of Foreign Military Bases]
- Joseph Gerson [American Friends Service Committee]
- Verena Graf [International League for the Rights and Liberation of Peoples]
- Hagio Izuko [YWCA]
- Lennox Hinds [Professor]
- Filo Hirota [Catholic Council for Peace and Justice, Japan]
- Hoshikawa Jun [Greenpeace Japan]
- Mario Joseph [Lawyer]
- Jung Gyung-lan [Women Making Peace]
- Augustin Kemadjou [Association des Avocats Africains Antillais et Autres de France]
- Kimiko Takada [New Japan Women's Association]
- Kwon Heok Tae [Sungkonghoe University, Korea]
- Lee Junkyu [Peace Network]
- Lee Suk-tae [Lawyers for a Democratic Society]
- Lim Jae-sung [World without War]
- Nicola Liscutin [Birkbeck College, University of London]
- Maeda Akira [Tokyo Sokei University]
- Ramu Manivannan [University of Madras, India/Nonviolent Peaceforce]
- Kathy Matsui [Seisen University]
- El Hadj Mbodj [Constitutional Lawyer]
- Motofumi Asai [Hiroshima Peace Institute]
- Nishihara Mikaho [YWCA]
- Nakamura Keiko [Peace Depot Japan]
- Oiwa Keibo [Meiji Gakuin University]
- Betty Reardon [International Consultant on Peace Education]
- Paul Saoko [Physicians for Social Responsibility - Kenya]
- Alice Slater [Nuclear Age Peace Foundation]
- Kathleen Sullivan [Education Consultant, UN Office for Disarmament Affairs]
- Takasato Suzuyo [Okinawa Women Act Against Military Violence]
- Taniyama Hiroshi [Japan International Volunteer Center]
- Auki Tituaña [Mayor of Cotacachi, Ecuador]
- Kasim Turki [Rebuild Youth Group, Iraq]
- Carlos Vargas [International Association of Lawyers Against Nuclear Arms]
- Hans von Sponeck [Former UN Assistant Secretary General & UN Humanitarian Coordinator for Iraq]
- Cora Weiss [Hague Appeal for Peace]
- Ellen Woodsworth [Women's International League for Peace and Freedom Canada]
- Ann Wright [Retired US Army Colonel and Diplomat]
- Yoshida Kazuto [Nagasaki A-bomb Survivor]

Organizations

- Collectif des Juristes Progressistes Haitiens (CJPH)
- Global Partnership for the Prevention of Armed Conflict International Steering Group
- Japan Council against A&H Bombs (Japan Gensuikyo)
- Peace Boat
- Physicians for Social Responsibility - Kenya

Good Faith (cont.)

UK, and France, as “fewer but newer,” and increasingly “capacity-based.” These states, she said, cling to the notion of “deterrence” while the “threat” they seek to deter is an unknown and uncertain future. They are modernizing and qualitatively improving their “enduring” nuclear arsenals, both warheads and delivery systems.

The day-long conference attracted 90 NGOs, students, and diplomats. It was sponsored by the World Court Project to Abolish Nuclear Weapons, a civil society coalition formed by IALANA, IPPNW, International Peace Bureau, World Court Project UK, International Network of Engineers and Scientists for Global Responsibility, Mayors for Peace, and other groups, and by the World Federation of United Nations Associations, the Simons Foundation, and the Stiftung Europäische Friedenspolitik. A report and speakers' papers will be available on www.lcnp.org. •

John Burroughs is executive director of the Lawyers' Committee on Nuclear Policy and author of The Legality of Threat or Use of Nuclear Weapons: A Guide to the Historic Opinion of the International Court of Justice (1997).



**Painting by Kelly Sheridan,
senior in fine arts at Flagler College
in St. Augustine, Florida, USA.**



Proposals for the NPT: A Review of Working Papers Submitted to the Second PrepCom, Week Two

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

During the second week of the PrepCom, delegations submitted about a dozen working papers containing their national views and making proposals toward developing and articulating the NPT regime. Below is compilation of summaries, highlighting specific proposals from each of the paper. This compilation adds to summaries of papers contained in News in Review No. 5, which reviewed papers submitted by the end of the first week on the PrepCom.

