

NPT News in Review

Civil society perspectives on the 2010 nuclear Non-Proliferation Treaty Review Conference 3–28 May 2010



If you want a world free of whaling, stop killing the whales

Ray Acheson | Reaching Critical Will of WILPF

On Friday afternoon, the three Main Committees released draft texts reviewing and reaffirming the operation of the Treaty and providing action plans for pursuing nuclear disarmament, non-proliferation, and "peaceful uses" of nuclear energy. These texts are reviewed in the "Draft Text Review" beginning on page 8 of this edition.

With the release of these texts, the real work of the Review Conference begins. For the next two weeks, delegations will be debating, horsetrading, and rearranging elements of each draft, refining them into a "compromise" hopefully acceptable to all states parties for adoption by 28 May. For the most part, the action plans of each draft seek to strengthen the implementation of all aspects of the Treaty; it remains to be seen if their weaknesses will be strengthened and their strengths retained by the end of what will likely be multiple negotiating cycles.

Of course, while the intense work to accomplisharobustagreementon disarmament and non-proliferation goes on inside the UN over the next fortnight, it is greatly important for delegates and civil society to pay attention to what goes on outside.

Friday morning, the Obama administration submitted New START for ratification to the Senate along with a "Section 1251" report providing a comprehensive plan to: (1) maintain nuclear weapon delivery systems; (2) sustain a "safe, secure, and reliable" US nuclear weapons stockpile; and (3) modernize the nuclear weapons complex. The unclassified fact sheet explains, "This report is based on the policies and principles in the Nuclear Posture Review and describes a comprehensive plan for sustaining a strong nuclear deterrent for the duration of the New START Treaty and beyond. The plan includes investments of \$80 billion to sustain and modernize the nuclear weapons complex over the next decade."1

Further, in a Wall Street Journal op-ed, US Secretary of Defense Gates said, "the treaty preserves the U.S. nuclear arsenal as a vital pillar of our nation's and our allies' security

posture. Under this treaty, the U.S. will maintain our powerful nuclear triad—ICBMs, submarine launched ballistic missiles (SLBMs) and bombers—and we will retain the ability to change our force mix as we see fit."²

If the Review Conference is to adopt a forward-looking agenda on both nuclear disarmament and non-proliferation that has any bearing on reality, it is going to need to pay attention to that reality. That will necessitate a serious examination of some governmental rhetoric and action.

Is New START worth \$80 billion in nuclear weapon maintenance and modernization? Darwin BondGraham of the Los Alamos Study Group, a watchdog of the nuclear weapons laboratory in New Mexico, notes that in the abstract, any treaty that reduces nuclear weapon stockpiles is a move in the right direction. Unfortunately, he says, "no treaty is forged in abstraction from the wider field of geopolitical power relations, or apart from the wrangling of domestic interest groups. In essence all treaties are political deals struck in highly complex moments, affecting many diverse parties, not just the signatory states." He cautions us that it "should never be assumed that because a treaty ostensibly calls for reductions in some categories of nuclear arms that it is therefore a 'progressive' arms reductions treaty. Nor should it be assumed that it will have wider positive effects on the eventual elimination of nuclear weapons because it arrives on the wings of lofty moral addresses."

"Consider this brash analogy," BondGraham says. "If the two states that hunt the vast majority of the world's whales (out of the ten states that still allow this practice) agreed to a bilateral international treaty concerning whaling which stated that all parties 'seek a world free of whaling,' and if whaling states party to this treaty agreed to reduce their harvests by 10%, and yet the convention concretely allowed for the use of new hunting techniques, the killing of new

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See www.reachingcritical will.org for infomation, statements, papers, reports, archived *News in Reviews*, and more from the NPT.



In 2010 the nuclear bomb turns 65. It's time for compulsory retirement.

At the 2010 NPT Review Conference, governments must agree to begin work on a Nuclear Weapons Convention—which is the surest path to a nuclear-weapon-free world.





Now is the time for action on "tactical" nuclear weapons

As the United States and Russia negotiate reductions in their arsenals of strategic nuclear weapons, the world is at an historic moment that provides unique opportunities to withdraw from deployment, reduce and eliminate the particularly destabilising class of short-range nuclear weapons variously described as non-strategic, sub-strategic, tactical or battlefield weapons.

The worldwide support for the goal of a world free of nuclear weapons, the Obama administration's recognition of the importance of reducing the role of nuclear weapons, NATO's review of its Strategic Concept (scheduled for completion by November) and the intensified debate at the NPT Review Conference over the destabilising dangers of non-strategic nuclear weapons make it possible – and necessary – that meaningful steps towards the reduction of tactical nuclear weapons are taken now.

All NPT member states have the obligation to contribute to a world free of nuclear weapons by reducing their reliance on nuclear deterrence doctrines. A decision by NATO to withdraw the remaining, militarily obsolete US tactical nuclear weapons from European soil and provide security assurance with other means would be a significant and visible step in that direction which would make agreement on the elimination of those weapons more likely.

Recognizing that decisions about the future of tactical nuclear weapons and NATO's nuclear sharing policy will be agreed among NATO members, it

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The views expressed in this publication are not necessarily those of the Women's International League for Peace and Freedom or the Reaching Critical Will project.

must be noted how many NPT member states have spoken of the need to reduce and eliminate tactical nuclear weapons as a priority issue during this Review Conference. Nuclear sharing undermines NPT coherence because it creates a group of seminuclear states. In addition, a majority of NPT member states consistently criticise NATO nuclear sharing as violating at least the spirit of the NPT, and for undermining the overall credibility of the non-proliferation compact.

The United States is the only country still deploying nuclear weapons outside its territory. Belgium, Germany, Italy, the Netherlands and Turkey are the only non-nuclear weapon states that formally agree to host nuclear weapons on their territory. This deployment is a relic of the Cold War for which there is no strategic rationale.

Moreover, tactical nuclear weapons are a security liability because these weapons, many of which are small and widely deployed, could be vulnerable to acquisition and use, including attack or theft by terrorists.

Russia also possesses short range nuclear weapons. As with NATO, the deployment of these inevitably has strategic implications far beyond any battlefield for which they might be envisaged. Russia, like all NPT parties, has a responsibility to be part of the solution by supporting initiatives at the Review Conference aimed at the reduction and elimination of such weapons, and should also commit to withdrawing their own weapons from forward-areas of deployment in a verifiable and prompt manner.

