



# NPT News in Review

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



## **Flexibly, cooperatively, hopefully—principles for multilateral approaches to nuclear disarmament and non-proliferation**

Ray Acheson | Reaching Critical Will of WILPF

After a hectic few days of informal closed door meetings—during which many delegates expressed some confusion and concern, oscillating between cautious optimism and skepticism—the President of the Review Conference released the Draft Final Document at a Thursday evening plenary. Introducing the text as “the best that can be offered,” he cautioned that making amendments at this point “may endanger the success of the Conference”. The plenary adjourned with a plan to meet at 11:00 AM Friday morning to adopt the text.

The draft appears to be very carefully crafted to accommodate the principle concerns of all delegations. The last minute negotiations on Thursday seemed to be able to result in agreement on some key contentious issues, though it remains to be seen if the compromises reflected will be met with the spirit of cooperation and flexibility that UN Secretary-General Ban Ki-moon called for in this letter to the Conference on Wednesday.

Flexibility hasn't been a strong point so far at this Conference. France, Russia, the United Kingdom, and the United States have succeeded in watering down the disarmament aspects of the text, particularly the action plan. All four apparently came to the Review Conference with the belief that they have done disarmament and are not interested in doing any more at this time—certainly not for at least the next five years. Perhaps the United States and Russia would be perfectly content to have a one point action plan, consisting of the current Action 4 on seeking the early entry into force and full implementation of New START. France—and most of the others—would have probably been satisfied with limiting the disarmament text to paragraphs 90, 92, 95, and 96 of the review of the operation of the Treaty, which are the paragraphs that “hail the gestures” made by nuclear weapon states (NWS) in the direction of disarmament over the last two decades.

After undertaking these initiatives,

apparently the NWS consider themselves “off the hook” and have expressed surprise that non-nuclear weapon states have asked for anything else at this Review Conference. Timelines presented a key sticking point between the P4 and the overwhelming majority of states. Paragraph 83 of the draft document still reaffirms that the final phase of the nuclear disarmament process and other related measures should be pursued within a legal framework, but in terms of time, only says that “a majority of States parties believe [this process] should include specified timelines”.

The P4 were also averse to language on modernization or development of nuclear weapons. The action that committed the NWS to cease such activities has been deleted. It's been replaced by some non-action language recognizing “the legitimate interests of non-nuclear-weapon States in the constraining by the nuclear weapon States of the development and qualitative improvement of nuclear weapons and ending the development of advanced new types of weapons.” Similarly, the section of the plan dealing with nuclear testing no longer reaffirms the commitment to ending nuclear testing and constraining the development of new weapons but simply recognizes that the cessation of such testing does constrain such developments.

Action 5, which is based on the old Action 6, no longer calls upon the NWS to convene timely consultations but rather to “promptly engage” on the issues listed within the action. In Action 5a, the NWS are promptly engaging with a view to “rapidly moving towards” an overall reduction of the global nuclear stockpile, where as previously they were to consult on rapidly “pursuing” this reduction (originally, they were to “lead to the rapid conclusion of negotiations” on this reductions). Action 5b on nuclear sharing is rephrased; rather than consulting to “address the question of all types of nuclear weapons