Cross-Cutting and Institutional Proposals

Standing NPT Office. Ukraine, in WP.36, called on the 2010 RevCon to take a decision to create a standing NPT Office “to handle administrative matters for the Parties to the Treaty, e.g. within the IAEA.” Ukraine suggested this office could “organize other important Treaty-related meetings, including extraordinary sessions in the event when a State Party submits a notification of intent to withdraw from the Treaty.” Ukraine also suggested the office “could also serve as a focal point in terms of collecting and managing reports under NPT Article VI and those related to the implementation of the 1995 Resolution on the Middle East.”

Ad hoc committee on compliance. Syria, in WP. 34, called for the 2010 RevCon to establish an ad hoc committee to verify compliance with all provisions of the NPT.

Review of 1995 and 2000 commitments. Ukraine, in WP.36, called on the 2010 RevCon to evaluate the progress made in implementing the decisions of the 1995 and 2000 RevCons and the 1995 resolution and to “identify ways to further improve their implementation.”

Article I: Compliance and Verification

New Implementation Strategy. Iran, in WP.28, called on the 2010 RevCon to establish “a strong mechanism to verify the implementation of Article I” by the nuclear weapon states, analogous to the verification mechanism created under Article III. In addition, this new strategy would be designed to:

- recognize that the non-proliferation by certain NWS “is the most immediate and essential danger threatening the non-proliferation regime;”
- define the legal status of Article I and its implementation by NWS;
- revisit the “old concept that the risks of non-proliferation comes from NNWS”;
- examine all proliferation cases caused by certain NWS;
- call on the NWS to refrain from nuclear cooperation with non-NPT states parties;
- reject the concept of nuclear deterrence through a universal nuclear disarmament treaty; and
- call on the IAEA to demonstrate its commitment and dedication not only to the implementation of safeguards, but also to the “development of nuclear energy as its main and primary purpose.”

Article III: Export Controls

Acknowledging the Zangger Committee. The 36 members of the Zangger Committee (in addition to Costa Rica, Cyprus, Estonia, Kyrgyzstan, Latvia, Lithuania, Malta, and New Zealand) in WP.37, called for language on the Zangger Commit-

continued on next page



iGSE Krypton-85 Emission Database

The independent Group of Scientific Experts on the detection of clandestine nuclear-weapons-usable materials production (iGSE) maintains a website at www.igse.net.

The website now contains a database on past and recent krypton-85 emissions of 28 sources with details on each facility, when it was operated, its exact location, and krypton-85 emission data from 1945-2007.

The iGSE brings together international experts to develop technologies and procedures for remote environmental monitoring and other novel methodologies that help to uncover clandestine production of nuclear-weapons-usable materials.

Krypton-85 is released to the atmosphere when plutonium is chemically separated from spent fuel in reprocessing facilities. With no relevant natural sources of the noble gas other than reprocessing and great technical difficulties in preventing the emission of this tracer, the presence of krypton-85 can be an indicator of (clandestine) plutonium separation.



iGSE

Independent Group of Scientific Experts on the detection
of clandestine nuclear-weapons-usable materials production

Working Paper Review (cont.)

tee to be included in the final document of the 2010 RevCon, including:

- taking note of the Committee's meetings and memoranda;
- endorsing the importance of Committee as a "guidance for States Party in meeting their obligation under Article III, Paragraph 2;"
- recommending that the list of items triggering IAEA safeguards and the procedures for implementation "be reviewed from time to time;" and
- urging the Committee to "share its experiences on export controls, so that states draw on the arrangements of its Memoranda."

Article III and IV: Safeguards Standards and Condition of Supply

Additional Protocol as the Condition of Supply. Ukraine, in WP.36, recommended the 2010 RevCon recognize the ratified IAEA Additional Protocol "in place and in compliance with the requirements of the nuclear export control regimes" as the standard "in connection with any nuclear cooperation."

Article V and VI: Comprehensive Test Ban Treaty

Exploration of new ways to promote entry-into-force. Ukraine, in WP.36, broadly called on the 2010 RevCon to explore new ways to further promote the CTBT's entry into force.

Article VI: Disarmament and Security Assurances

Ad Hoc Committee on Prohibition of Use. Syria, in WP.34, called for the 2010 RevCon to establish an ad hoc committee "to work on a draft of a legally-binding instrument on the prohibition of the use or threat of use of all kinds of nuclear weapons including weapons and ammunitions that contain depleted uranium."