We strongly welcome the increased attention that NPT member states have paid at this review conference to the importance of eliminating these particularly destabilising tactical nuclear weapons. We would like to contribute to the current consultations by suggesting steps States Parties to the NPT can take in order to move this issue forward.

We urge all States Parties to the NPT, NATO members and non-NATO members alike, to:

- reaffirm the 'diminishing role for nuclear weapons in security policies', particularly with regard to tactical nuclear weapons which were developed for battlefield use;
- declare that the deployment of nuclear weapons on others' territory, particularly in non-nuclear weapon states, undermines non-proliferation and disarmament efforts and that states should work towards ending existing nuclear sharing arrangements before the 2015 Review Conference,



Action on "tactical" nuclear weapons (cont.)

- and to report on those efforts at that conference;
- declare that the NPT is binding on all States Parties "under any circumstances", i.e. in times of war as well as peace;
- recognise the serious concerns raised by NPT parties about the compatibility of nuclear sharing arrangements with the Treaty, and that contradictory legal opinions dating back to the 1960s can no longer be treated as a legitimate basis for continuing to deploy US nuclear weapons on the territory of non-nuclear-weapon states parties to the NPT;
- urge the nuclear weapon states to withdraw all nuclear weapons to their own territory, consolidate their tactical nuclear weapon stockpiles at safe and central storage sites and to open such facilities to transparency and verification measures as a confidence building measure, which would facilitate agreement on the verifiable and irreversible reduction and elimination of all tactical nuclear weapons at an early stage.

Sincerely,

- Dr. Rebecca Johnson, Acronym Institute for Disarmament Diplomacy (UK)
- Nickolas Roth, Alliance for Nuclear Accountability (US)
- Daryl Kimball, Arms Control Association (US)
- Lisa Clark, Beati I contruttori di pace (Blessed are the epeacemakers) (Italy)
- Paul Ingram, British American Security Information Council (UK)
- Jonathan Frerichs, CCIA/World Council of Churches
- Hans Kristensen, Federation of American Scientists (US)
- Dominic Moran, Greenpeace International
- Susi Snyder, IKV Pax Christi (Netherlands)
- Regina Hagen, International Network for Scientists and Engineers Against Proliferation (INESAP) (Germany)
- Xanthe Hall, International Physicians for the Prevention of Nuclear War (Germany)
- Dr. Oliver Meier, Institute for Peace Research and Security Policy, Hamburg (Germany)
- Dr. Ian Davis, NATO Watch (UK)
- Hans Lammerant, Vredesactie (Belgium)

Nuclear Postures for Disarmament

Monday, May 17 1:15 to 2:45

Conference Room 2

Co-sponsored by the Office for Disarmament Affairs

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"Why the outcome of the 2010 NPT Rev Con matters."

-Jayantha Dhanapala, President, Pugwash Conferences on Science and

World Affairs; former Under Secretary General of the UN, Department of Disarmament Affairs

"What Role for Deterrence on the Road to Nuclear Disarmament?"

-Dr. Arjun Makhijani, President, the Institute for Energy and Environmental Research







A fissile material approach to furthering disarmament and non-proliferation objectives

Ten recommendations to the 2010 NPT Review Conference from the International Panel on Fissile Materials

The nuclear Nonproliferation Treaty (NPT) establishes a system of controls on the production and use of fissile materials—most commonly separated plutonium and highly enriched uranium (HEU). Since these materials are the key ingredients in nuclear weapons, such controls are critical to halting the proliferation of nuclear weapons.

The 1995 NPT Review and Extension Conference and the Thirteen Steps agreed at the 2000 Review Conference included commitments by NPT state parties to achieve quickly a multilateral Fissile Material Cutoff Treaty (FMCT) that would end production of fissile materials for weapons in all states and extend the international system of control over fissile materials to cover civilian and excess weapon materials in nuclear-weapon states.

The International Panel on Fissile Materials (IPFM) recommends that, to further the disarmament and nonproliferation objectives of the NPT, the 2010 Review Conference should:

1. Reaffirm and strengthen the 1995 and 2000 NPT Review Conference goal of ending the production of fissile materials for weapons.

This includes renewing the call for the UN Conference on Disarmament "to agree on a programme of work which includes the immediate commencement of negotiations on such a treaty with a view to their conclusion within five years."

The Review Conference should call in parallel for an end to further production of fissile materials for weapons by all states pending negotiations on an FMCT, including Israel, North Korea, India, and Pakistan, even though they a45re not parties to the NPT.

2. Request the International Atomic Energy Agency (IAEA) to conduct studies on FMCT verification.

This would help lay the basis for more informed discussions on a verifiable FMCT.

3. Call for all fissile materials outside nuclearweapon complexes or declared excess to weapons purposes to never be used for weapons and to be monitored by the IAEA pending disposition.

Drawing a line between weapon and non-weapon stockpiles would close the loophole in the 2000 NPT Review Conference call for "all nuclear-weapon States to place ... fissile material designated by each of them as no longer required for military purposes under IAEA or other relevant international verification." Under this more limited provision nuclear-weapon states can keep non-weapon military stockpiles of fissile material outside of international monitoring. The United States, for example, has assigned 128 tons of HEU to fuel nuclear-powered submarines

and ships. This is sufficient for over 5000 nuclear weapons.

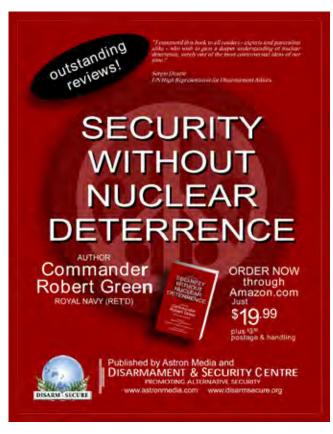
4. Call for nuclear-weapon materials made excess by further nuclear disarmament measures to be placed under IAEA monitoring as quickly as possible.

Fissile material in the thousands of weapons that have been and are to be taken off deployment bilaterally by the US and Russia under the SORT and New START agreements, and unilaterally by UK and France, should be declared excess for weapon purposes and placed under IAEA monitoring pending irreversible disposition. This would demonstrate that the principle of irreversibility is being applied to nuclear arms reduction measures, as called for in the 2000 NPT Review Conference.

- 5. Call on the UN Conference on Disarmament to include in the design of a Fissile Material Cutoff Treaty the objective of extending IAEA safeguards to pre-existing non-weapons materials in the nuclear-weapon states.
- 6. Call for an end to both civilian and military use of HEU for reactor fuel.