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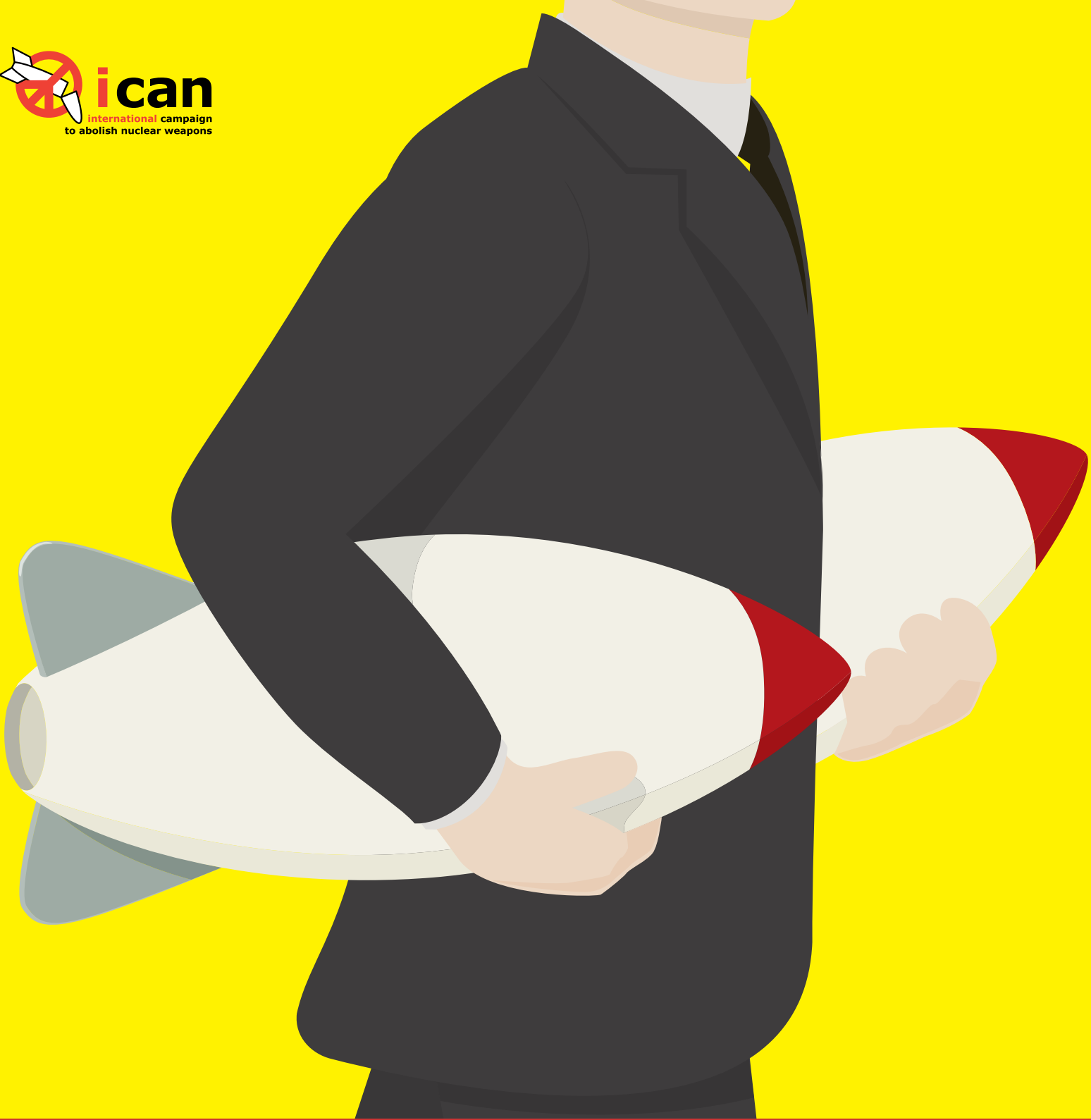
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**When the NPT RevCon ends,  
DON'T FORGET TO  
DISPOSE OF YOUR TRASH  
(transparently, verifiably and irreversibly).**

*Flexibly, cooperatively, hopefully (cont.)*

and related infrastructure stationed on the territories of non-nuclear-weapon States,” they are now to engage with a view to “address the question of all nuclear weapons regardless of their type or their location as an integral part of the general nuclear disarmament process”. Action 5e on de-alerting has the NWS considering “the legitimate interest of non-nuclear-weapon States” in further reducing operational status of nuclear weapon systems rather than considering ways to reduce this status. Apparently, the Russian delegation still hasn’t noticed that it already agreed to the text in the previous version, when it voted in favour of the UN General Assembly resolution “Renewed determination” in autumn 2009.

Interestingly, there is now a timeline for the NWS to follow through on these “engagements”: they are to report back to the 2014 NPT PrepCom and the 2015 RevCon will “take stock and consider the next steps for the full implementation of Article VI”. However, the UN Secretary-General is no longer invited to convene a conference to agree on a roadmap for the complete elimination of nuclear weapons.

Bearing all this mind, the text does commit the NWS to “undertake further efforts to reduce and ultimately eliminate all types of nuclear weapons”. While these may seem like mere words now that the majority of actionable, measurable disarmament items have been stripped from the text, there are some important steps forward from 2000. The unequivocal undertaking to eliminate nuclear weapons is reaffirmed in the review portion of the text but more importantly, Action 3 specifically commits the NWS to *implementing* that unequivocal undertaking. While

the framework for this implementation has been weakened in this action plan, it is important to note that the NWS would be, via this text, committed to some specific actions and encouraged to pursue many more. There is also more specific language on reporting on actions than in 2000, which encourages all NWS “to agree as soon as possible on a standard reporting form and to determine appropriate reporting intervals.”