Subsidiary Body on Disarmament. Ukraine, in WP.36, called on the 2010 RevCon to "consider establishing a subsidiary body on nuclear disarmament to focus on the issue of implementation of article VI as well as to consider other issues of concern to the NPT States Parties which have direct bearing on the subject."

International Conference on Security Assurances. Ukraine, in WP.36, called on the 2010 RevCon to recommend the UN General Assembly adopt a resolution to "enable convening an International Conference under the auspices of the UN to discuss the security assurances issue with the purpose of finding the acceptable solution."

Article X: Proposals for Responding to Withdrawal from the Treaty

Collective and Systematic Response Mechanism. The Republic of Korea, in WP.29, called on states parties to consider establishing "a collective and systematic response mechanism" to deal with cases of withdrawal. The paper calls for deliberations on this mechanism to take place throughout the review cycle "with a view to adopting a decision or a guideline on article X at the Review Conference in 2010." Suggested measures include:

- **Emergency meeting of states parties.** An emergency meeting of states parties to address the situation could be convened upon the request of the depository governments or by one third of states parties within 30 days of receiving

a notice of withdrawal. Such a meeting could call upon the states party to attend the meeting to clarify its reason for withdrawal;

- **Return of Materials.** A mechanism could consider ways to ensure that nuclear equipment and materials are immediately returned to the supply states;
- **Continuity of Safeguards.** A mechanism could include measures to ensure nuclear facilities, equipment, and materials remain under IAEA safeguards pending their return to supplying states;
- **UN Security Council consideration.** A mechanism could also include a measure for the "prompt consideration of the UN Security Council on the situation."

Subsidiary Body. Ukraine, in WP.36, called on the 2010 RevCon to establish a subsidiary body to address the issue of withdrawal in all its aspects, "including clarification of legal requirements as set out in article X (1) and consequences of withdrawal."

1995 Decision II: Universality of the Treaty

NPT Universality Adherence Support Unit. Egypt, in WP.30, stated "the creation of an NPT Universality Adherence Support Unit, within the framework of the NPT is a further measure towards realizing the agreed upon objective of Treaty Universality." In addition, Egypt called on the 2010 RevCon to adopt a universality action plan, "which would encompass a series of practical steps for the systematic and progressive achievement of full and complete NPT Universality." Egypt also stated that the RevCon should call on states parties to report to each PrepCom session and RevCon on the specific steps taken toward achieving universality of the Treaty.

Exploration of new ways to expand membership. Ukraine, in WP.36, broadly called on the 2010 RevCon to explore new ways to further expand NPT membership.

1995 Resolution on the Middle East

Ratifications of the CTBT. Ukraine, in WP.36, recommended the 2010 RevCon "call for creating an environment conducive to ratification of the CTBT by the three major Middle East states as a step towards implementing the 1995 Resolution on the Middle East."

Step 12 of the 13 Practical Steps: Reporting Mechanism

Reporting Mechanism for National Arsenals. The New Agenda Coalition, in WP.26, expressed support for a reporting mechanism for national arsenals, in which the nuclear weapon states "provide further clarity as to the current status of their holdings, as well future plans for down-sizing and the reduction of reliance on nuclear weapon in national and regional security doctrines." In addition, under this mechanism, non-nuclear weapon states party to alliances with nuclear weapon states "could report on steps taken, or future steps planned, to reduce and eliminate the role for nuclear weapons in collective security doctrines." •

The views expressed in this publication are not necessarily those of WILPF or the Reaching Critical Will project.



Blurring the Nuclear Threshold: US Strategic Command, Space Domination, and the New Strategic Triad

Jacqueline Cabasso, Western States Legal Foundation

When establishment of the new United States Northern Command was announced in April 2002, the official press release declared: "For the first time, commanders' areas of operations cover the entire Earth." The United States military dominates the globe through its operation of 10 Unified Combatant Commands. Composed of forces from two or more armed services, these Commands are headed by four-star generals and admirals who operate under the direct authority of the Secretary of Defense, accountable only to the President. Six of the Commands are responsible for designated regions of the world, and the four others for various military operations.