If the United States, Russia and the United Kingdom were to follow France's example and convert their naval-propulsion reactors to low-enriched uranium fuel, an estimated 200 tons of

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A fissile material approach (cont.)

HEU currently in naval reserves—enough to make 8000 nuclear weapons—could be eliminated. The use of highly enriched uranium fuel in civilian research reactors is already being reduced as part of the Global Threat Reduction Initiative.

7. Call for an end to plutonium separation for civilian as well as weapon purposes.

Today, about half of all separated plutonium is civilian—but it is still weapon-usable. While the weapons stockpile is slated to shrink, the civilian stockpile of two hundred and fifty tons is still growing because of reprocessing operations in France, Russia, the United Kingdom, India and Japan.

- 8. Call on nuclear weapon-states to make early national declarations of:
- stockpiles of fissile materials
- status of fissile material production facilities
- plans for the shutdown and decommissioning of production facilities
- conversion of former production facilities to safeguarded civilian uses.

This would help lay the basis for nuclear disarmament negotiations and subsequent verification.

- 9. Call on the nuclear-weapon states to preserve fissile material production facilities (enrichment plants, production reactors and reprocessing plants) and related waste materials and historic production records in a condition that will facilitate verification of declarations of past production and to work with the IAEA to determine what needs to be preserved and how, and to develop appropriate verification methods.
- 10. Call for new bilateral, trilateral and multilateral cooperative projects involving the IAEA for verifying:
- Chain-of-custody for warheads and fissile materials.
- Dismantlement of warheads and components containing fissile materials, and
- Disposition of the recovered highly enriched uranium and plutonium.

The International Panel on Fissile Materials is a group of independent analysts from seventeen countries (Brazil, China, France, Germany, India, Ireland, Japan, Mexico, the Netherlands, Norway, Pakistan, Russia, South Africa, South Korea, Sweden, the United Kingdom and the United States). For details see www.fissilematerials.org.

Denuclearization and peace on the Korean peninsula

Emma Bjertén | Reaching Critical Will of WILPF

On Friday, Solidarity for Peace and Reunification of Korea (SPARK) hosted a workshop with the theme "Denuclearization and Peace on the Korean Peninsula". The workshop was divided into two sessions: the first one discussed denuclearization of the Korean peninsula and the second one looked at the issue of US military bases in the Republic of Korea (ROK).

A short film gave a brief history of the Korean conflict, its relation to the US, why the Democratic People's Republic of Korea (DPRK, or North Korea) possesses nuclear weapons, and what SPARK is doing in its work toward a denuclearized peninsula. Pyon Yeon Shik, representative of SPARK, argued that the US threat to use nuclear weapons against the DPRK led the DPRK to develop its on nuclear weapons. She said that an end to the hostile US-DPRK relation is crucial to denuclearizing the Korean Peninsula. As the US-ROK alliance regards the DPRK as its military enemy, she argued that the alliance between the US and the ROK cannot coexist with peace and therefore needs to be abolished.

The consequences of the US-ROK alliance were further discussed in the second session, regarding US military bases in ROK. Two films showed how US military bases placed in the Jeju islands and Pyeongtaek have caused a lot of suffering for South Koreans who have been uprooted from their homes. This has lead to mass demonstrations. Ko Young-Dae, representative from SPARK, said he has observed a positive development, that people who previously accepted the US bases are now starting to raise their voices for the US to withdraw because of the awareness of the suffering among the people.

The discussion about the role of the US in this conflict raised a lot of questions. One of the questions regarded the interests of the US to keep their bases in the region. The questioner wondered how much SPARK saw their conflict as part of a global strategy. Ko Young-Dae said he sees the struggle against the US bases and the reunification of the ROK and DPRK as two different sides of the same coin.

Emma Bjertén is an intern with Reaching Critical Will of the Women's International League for Peace and Freedom. •



News in Brief

Beatrice Fihn | Reaching Critical Will of WILPF

Plenary meeting

- The three Chairs of the Main Committees reported on the proceedings of their committees and subsidiary bodies and announced that each had submitted a draft text to the President of the Review Conference.
- President Cabactulan announced that the draft texts would be released at 3:00 PM on Friday (see the editorial for details on the draft texts).

Main Committee III

Procedural issues

- Iran voiced concerns over the submission of a draft text from Main Committee III, arguing that it was premature since the deliberations were still ongoing.
- The Chair of MCIII, explained that it was just a first draft and had been requested by the President of the Review Conference, and that states parties would have the opportunity to make further comments on the text.

IAEA safeguards agreement

 The United Arab Emirates called upon all states to adhere to the Comprehensive Safeguards Agreement and to cooperate fully with the IAEA.

Multilateral approaches to nuclear fuel supply

- Sweden and Norway supported the establishment of a multilateral fuel cycle mechanism and Norway argued that such a mechanism would not interfere with the right to develop a national fuel cycle.
- Egypt argued that any agreement on the issue of fuel supply must contain the criteria of implemented IAEA comprehensive safeguard agreements and a commitment to not develop nuclear weapons.
- Egypt and Brazil noted that IAEA would not be the only competent body to deal with this and suggested the possibility of other regional and multilateral arrangements.
- Lebanon argued that the IAEA would be the best place to have these discussions, and pointed out that only states parties to the NPT should be eligible for such multilateral fuel assurances.
- Brazil doubted the utility of these kinds of arrangementsandstated that it was important to not micromanage or pre-empt any future discussions.
- Brazil suggested that the RevCon should emphasize that continued discussions on the issue are needed, and perhaps ask the IAEA or other appropriate forums to provide the venue for such talks.

France on nuclear energy

Jonna Kim | NGO Committee on Disarmament, Peace and Security

The Permanent Mission of France to the United Nations held an event titled "Promoting Access to Civil Nuclear Energy and its responsible development" on Friday.

Mr. Frederic Mondoloni, Director of International Affairs, argued that as the demand for energy is growing, it is important to find ways to utilize available nuclear energy as "cost-effective" and "environmentally friendly". He explained that France sees this year's "NPT Review Conference as an opportunity to reaffirm the major principles governing and facilitating the sustainable development of civil nuclear energy."

Mr. Mondoloni highlighted France's international cooperation, including the International Conference on Access to Civil Nuclear Energy in Paris in March 2010, which France organized to start an in-depth dialogue on the challenges of developing civil nuclear energy between supplier and recipient states.