Tying them all together is United States Strategic Command (StratCom), at Offutt Air Force Base in Nebraska. Established on June 1, 1992 by President George H. Bush, in the aftermath of the dissolution of the Soviet Union, StratCom brought the planning, targeting, and wartime employment of strategic (nuclear) forces under the control of a single commander for the first time, StratCom now describes itself as "a global integrator," whose expanded missions include:

StratCom and the Domination of Space

StratCom characterizes itself as "*part of a rich history that spans both the interrelated strategic and space communities.*" That history began on September 23, 1985 when the Joint Chiefs of Staff established US Space Command as confirmation of "the ever-increasing value of military space systems." The purpose of this new unified command was "to help institutionalize the use of space in U.S. deterrence efforts."

U.S. conduct of the 1991 Persian Gulf War and subsequent conflicts validated this new approach to military operations, as space-based systems were "considered indispensable providers of tactical information to U.S. warfighters." According to StratCom:

U.S. operations in contingencies since the early 1990s, including the Balkans, Southwest Asia, Afghanistan and Iraq have proven the military's reliance on communications, intelligence, navigation, missile warning and weather satellite systems.

After September 11, 2001, in response to "the emergence of transnational global threats," StratCom embarked on a "new strategic direction." According to StratCom's history, this new direction included a more integrated approach to national defense and the improvement of the U.S. national command and control architecture.

On June 26, 2002, Defense Secretary Donald Rumsfeld announced the merger of U.S. Space Command with U.S. Strategic Command. The activation of the new StratCom took place on October 1, 2002.

In March 2008, StratCom Commander General Kevin Chilton testified before the Senate Armed Services Committee:

Increasingly, space-based capabilities enable all other war-fighting domains. In the 21st Century, the mindset of space as purely an 'enabler' must change. We must view our activities in the space domain in the same way we regard activities in the domains of land, sea, air, and cyberspace.

As an illustrative example of how these space-based capabilities are being applied today, General Chilton described how StratCom in 2007 led intelligence, surveillance, and reconnaissance planning "in support of the operational surge in Iraq."

StratCom Expanded

Previously limited to planning for nuclear war, StratCom's portfolio was expanded, consistent with provisions of the Pentagon's 2001 Nuclear Posture Review (NPR), to encompass all aspects of assessing and responding to nuclear, biological and chemical weapons worldwide. Tearing down the firewall that had separated nuclear weapons from other weapon systems is one way in which the threshold for U.S. nuclear weapons use has been blurred.

The NPR also expanded the role of nuclear weapons in U.S. national security policy, contemplating the possible use of nuclear weapons in "immediate, potential, or unexpected contingencies" against seven named countries, including Iraq, Iran, and North Korea, and called for indefinite retention of a large, modern, and diverse nuclear force. Significantly, the NPR also elevated the weapons research and development infrastructure—including the nuclear weapons laboratories—to one leg of the "New Strategic Triad," intended to support both "offensive" and "defensive" nuclear and non-nuclear high-tech weapons systems that will enable the U.S. to project overwhelming global military power.

The NPR specifies, "The need is clear for a revitalized nuclear weapons complex that will: ... be able, if directed, to design, develop, manufacture, and certify new warheads in response to new national requirements." To accomplish this, the NPR called for "Transfer of warhead design knowledge from the current generation of designers to the next generation" through an "Advanced Concepts Initiative." This initiative has been superseded by the Reliable Replacement Warhead program, an illustrative example of how weapons systems which appear to be dead one year reemerge the next under different names and budget lines. The NPR is cited as a principle justification for the current "Complex Transformation" plan to modernize the U.S. nuclear weapons research and manufacturing complex for the foreseeable future.

The NPT, the New Triad, and the Future of Global Warfare

In describing the transition to a "new" strategic triad, the NPR provides a useful tool for understanding how the United States plans to carry out its global war fighting strategy. In one corner of the new triad, new non-nuclear weapons capabilities have been added to the "old" Cold War strategic triad, consisting of submarine-based ballistic missiles, land-based intercontinental missiles and strategic bombers. This category has been designated "offensive strike systems." The other legs of this new triad are "defenses" and a "revitalized defense infrastructure that will provide new capabilities in a timely fashion to meet emerging threats." These three elements are bound together by "enhanced command and control" and "intelligence systems."