Mr. Claude Guet, Director of Nuclear Education and Training, stated that France has increased nuclear safety in its facilities and called for higher standards of education that focuses on understanding the physical science and technology and sharing experiences and initiatives in education and security. The French government has recently created the French Council for Education and Training in Nuclear Energy, which focuses on providing education and training, and reaching out to international students.

Mr. Phillippe Pallier from Agence France Nucléaire International explained that the agency is working to assist international treaties, promote legal frame of the nuclear program, provide assistance for safe use of nuclear energy, and support technical and economic studies.

Mr. Poirier representing AREVA, discussed current projects initiated by the group. He noted three challenges for the world energy sector: meeting a high demand of energy, coping with decrease in oil and gas availability, and dealing with greenhouse gas emissions. He argued that nuclear energy is crucial to solving all three of these challenges.

After the presentations, the Q&A session served as an opportunity for discussion on a wide range of issues on developments of nuclear energy. Several participants voiced concern about the negative aspects of uranium mining on local populations. Additionally, the panelists responded to different questions on financial issues, waste problems, and enrichment of uranium.

Jonna Kim is an intern with the NGO Committee on Disarmament, Peace and Security. •



Draft Text Review

Ray Acheson and Beatrice Fihn | Reaching Critical Will of WILPF

Main Committee I: Disarmament and security assurances

The draft text is divided into three sections: review, reaffirmation, and action. The review and reaffirmation is similar to that in 2000, though the language has been updated to reflect current discourse on several important issues. The action plan is the key piece of the draft. It includes 26 actions for implementing article VI, the relevant 1995 principles and objectives, and building upon the 13 practical steps from 2000.

Benchmarks and timeframes

One of the most significant and compelling elements of the draft action plan on disarmament is that it includes dates on specific issues. For example, in order to facilitate the full implementation of article VI in a timely manner, nuclear weapon states will convene consultations "not later than 2011" on accelerating concrete progress on nuclear disarmament (Action 6), on the basis of which the UN Secretary-General will convene "an international conference in 2014 to consider ways and means to agree on a roadmap for the complete elimination of nuclear weapons within a specified timeframe, including by means of a universal, legal instrument" (Action 7). Other timelines include:

- a declaration of all weapons-usable fissile material stocks by 2012 (Action 19);
- a standard reporting form by 2012 (Action 25);
 and
- the CD has until the end of its 2011 session to commence substantive work before being referred to the UN General Assembly (Actions 8 and 17).

Concrete steps on disarmament

Actions 6 and 7 are undoubtedly based on calls from the overwhelming majority of states at this Review Conference, who have expressed their dissatisfaction at the slow and incremental pace of unilateral and bilateral reductions by the nuclear weapon states of their monstrous nuclear weapon stockpiles. Most non-nuclear weapon states have noted that 40 years after the NPT's entry into force, there has been grossly inadequate progress on achieving the elimination of nuclear weapons. Some nuclear weapon states have argued that they are waiting for the appropriate "conditions" before they can begin considering ways to eliminate nuclear weapons, though the non-nuclear weapon states have been quick and strong in pointing out that putting preconditions on nuclear disarmament is as absurd and unjustified as putting them on nonproliferation.

Action 6 includes specific items for consideration during the 2011 consultations, noting that these consultations should, inter alia, lead to further reductions; address the question of weapons stationed on the territories of non-nuclear weapon states (ie, the five NATO countries that host US "tactical" nuclear weapons); further diminish the role and significance of nuclear weapons in security doctrines and in military and political alliances; reduce the operational status of nuclear weapon systems; and increase transparency and mutual confidence. Moving forward from several of the points in step 9 from the 13 practical steps, this appears to have been drafted in such a way so as to facilitate progressive efforts toward disarmament while balancing the competing concerns and interests of the P65.

Other actions in the disarmament plan include some specific ideas on what can be done now, before consultations. Action 3 calls for NWS to undertake further reductions of all types of nuclear weapons, which reflects a resounding call from NNWS at this Conference for arsenal reductions to include deployed and non-deployed, strategic and "non-strategic" weapons, as well as nuclear weapon related materials. Also flowing from repeated calls of states parties this year, Action 2 calls for the application of irreversibility, verifiability, and transparency to nuclear disarmament, arms control, and reduction measures (where as step 5 of the 13 practical steps only calls for irreversibility). Action 5 calls on the nuclear weapon states to cease the development of new nuclear weapons and the qualitative improvement of existing systems that support new military missions. And Action 1 says that all states "shall pursue policies that are fully compatible with the objective of achieving a nuclear weapon free world." And Action 4 specifically calls on the US and Russia to seek the early entry into force of New START.

Unfortunately, not all of these actions are compatible with each other. It has become starkly clear that ratification of New START, at least in the United States, will result in actions completely incompatible with the objectives of a nuclear weapon free world and will result in the qualitative improvement of nuclear weapon systems, as well as the necessary infrastructure to continue building new nuclear weapons and related components. On Friday morning, the Obama administration submitted New START for ratification to the Senate along with a "Section 1251" report—a classified report required by



the National Defense Authorization Act. This report provides a comprehensive plan to: (1) maintain nuclear weapon delivery systems; (2) sustain a "safe, secure, and reliable" US nuclear weapons stockpile; and (3) modernize the nuclear weapons complex. The unclassified fact sheet explains, "This report is based on the policies and principles in the Nuclear Posture Review and describes a comprehensive plan for sustaining a strong nuclear deterrent for the duration of the New START Treaty and beyond. The plan includes investments of \$80 billion to sustain and modernize the nuclear weapons complex over the next decade."

The action plan is lacking any prohibition of increased investment in nuclear weapons and related infrastructure. While the Obama administration's intent to invest \$80 billion to "sustain and modernize the nuclear weapons complex over the next decade" obviously violates Action 1 of the plan, there is no specific language against nuclear weapons expenditure or against the construction of new nuclear weapon facilities or of new nuclear weapon components, as has been called for by some states during this Review Conference. Limiting the prohibition to "qualitative improvements ... that support new military missions or provide for new military capabilities" leaves a loophole in which nuclear weapon states are free to "refurbish" their arsenals, extending their life into the indefinite future, which is counterproductive to achieving their elimination any time soon.

The plan also does not call for any kind of measures to reduce the perceived legitimacy, legality, morality, or usefulness of nuclear weapons. In this regard, the action plan could have called for a study into the relationship between nuclear weapons and international humanitarian law, for example, as raised specifically by several delegations at this Review Conference, including the Swiss and Norwegians.