The three legs of the new strategic triad are designed to work together to enable the United States to project overwhelming military force. Considered in this context, it becomes easier to understand that so-called missile "defenses"

continued on next page



Blurring the Nuclear Threshold (cont.)

are not really to defend the United States from a surprise attack. These systems include both “national” missile defense systems in the form of ground-based interceptors, initially in Alaska and California, and “theater” missile defenses, at foreign bases or on ships at sea. In addition, research and development is underway on laser missile defense systems, to be deployed, eventually, on airplanes and space-based vehicles. These theater missile defenses are intended to work in conjunction with the offensive weapons systems, like swords and shields, to protect U.S. troops and bases and other “strategic assets” around the world. Admiral Ramu Ramdas, the former head of India’s navy, now a leading proponent of nuclear abolition, has described U.S. missile defenses as a “net thrown over the globe.”

As described in a 2000 planning document, a long-term goal of the US Air Force has been to “enable an affordable capability to swiftly and effectively deliver highly effective weapons against targets at any required global location” in order to “affordably destroy or neutralize any target on earth.” With StratCom’s full support, the Pentagon and its contractors have begun development of a new generation of long range delivery systems—capable of carrying either conventional or nuclear warheads—that would allow the United States to strike any target in on earth within 60 minutes or less. Those at the receiving end would have no way of knowing if the incoming missile was nuclear or conventional.

In his recent Senate testimony, General Chilton underscored the continuing centrality of nuclear weapons in StratCom’s mission as he explained how that mission is changing:

While our nuclear capability remains vital, our ability to integrate conventional long-range precision weapons is every bit as important.... *We have a prompt global strike delivery capability on alert today*, but it is configured only with nuclear weapons, which limits the options available to the President and may in some cases reduce the credibility of our deterrence.

Too often, discourse about nuclear weapons is narrowly limited, as if the term refers only to the warheads, and even then, often only to the plutonium pits at their cores. To meet the seemingly intractable challenge of abolishing nuclear weapons, we must deepen our understanding of how nuclear weapons fit into a historical continuum and a broader scheme. The Encarta Encyclopedia describes militarism as “advocacy of an ever-stronger military as a primary goal of society, even at the cost of other social priorities and liberties.” As disquieting as it may be, this definition accurately describes the historical trajectory and current reality of United States national security policy. As we prepare for the 2010 NPT Review, the threatened first use of nuclear weapons remains at the heart of that policy, and at the core of StratCom’s mission. •

This article is adapted from a longer piece, “The Hidden Architecture of US Militarism,” available at <http://www.scoop.co.nz/stories/HL0804/S00357.htm>

Discussion Paper: France, NATO, and nuclear disarmament

Peter Nicholls, UK and Dominique Lalanne, France

The relationship between the French nuclear weapons programme and those of the US and UK has been uncertain since the commencement of the atomic era in 1945. Some details of this are now provided by Peter Hennessy in his description and analysis of UK cabinet decisions and the continuing development of the UK “deterrent”.¹

(i) As he points out, there is a long standing tradition (since the late 1950s and early 1960s until the present day) for the UK and US to offer France inducements to play a full role, including a nuclear one, within NATO; this has been coupled to a reluctance of the UK government to disarm and so leave France as the sole independent NWS in Europe—as shown by Denis Healey’s concerns about abandoning the Polaris programme in 1967-1968 and possibly in the independence arguments in the current UK government position on the future of UK weapons today.²

(ii) In 1995-1996, France rejoined the NATO military committee but not the nuclear policy group. At that same time, in the shadow of the last French nuclear tests, cooperation between the UK and France came to public attention when Chirac and Major held a “summit”.³ Major supported the French tests and the two agreed to enhance Anglo-Franco nuclear cooperation. Later, in 2006, Chirac made his notorious speech that appeared to extend the possible areas for French NW threat or usage to somehow deter terrorism or the use of other WMD.⁴ This contrasted with some previous policy presentations, which emphasized the more passive role of “dissuasion”.

(iii) According to Bruno Tertrais at the Carnegie Endowment Conference in Washington last June,⁵ Nicolas Sarkozy is France’s first truly post-Gaullist president (in a generational sense) and so has some freedom of political action not available to his predecessors (including the ambiguous Mitterand); Tertrais sees the possibility of a slight NW force reduction, an increased European dimension (though hopefully not to be exercised by offering NW collaboration to Germany, as reportedly happened in September 2007), and possibly more cooperation with London and Washington.

(iv) Sarkozy is now (proposal to the US, October 2007) thinking of rejoining the NATO military system completely—which would include the nuclear planning group. His speech in Cherbourg (21 March 2008) confirms these plans, including a reduction in the air-launched systems (about 20 missiles) and a limitation of the total French arsenal to less than 300 warheads. Additionally, his speech to the UK parliament at the end of March emphasized the need for a new era of French-UK cooperation, including the military. This set of decisions could be part of a decisive step although all its consequences are hard to foresee. However at least two developments might be catalysed.