Finally, the action plan does not include any reference to reviving the Anti-Ballistic Missile Treaty (the strengthening of which was called for in step 7 of the 13 practical steps, before the US abrogated the Treaty) or initiating any other agreement on limiting or reducing anti-ballistic missiles or delivery systems. Paragraph 16 of the review portion of the draft text does recognize the interrelationship between strategic offensive arms and strategic defensive arms and paragraph 17 recognizes that ballistic missiles with conventional warheads or the placement of weapons in outer space "would adversely impact strategic stability and have negative consequences for nuclear disarmament and non-proliferation."

Security assurances

During an MCI debate, many delegations called for the commencement of negotiations on a legallybinding negative security assurance instrument. However, the action plan only calls for discussions within the Conference on Disarmament (CD), though it uses the mandate from the CD's programme of work adopted unanimously last year regarding the formulation of "recommendations dealing with all aspects of this issue, not excluding an internationally legally binding instrument" (Action 8). However, this is an improvement from the 13 practical steps, which did not provide for security assurances at all. Action 9 of this draft calls on NWS to "fully respect their existing commitments with regard to security assurances" pending the conclusion of multilaterally negotiated legally-binding assurances and Action 10 calls on states to encourage the establishment of further nuclear weapon free zones where appropriate and that all states shall consult and cooperate to bring about the entry into force of the relevant protocols.

Fissile materials

Negotiation of a fissile materials treaty is also kept within the CD, though Action 19 states that NWS will declare all weapons-usable fissile material stocks by 2012 (which adds a timeframe to step 3 of the 13 steps). Action 20 has NWS place excess materials under IAEA verification (as does step 10 of the 13 steps); Action 21 says all states will support legally-binding verification arrangements to remove fissile material from nuclear weapons; and Action 22 calls for dismantlement of weapons-usable fissile material production sites.

The question of the CD

Both security assurances and a fissile materials treaty are kept in the CD context by this action plan, though it only gives the CD until the end of its 2011 session to start working on these issues before asking the UN General Assembly to determine how discussions or negotiations should be pursued. This is an odd declaration, given that the CD has not been given its mandate or agenda from the NPT and has members that are not party to the Treaty. However, this clearly states the political intent of NPT states parties to look toward progress in other fora if the CD is unable to begin work. If the UN General Assembly were to take up this call in September 2011, it would give a forum that does not work by consensus to determine if a new negotiating body should be established or if alternative processes should be initiated.

Nuclear testing

Action 11 specifies that all states should ratify the Comprehensive Nuclear Test Ban Treaty



(CTBT) without conditions, which is an important qualification given the climate in the US Senate which will seek further investment in and modernization of the nuclear weapons stockpile in exchange for CTBT ratification. In the 13 practical steps from 2000, step 1 simply agreed on "the importance and urgency" of achieving the entry into force of the CTBT. Step 2 of the 13 steps called for a moratorium on nuclear weapon test explosions, which is echoed in Action 12 of the new action plan, but Action 12 goes further also calling on states to refrain "from any action which would defeat the object and purpose of the CTBT," which undoubtedly includes subcritical testing and other means of testing. The new action plan also pushes for increased promotion of the CTBT (Actions 13 and 14); completion of the CTBT verification regime (Action 15); and the closure and dismantlement of all nuclear test sites (Action 16).

Transparency, confidence-building, and civil society

The action plan ends strongly with points on cooperation with civil society, among other actors; the establishment of verification capabilities for a nuclear weapon free world (as in step 13 of the 13 steps); regular reporting on this action plan and all other disarmament commitments in the NPT context (as in step 12 of the 13 steps); and implementation of the UN recommendations on disarmament and non-proliferation education. The draft text welcomes new proposals and initiatives from civil society that are aimed at achieving the vision of a world free of nuclear weapons. Civil society has never before been mentioned in a final document of a RevCon.

Conclusion

Overall, the draft text from MCI is strong. It responds to many of the challenges preventing the elimination of nuclear weapons and it accurately reflects most of the calls made by the overwhelming majority of states party to the NPT at this Review Conference for real concrete action on nuclear disarmament with benchmarks and timelines by which to measure implementation. Throughout the text—the reaffirmation, review, and action plan—the draft strongly supports and carries forward the "vision" of a nuclear weapon free world proclaimed even by most of the nuclear weapon states.

Main Committee II: Non-proliferation and regional issues

The Main Committee II text consists of two sections: one that looks at past commitments and reviews the Treaty, and a second part that consists of a forward-looking action plan. Both of these sections deal with non-proliferation and nuclear weapon free zones. Regarding the issue of the Middle East

NWFZ, the topic of the subsidiary body for MCII, the text only reaffirms the importance of the 1995 resolution. As states parties are still in the process of negotiating details on the implementation of the Middle East resolution, this draft does not include any specific language on the issue yet.

IAEA safeguards

The draft puts a lot of emphasis on the role of the IAEA and reaffirms that the safeguard system is a fundamental pillar of the non-proliferation regime. The draft urges all 19 states parties that haven't brought into force the Comprehensive Safeguards Agreement (CSA) to do so as soon as possible. In accordance with the preferred language of many western delegations, the draft text notes that implementation of the additional protocol to the IAEA safeguards agreement provides increased confidence about absence of undeclared nuclear material; in its action plan, the draft text encourages all states parties to conclude additional protocols and to bring them into force as soon as possible, and affirms that the CSA, together with the additional protocol "represents the verification standard that best fulfil the objectives of article III". This issue is still controversial and during the debates in Main Committee II, it was quite clear that many nonnuclear weapon states are resistant to redefining commitments under article III, especially in light of the vague commitments and verification measures required by nuclear weapon states under article VI. For nuclear weapon states, the draft only calls for the wider application of safeguards on peaceful nuclear facilities and does not include any other additional obligations.

Non-compliance

The draft states clearly that non-compliance with the NPT undermines its integrity and it puts a clear emphasize on the central role played by the IAEA in verifying compliance with obligations under article III. As for suspected non-compliance, the draft only mentions that states parties that have concerns regarding non-compliance with the safeguards agreements of the Treaty should direct such concerns, along with evidence and information, to the IAEA to consider, investigate, draw conclusions, and decide on necessary actions in accordance with its mandate. While noting the importance of addressing compliance challenges, and expressing in particular the need for strict compliance with non-proliferation obligations, the draft fails to explicitly mention that both vertical and horizontal proliferation are included in such obligations.

Export controls

The draft encourages states parties to consider



whether a recipient state has brought into force an additional protocol in making nuclear export decisions, as well as notes the useful role of the Nuclear Suppliers Group (NSG) and the Zangger Committee in the area of export control. However, it does not discuss export controls in relation to non-NPT states; neither does it mention the exception made by the NSG regarding nuclear trade with India. It also does not mention the critique by the NAM and other NNWS that the conduct of these suppliers cartels are non-transparent and non-inclusive.

Universality

In the action plan for non-proliferation, the draft text calls upon all states parties to exert "all possible efforts" to promote universal adherence to the Treaty and not to undertake any actions that can negatively affect prospects for the universality of the treaty. This is stronger than the commitments in the 2000 document, which only focused on calling upon states to join the treaty, and not actions taken by parties to encourage this.

Nuclear weapon free zones

The draft text welcomes the entry into force of the Pelindaba and the Semipalitinsk Treaty. It also stresses the importance of the signature and ratification by the nuclear-weapon states of the relevant protocols to the NWFZ and reaffirms the guidelines on NWFZ, developed by the Disarmament Commission. The draft also explicitly supports Mongolia's policy to institutionalize its status of NWFZs.

Conclusion

In the meetings of Main Committee II, safeguards and the additional protocol have been the main topics of debate. It has been clear that divergences of opinion between delegations are quite wide. While the document does not call for states to sign and ratify the additional protocol, it includes a straightforward reference to additional protocol as representing the verification standard for article III, which has clearly been opposed by some delegations.

The main strength of the text is the concrete suggestion that states parties refrain from undertaking actions that can negatively affect prospects for the universality of the Treaty, a significantly stronger commitment than in previous documents. It will also be interesting to see what comes out of the negotiations on implementation of the Middle East resolution, something that most certainly will add another dimension to this document.

Main Committee III: Peaceful uses of nuclear energy and institutional issues

The draft text from Main Committee III includes a section on decisions and recommendations of

previous conferences as well as a section on forward-looking actions. It does not include any report from the subsidiary body and it is still missing a section on actions on the issue of institutional reform of the NPT review process, pending discussion of this issue in the subsidiary body.

Nuclear energy

The draft text focuses mainly on promoting nuclear energy as part of a "diverse portfolio of energy sources" needed "to allow access to sustainable energy and electricity resources" and helpful for to achieving the Millennium Development Goals. It strongly reaffirms states parties "inalienable right" to nuclear energy for peaceful purposes "without discrimination and in conformity with articles I, II, and II of the Treaty," as in the 2000 final document. As in 2000, it also recognizes this right as "one of the fundamental objectives" of the NPT and "confirms that each country's choices and decisions in the field of peaceful uses of nuclear energy should be respected without jeopardizing its policies or international cooperation agreements and arrangements for peaceful uses of nuclear energy and its fuel-cycle policies." NNWS, in particular those from the NAM, have strongly emphasized the importance of reaffirming this approach to peaceful uses throughout the first two weeks of the Review Conference.

Technical cooperation

The draft seems to emphasize two dimensions of technical cooperation: that it foster the development of peaceful uses and that it ensure that nuclear materials and facilities do not contribute to proliferation.

Echoing the vast majority of claims made by states at this RevCon, the draft highlights the importance of the IAEA's Technical Cooperation programme as the main vehicle for the transfer of nuclear technology for peaceful purposes and encourages continued efforts to strengthening this programme. It also notes that states parties try to ensure that the IAEA's resources for TC activities should be "sufficient, assured, and predictable," but it does not call on these activities to be funded by the IAEA's regular budget, as called for by several developing states at this RevCon. Instead, it just notes that "all members share a common responsibility towards financing and enhancing the TC activities of the IAEA." While a few western delegations, including the European Union, called for TC to be suspended in suspected cases of non-compliance, and others, such as Canada, urged the IAEA to assess the "necessity" of TC requests by counties, the draft text does not incorporate either of these and instead uses language from 2000 for the IAEA and states parties



to enhance the effectiveness of IAEATC activities "in light of changing circumstances and needs of states concerned."

The draft text does not deal with the issue of transfer denials, as requested by the Iranian and Algerian delegations.

Nuclear safety

The draft recognizes the safety and security issues associated with nuclear energy, including the "need to resolve the issue of managing radioactive waste in a sustainable manner." However, the draft fails to deal with any of the other problems related to the development and use of nuclear energy, such as economic and environmental costs; legacy issues; sustainability problems; and the problems of uranium mining. The delegations of Ireland and Austria raised all of these issues during the general debate, but the draft text fails to reflect their concerns. The action plan of the text does call on states to ensure "the highest levels of safety, security, non-proliferation and environmental protection" when developing nuclear energy.

The draft also confirms that the use of nuclear power must be accompanied by ongoing implementation of the highest levels of IAEA safeguards, safety, and security standards. The draft notes that while nuclear safety is a national responsibility, international cooperation on all safety-related matters indispensable and calls on all states parties to accede to the relevant treaties on nuclear safety and security as well as the International Convention on the Suppression of Acts of Nuclear Terrorism. Pulling heavily from suggested language by the French delegation, the draft also calls on states to ensure the development of appropriate nuclear infrastructure to ensure safety and security; to promote the sharing of best practices; and to develop a "safety culture" through training and capacity-building.

Maritime transport of radioactive materials

Several delegations, particularly that of CARICOM, raised the issue of the environmental and health risks posed by the transshipment of nuclear materials through the Caribbean. The draft text, however, recognizes the "excellent" safety record in this regard and reaffirms maritime and air navigation rights and freedoms. It does take note of the concerns of small island and coastal states, but only "welcomes efforts to improve communication" between these states and those shipping radioactive materials through their regions.

Armed attacks against peaceful nuclear installations

Inanattempt to balance between NAM language on this issue and Australian concerns that said language

was "too prescriptive," the draft text stipulates that the RevCon "considers that attacks or threats of attack on nuclear facilities devoted to peaceful poses jeopardize nuclear safety, have dangerous political, economic and environmental implications [rather than the NAM's "poses a great danger human beings and the environment"], and raise serious concerns regarding the application of international law on the use of force in such cases [rather than, "constitutes a grave violation of international law, principles and purposes of the UN Charter and regulations of the IAEA"]. The draft text does not call for a negotiated instrumented prohibiting such attacks or threats as called for in the NAM statement, but notes that such attacks or threats "could warrant appropriate action in accordance with the provisions of the Charter of the United Nations."