(v) 1. If France were in NATO alongside the UK and its submarines were assigned to NATO except in grave national emergencies (the reservation made by the UK), then that would essentially remove a key official French argument for keeping two NW systems going—that the air-launched weapons are an insurance policy against disaster (whereas the UK subs can flee across the Atlantic if an earthquake swallows Faslane). So rejoining NATO and thus attaining geopolitical



2008 NPT PrepCom: Substantive and Smooth, with Hostilities Fizzing on the Tongue*Rebecca Johnson, Acronym Institute for Disarmament Diplomacy*

The 2008 Preparatory Committee meeting (PrepCom) for the 2010 Review Conference of NPT parties closed on May 9 to relieved applause from the assembled delegates. As these things go, the PrepCom, which had been chaired with calm authority by Ambassador Volodymyr Yelchenko of Ukraine, was generally judged a success. It opened smoothly, with no challenges on procedure, and provided more than enough time to hear all the presentations states parties wanted to make. The meeting adopted six necessary organizational and funding decisions relating to the 2009 PrepCom and the 2010 Review Conference, which it confirmed by adopting its “technical” report well before noon on the last day. The only tangible failure came when the objections of a small—but influential—minority resulted in the Chair not being able to annex his comprehensive factual summary so that it would go forward as part of the PrepCom report; instead, it was issued—without negotiations or amendments—as a Chair’s working paper, and as such may be drawn on as a resource by the next PrepCom and the 2010 Review Conference.

In the closing speeches, as in the general debate at the beginning, five issues dominated: nuclear disarmament and pressure on the nuclear weapons states to implement their obligations in a more comprehensive and timely manner; concerns about the continuing weapons programmes of India, Pakistan, and especially Israel, outside the NPT; questions about the compliance records and ambitions of member states, with this PrepCom focussing especially on Iran, North Korea, and Syria; questions relating to nuclear energy, including rights, responsibilities, safety and security; and institutional issues, including clarifying the rights and implications of withdrawing from the Treaty and strengthening the accountability and decision-making mechanisms.

P-5 Statement

Before the Chair turned to adoption of the PrepCom report, the UK Ambassador, John Duncan, read a joint statement from the P-5 Permanent Members of the UN Security Council—China, France, Russia, the United Kingdom and the United States—who are also the defined nuclear weapon states under the NPT. With the intention of providing leadership and indicating common ground, the P-5 had been meeting throughout the PrepCom. As it turned out, they only just managed to get their views into the record before the PrepCom concluded. While the process of the P-5 seeking common ground amongst themselves was widely welcomed, the statement showed them to be a long way away from acknowledging the depth and breadth of concerns expressed by most of the non-nuclear weapon states, especially on nuclear disarmament.

Where the Chair’s summary referred to the NPT as the “essential foundation for the pursuit of nuclear disarmament,” the P-5 statement called the NPT “the bedrock on which the international architecture to prevent proliferation of nuclear weapons is built”. Where many NPT parties had emphasized the special responsibility of the nuclear weapon states for promoting non-proliferation and reducing their nuclear arsenals, the P-5 statement emphasised concerted action by all states parties “to ensure compliance and respond quickly and effectively to non-compliance,” with specific reference made to Iran and North Korea.

In view of US participation, it was interesting that the P-5 managed a positive mention of multilateralism. Bush administration ideology, however, meant that no mention can yet

be made of the Comprehensive Test Ban Treaty (CTBT), although the testing moratoria were reinforced. Disagreements with the US and Chinese concerns reduced the fissile material cut-off treaty to an “element” of implementing article VI, followed by mention of the CD’s travails. The P-5 were noticeably more comfortable underlining the importance of universality and promoting nuclear energy, including “safe and secure regulatory infrastructures” and the development of “innovative nuclear energy systems”. Though the P-5 noted that “significant security challenges” remain in the Middle East, their reiteration of support for the 1995 NPT Resolution on the Middle East was highlighted and welcomed by Egypt and Syria during their closing interventions.