Nuclear liability

The draft's action plan calls for states to "put in force a civil nuclear liability regime by becoming party to relevant international instruments or by adopting a national legislation."

Multilateral approaches to the nuclear fuel cycle

After an intense debate on this issue during the first two weeks of the Review Conference, the draft text stresses that proposals for assurance of fuel supply should be addressed in a multilateral, economically viable, non-discriminatory, transparent manner under the auspices of the IAEA, while not affecting the rights under the NPT. It "notes the various proposals" and encourages all efforts to further develop them, but does not put forward or recommend any specific measures on how to move forward on this. In the action plan, the draft only encourages "continue discussions on opportunities to create additional mechanisms for assurance of nuclear fuel supply."

Universality

In a more concise manner than the outcome in 2000, this draft text expresses concerns regarding lack of progress on this issue and states that this represents a threat to international peace and security. It calls upon India, Israel and Pakistan to bring into force IAEA safeguards and to reverse clearly and urgently any policies to pursue any nuclear weapons development, as well as become parties to the CTBT. Reflecting the concern of most NNWS to the NPT over the US-India deal and subsequent Nuclear Suppliers Group decision to permit nuclear trade with India, the draft stresses that NPT states parties "should reverse any form of nuclear cooperation" with non-NPT states.

Withdrawal

In the last outcome document from 2000, continued on mext page



withdrawal from the NPT was not mentioned. However, since the DPRK announced its withdrawal without regarding the provisions of article X, the issue has gained attention. The draft reaffirms the sovereign right to withdraw from the NPT under article X as well as under international law, such as the Vienna Convention on the Law of Treaties. However, it also underscores that article X allows for such action only in the face of extraordinary events and notes that withdrawing states are still liable for breaches of the Treaty prior to the withdrawal. It stresses that all nuclear material and equipment acquired prior to withdrawal "must remain subject to peaceful uses under the IAEA safeguards even after withdrawal."

In case of a withdrawal, the draft calls upon states to undertake collective consultations immediately to address the legitimate security interests of the withdrawing party. The draft also reaffirms the role of the Security Council as already provided for in article X. Going beyond the text of article X, the draft text recommends that nuclear supplying states "consider incorporating dismantling and/or return clauses in the event of withdrawal" in arrangements concluded with other states parties as appropriate in accordance with international law and national legislation.

Conclusion

The draft from Main Committee III consists of the usual pro-nuclear energy arguments and promotes an increased use of nuclear energy within the framework of safety, security, and safeguards. The language on universality is strong and it is positive that the text encourages states to reverse their nuclear cooperation with non-NPT states parties, arrangements which have gravely upset the non-proliferation regime. The issue of withdrawal is new and the language carefully tries to highlight the importance of keeping all states parties in the Treaty while not undermining the sovereign right under article X. Once the concrete proposals for institutional reform will be included, it could hopefully add a significant practical application to the draft. •

A world free of whaling (cont.)

species, hunting in new waters and the design and construction of advanced new whaling ships and harpoons, would it be hailed as an anti-whaling treaty? Indeed, if part of the domestic political deal made within whaling states in order to secure ratification in their legislatures included large investments in a 'national whaling complex' that would be able to build these ships and harpoons a century into the future, would anti-whaling activists publicly support it? Would they call it a good first step toward an end to whaling?"

As delegations proceed with their negotiations over the next two weeks, we urge them to look critically at the reality of the broader context. We urge them to adopt progressive disarmament and non-proliferation measures that truly lead to a nuclear weapon free world. Some of the nuclear weapon states say they are waiting for the right "conditions" for such a world, but it is primarily their own continued reliance on and investment in nuclear weapons that leads the whole world further away from disarmament and non-proliferation, not toward it. •

Notes

- 1. "The New START Treaty—Maintaining a Strong Nuclear Deterrent," White House Fact Sheet, 14 May 2010, http://www.whitehouse.gov/sites/default/files/New START section 1251 fact sheet.pdf
- 2. Robert Gates, "The case for the New START Treaty," Wall Street Journal, 13 May 2010.





Working Paper Review, Part Two

Beatrice Fihn | Reaching Critical Will of WILPF

Nuclear disarmament

Elimination of nuclear weapons

In WP.24, Algeria notes that the goal for the Review Conference should be to adopt a set of practical measures and make collective, agreed commitments as part of a comprehensive approach capable of strengthening the nuclear non-proliferation regime, making progress towards nuclear disarmament, promoting the right to the peaceful use of nuclear energy, and establishing the conditions for a climate of trust and détente. WP.24 says the Review Conference should urge states to act on the commitments made in 1995 and to implement the measures taken in 2000, including the 13 steps and, in particular, the unequivocal commitment of these states to achieving the complete elimination of their nuclear weapons. It should also urge them to take other practical measures as part of their systematic and progressive efforts to reduce and eliminate nuclear weapons. WP.24 also argues that the Conference should agree on a plan of action that would include joint measures designed to halt the arms race, reduce nuclear danger, and create a climate of trust, and reduce nuclear arsenals in order to bring about the total elimination of nuclear weapons. WP.24 also recommends that the Review Conference should promote the establishment of a subsidiary body in the CD to consider the possibility of negotiating a specific timetable that would help bring about the total elimination of nuclear weapons, including a treaty imposing a total ban on nuclear weapons.

New types of weapons

Algeria, in WP.24, suggests that the parties should agree to establish a ban on developing new types of nuclear weapons and producing new nuclear weapons systems. In WP.39, the Arab League suggests that the Review Conference adopt a decision on the prohibition of development and production of new nuclear weapons as a preliminary step towards a world free of nuclear weapons.

Nuclear doctrines

In WP.24, Algeria suggests NWS should reduce the role of nuclear weapons in defense policies, provide security assurances to non-nuclear-weapon states against the use or threat of use of nuclear weapons, de-alert nuclear weapons, and provide measures to ensure transparency, irreversibility, and verification in the disarmament process.

Reductions

Algeria suggests, in WP.24, that nuclear weapon states should progressively reduce the number of nuclear weapons they possess and ultimately

eliminate them completely in accordance with legal instruments upholding the criteria of transparency, irreversibility, and verification in order to give effect to the principle of "strict and effective international control".

Reporting

WP.24, submitted by Algeria, reiterates the importance of reporting to states parties on implementation of article VI and argued that nuclear weapon states should be called upon to submit reports on that matter.

Security assurances

WP.25, submitted by Algeria, suggests that the Review Conference should reaffirm the commitments undertaken previously and reiterated in Security Council resolution 984 and call upon States Parties to conclude an international legally binding instrument on such assurances. WP.39, submitted by the Arab League, calls for the developing of effective international arrangements for granting unconditional security assurances to non-nuclearweapon states against the use or threat of nuclear weapons.

Non-proliferation

Nuclear Safety

In WP.20, the Vienna Group of 10 proposes draft review language for dealing with physical protection of nuclear facilities. It suggests that the RevCon call on all states to apply the recommendations on the physical protection of nuclear material and nuclear facilities from the IAEA and in other relevant international instruments at the earliest possible date. It also suggests the RevCon call upon all states to improve their national capabilities to detect, deter, and disrupt illicit trafficking in nuclear materials throughout their territories and urges all states that have not yet done so to become party to the International Convention for the Suppression of Acts of Nuclear Terrorism.

In WP.57, Iraq urges states to consult with neighboring countries when they establish nuclear plants, and to endeavor to make arrangements between themselves, under the supervision of IAEA and the relevant regional and international environmental agencies, to ensure that negative environmental impacts on the region will be limited and that no harmful radiation that could damage human beings or the environment are allowed to escape.

CTBT

WP.24, submitted by Algeria, suggests that the continued on mext page



Working Paper Review (cont.)

urgency of the entry into force of the Comprehensive Nuclear-Test-Ban Treaty should be underlined by the Review Conference, and those Annex 2 States that have not yet ratified the Treaty should be called upon to do so. In WP.55, the European Union argues that it is of the utmost importance to completing a credible and operational verification regime for the CTBT, since this will provide the international community with independent and reliable means of ensuring compliance with the Treaty.

IAEA safeguards

In WP.21, the Vienna Group of 10 proposes that the Conference should call for the universal application of IAEA safeguards and urges those states parties which have not yet done so to conclude and bring into force comprehensive safeguards agreements. The working group also suggests that the RevCon recognize the additional protocol as an integral part of the IAEA safeguards system, affirm that a comprehensive safeguards agreement, together with an additional protocol, represents the verification standard, and urge all states parties which have not yet done so to conclude and to bring into force an additional protocol as soon as possible.

WP.39, submitted by the Arab League states that the conclusion of an additional protocol should not be obligatory nor should it be used as a standard for determining whether States should be allowed to acquire nuclear technology for peaceful uses.

In WP.57, Iraq argues that by agreeing to apply the IAEA additional protocol and encouragement to comply with it, states will strengthen the Agency's verification role.

Nuclear fuel

Iraq, in WP.59, supports the IAEA initiative to establish a nuclear fuel bank, provided all the necessary assurances are given that states will maintain their right to use nuclear energy for peaceful purposes and their right to enrich uranium and obtain advanced technology and enriched uranium without discrimination and at fair prices.

Nuclear exports

In WP.39, the Arab League suggests that nuclear weapon states should affirm their full commitment to implement the provisions of article I of the Treaty. They should further undertake not to provide Israel with any form of direct or indirect assistance that would enable it to increase its capacity to manufacture nuclear weapons or explosive nuclear devices, or to acquire or gain control thereof, in any way, shape or form.

Compliance

In WP.21, the Vienna Group of 10 suggests that the Conference should underscore the mandate of the Security Council to ensure and uphold compliance with the Treaty and with safeguards agreements and to take appropriate measures in cases of non-compliance with the Treaty and with safeguards agreements when notified by IAEA of non-compliance.

In WP.39, the Arab League argues that states parties should comply fully with all their obligations under the Treaty and that the rights of under the Treaty should be consolidated and any attempt to reinterpret the Treaty's provisions should be rejected.

Universality

The Arab States, in WP.39, call on the Review Conference to develop a plan of work aimed at achieving the universality of the Treaty through the immediate and unconditional accession of states not parties to the Treaty as non-nuclear weapon states.

Withdrawal

The Arab States, in WP.39 affirms the sovereign right of States to withdraw from the Treaty and reject any attempt to amend or reinterpret the provisions of article X or to restrict their application through new measures.

Middle East

In WP.39, the Arab League emphasizes that the success of the Review Conference depends on making progress in the implementation of the resolution on the Middle East and proposes that the United Nations to convene a conference that will make a sincere effort to establish a nuclear-weapon-free zone in the Middle East within a specific time frame. The working paper also calls for the establishment of a standing committee comprising the members of the Bureau of the Review Conference, with a mandate to follow up implementation of the 1995 resolution and the Final Document of 2000. The Committee should also follow up implementation of the outcome of the 2010 Review Conference, and submit a comprehensive report thereon to the 2015 Review Conference and the sessions of the Preparatory Committee, in order to inform them of the progress made.

Iraq, in WP.57, states that any attempt to establish a nuclear weapon free zone in the Middle East must begin with basic steps that include the nuclear disarmament of Israel, its accession to NPT, and placement of all its nuclear installations under IAEA comprehensive safeguards. •





News in Review



What's On Today's Calendar of Events

Abolition Caucus

Where: Conference Room A, North Lawn Building

When: 10:00-11:00

Contact: Alice Slater, Nuclear Age Peace Foundation

Main Committee III

Where: Conference Room 2, North Lawn Building

When: 10:00-13:00

Why the Outcome of this NPT Review Conference

Where: Conference Room 2, North Lawn Building

When: 13:15-14:45

Contact: Jennifer Nordstrom, Institute for Energy and

Environmental Research *A light lunch will be served.*

Main Committee I

Where: Conference Room 4, North Lawn Building

When: 15:00-18:00

Main Committee II

Where: Conference Room 2, North Lawn Building

When: 15:00-18:00

Answers to Friday's Nuclear Crossword



C Y T Ic ES Т N H NΙ Ε ENI HE Ι KIONV R ER Ι OQRAE MAAEFOMZKR S R D T S N B Ι MAZ G IUARVE GMJAΕ OBR SAYL С Ε T Y C AΙ U S S K QTI Т EAADLSNT R 0 Ι

REARMAMENT
NUCLEARFREE
MIDDLEEAST
MILITARIZATION
ENFORCEMENT
CHINA
SECURITYCOUNCIL
THERMONUCLEAR
WILPF
PAROS
UNIVERSALITY
HORIZONTAL
AMBASSADOR