Chair’s Factual Summary

The Chair’s summary comprised 63 paragraphs and covered the key treaty articles and most if not all of the major themes and concerns raised during the PrepCom. It summarised the core debates on: compliance and noncompliance; universality; nuclear disarmament, including reductions in strategic and non-strategic nuclear arsenals and concerns about modernization and replacement of nuclear weapons systems; preventing nuclear terrorism; concerns about nuclear doctrines and policies including the use of nuclear weapons; security assurances; CTBT and fissban. There were sections on IAEA safeguards and the Additional Protocol; nuclear weapon free zones, especially the Middle East; export controls; concerns relating to the nuclear programmes of Iran, North Korea and reports of alleged clandestine nuclear activities by Syria, including collaboration with North Korea; nuclear energy rights and responsibilities under the treaty; and concerns about nuclear fuel cycle safety, security and proliferation implications. Also included were proposals for comparative or standardized reporting and institutional approaches to strengthen accountability and implementation of the treaty; and questions relating to the exercise of the right to withdraw from the NPT and responses by NPT states parties. India, Israel, and Pakistan were urged to accede to the NPT as non-nuclear weapon states and become party to the CTBT.

The summary referred to “public and political momentum towards a world free of nuclear weapons,” highlighted “the need for concrete and practical steps to achieve this goal,” and emphasized that “multilateralism and mutually agreed solutions” were “the only sustainable method for dealing with the multiplicity of disarmament, non-proliferation and international security issues.” With regard to nuclear disarmament, paragraph 10 referred to the “slow pace of progress” in implementing the 13 practical steps; para 12 recalled the July 1996 advisory opinion from the International Court of Justice and noted support for development of a nuclear weapon convention; para 13 mentioned NATO and recorded the concerns voiced about “the increased role of nuclear weapons in some strategic and military doctrines, and the apparent lowering of the threshold for the use of nuclear weapons;” para 14 noted that “concern and disappointment were voiced about plans of some nuclear weapon States to replace or modernize nuclear weapons and their means of delivery or platforms, and about the development of new types of nuclear weapons,” noting, “France, the United Kingdom and the United States provided clarifications and explanations on their efforts to achieve nuclear disarmament.”

continued on next page

2008 NPT PrepCom (cont.)

Para 15 referred to the need for de-alerting and reducing reliance on nuclear weapons, while para 16 reflected the concerns voiced “about apparent reinterpretations of nuclear disarmament obligations”. Para 16 and 17 also covered the nuclear powers’ explanations of their actions to support disarmament and the necessity for continuing strategic nuclear reductions. Para 21 reflected the “strong support” that was expressed for the CTBT and urgency of entry into force, and para 25 addressed the need for fissile negotiations and covered the debate over stocks and verifiability, while non-strategic nuclear weapons (NSNW) were highlighted in paragraph 24. Para 23 referred to development of ballistic missile defence systems drawing “concern as adversely affecting strategic stability and having negative consequences on nuclear disarmament and non-proliferation,” as well as “the risk of a new arms race on earth and in outer space,” including reference to the Russian-Chinese draft Treaty on the Prevention of the Placement of Weapons in Outer Space (PPWT) tabled in the CD.

Looking forward

Despite some hostile rhetoric and grand-standing, the 2008 PrepCom was more good-natured and constructive than last year. On the surface, it appeared more substantive, but the availability of time for statements masked the paucity of discussion on practical initiatives and strategies for tackling the nonproliferation regime’s many challenges. The adversarial rhetoric mostly swirled around allegations about the nuclear programmes of Iran and Syria, with these two delegations’ counter accusations targeted most centrally against the United States but with fall-out that carried as far as Canada, Europe, and Australia. However, apart from the downgrading of the Chair’s summary, there was no hostage-taking or dramatic stand-offs, as had characterized the 2007 PrepCom in Vienna.

It was important to see the PrepCom get down to serious work. Even so, it was hard to shake the sense that the PrepCom was going through the motions rather than addressing the real life problems that beset the nonproliferation regime. Far too often, the nuclear weapon states and non-nuclear weapon states appeared to be talking past each other, while

group statements from the EU and NAM seemed to betray their more-thoughtful members by sinking to the level of lowest-common-denominator platitudes.

All eyes now turn to 2009, in the hope of building a relevant, substantive and effective review conference in 2010 where tough issues can be addressed and decisions can be taken to provide institutional powers and identify further practical steps for full implementation of the nuclear disarmament and nonproliferation objectives of the NPT. •

Dr Rebecca Johnson is Executive Director of the Acronym Institute for Disarmament Diplomacy and has participated in all NPT PrepComs and review conferences since 1994. See www.acronym.org.uk/npt for her analyses and reports, including 2008.

France, NATO, and nuclear disarmament (cont.)

equivalence with the UK justifies nuclear disarmers in arguing for abandonment of the French air-launched NW. This would be a significant nuclear disarmament measure.

(v) 2. Reportedly, Norway and Germany are currently seeking a renewed discussion of NATO NW policy; this could perhaps mean changes to (a) support NSAs, (b) adopt some sort of “no first use” policy, and (c) focus upon the submarines as the sole NW forces committed to NATO and somehow notionally under NATO control. This could also politically marginalise the remaining US nuclear armoury. Abandoning French air-launched weapons could support abandonment of the European nuclear sharing policy and the withdrawal of all US NW behind US national borders (as recommended by Blix and demanded by Russia—it could save the INF and help sustain the CFE Treaty). The final outcome would be the end of all land-based and/or aircraft-launched NW in Europe (including Russian weapons), with retention only of the submarine-launched weapons. Do not despair. The latter would be on the negotiating table at a later stage.

1. Hennessy, P. (2007) *Cabinets and the Bomb* (Oxford University Press).
2. UK Government (2006) *Trident renewal white paper*.
3. BASIC Research Report 98.6 (December 1998) *Nuclear futures*.
4. *Disarmament Diplomacy* (2006) 82, Spring. Chirac Reasserts French Nuclear Weapons Policy.
5. Tertrais, B. (2007) http://www.carnegieendowment.org/files/deterrence_disarmament.pdf.



Youth negotiate a model Nuclear Weapons Convention





ARMS CONTROL REPORTER

A Chronicle of Treaties, Negotiations, Proposals, Weapons, and Policy



VOLUME 25: 2006

- Part I:** Nuclear Arms Limitation Treaties
- Part II:** Other Weapon of Mass Destruction Treaties
- Part III:** Strategic Arms Control Negotiations
- Part IV:** Regional Nuclear Issues
- Part V:** Missile Restraints
- Part VI:** Conventional Arms Limitation Treaties
- Part VII:** Conventional Arms Control Efforts
- Part VIII:** Disarmament Fora

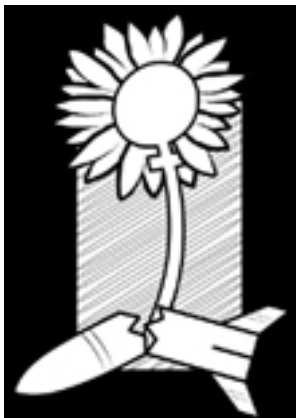
The Arms Control Reporter is a research and reference tool for the arms control professional and advocate. Published since 1982 by the Institute for Defense and Disarmament Studies, the revitalized Reporter is now produced by staff from the Lawyers' Committee on Nuclear Policy and the Reaching Critical Will project of the Women's International League for Peace and Freedom.

now available! • 596 pages • new soft cover format • new and revised coverage

www.armscontrolreporter.org

About Reaching Critical Will

Reaching Critical Will is your primary source for information, documents, and analysis about the nuclear Non-Proliferation Treaty Preparatory Committees and Review Conferences and all other multilateral disarmament conferences.



On www.reachingcriticalwill.org you can find:

- This edition of the *News in Review*, and all others;
- All statements, working papers, and reports from all NPT conferences since 2000;
- All statements and documents from the Conference on Disarmament, and regular reports on the plenary meetings;
- All statements, documents, and voting results from the UNGA First Committee, and archived editions of the *First Committee Monitor*;
- Research and analysis of critical issues related to disarmament and arms control.

The Women's International League for Peace and Freedom (WILPF) created the Reaching Critical Will project in 1999 in order to increase the quality and quantity of civil society participation at international disarmament fora, such as those that take place at the United Nations. We believe that nuclear disarmament will require coordinated and sustained effort on behalf of governments, non-governmental organizations, and the United Nations. Reaching Critical Will is WILPF's initiative to encourage people to act and contribute to a variety of international fora. In order to act, they need information, primary documents, and informed analysis.

If you use Reaching Critical Will, please consider making a contribution to this important resource today. We need your support in order to continue.
If you would like to make a donation to sustain and develop this project, please write to info@reachingcriticalwill.org.