At the same time, efforts have evidently also been made to reach compromise on the more controversial non-proliferation elements of the text. In some areas, the new draft describes the perspective of some states rather than asserting a particular perspective itself. For example, regarding its language on non-compliance, the Conference notes the concerns expressed by numerous states parties with respect to matters of non-compliance. Similarly, the language on the additional protocol mentions that some states think it is integral, but rather than declaring the comprehensive safeguards agreement with the additional protocol to be the verification standard, as in the earlier draft, this text notes that *in the case of* a state party with the two instruments, the measures contained within them represent the enhanced verification standard.

As for the text on the Middle East—the issue most talked about but least known about—it also appears carefully crafted. As the draft last Friday did, the text convenes a conference in 2012 and appoints a facilitator to prepare for the conference, though it would now be convened by not just the UN Secretary-General but also Russia, the UK, and the US, in consultation with the states of the region.

A great deal of effort has been put into this final document and it does represent compromise on all issues: disarmament, non-proliferation, peaceful uses, withdrawal, institutional reform, and the Middle East. A complete overview of all the changes between this draft and the President’s first draft is available in the Drafts in Contrast section, starting on page 4 of this edition. •

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## Drafts in Contrast: Draft Final Document

Ray Acheson | Reaching Critical Will of WILPF

*This review on notes changes between the first draft and this new draft. Paragraphs that have remained the same are not reviewed below.*

### Review of the operation of the Treaty

#### Articles I and II, etc.

- Para 7 now says concerns over compliance “should be pursued by diplomatic means, in accordance with the provisions of the Treaty” as well as the previously mentioned UN Charter.
- Para 8 switches the order of nuclear disarmament and non-proliferation.
- Para 9 now “condemns with the strongest possible terms” the DPRK nuclear test explosions, rather than deploring these tests.

#### Article III, etc.

- Para 11 now reaffirms rather than remphasizes the importance of access to the UN Security Council and UN General Assembly by the IAEA and the role of each in upholding compliance with IAEA safeguards, etc.
- Para 17 now welcomes rather than notes that all NWS have brought into force additional protocols to their voluntary offer safeguards agreements.
- Para 18 on the additional protocol now reads “The Conference notes that numerous States were of the view that those measures have been introduced as an integral part of the IAEA’s safeguards system.”
- Para 19 now states that the Conference “notes that many States recognize that comprehensive safeguards agreements and additional protocols are among the integral elements of the IAEA’s safeguards system” and that it “notes that in the case of State party with a [CSA] ... supplemented by an additional protocol in force, measure contained in both both instruments represent the enhanced verification standard.” It also now notes that the AP represents a significant rather than excellent confidence-building measure. The paragraph also now encourages all states parties to conclude and bring into force an AP. This language has been changed from asserting that the CSA + AP is the verification standard.
- Para 20 from the old text has been deleted, which “notes that measures provided for under the [CSA] and also the additional protocols increase the ability of the IAEA to verify the peaceful use of all nuclear material” in all NNWS.
- The new para 20 adds “and the IAEA Statute” to maintaining confidentiality in accordance with safeguards agreements.

- Para 21 deletes “by IAEA” in its sentence on implementation of State-level integrated safeguards approaches.
- In para 23, which previously expressed concern with cases of non-compliance of the Treaty and called on those states to move promptly to full compliance, now “notes the concerns expressed by numerous States parties with respect to matters of non-compliance of the Treaty by States parties, and their calls on those States non-compliant to move promptly to full compliance with their obligations.”
- Para 24 cuts off most of the language about the additional protocol, which has been moved to a new paragraph 25 and is amended. Para 24 simply underscores the importance of the IAEA exercising fully “its mandate and its authority” (adding its mandate) .... in conformity with CSAs “and where relevant with additional protocols”.
- The new para 25 has substantially revised language on the AP, saying the Conference “views that the implementation of additional protocols equips the IAEA with efficient and effective tools for obtaining additional information about the absence of undeclared nuclear material and activities in non-nuclear-weapon States. The Conference also notes that many States were of the view that additional protocols also equip the IAEA with access that provides the basis for credible assurance.” It no longer says that the AP is a tool by which the IAEA can “obtain a much fuller picture of existing and planned nuclear programs and material holdings,” nor does it assert that the implementation of an AP “is of vital importance for the IAEA to be able to provide credible assurances about the exclusively peaceful nature of non-nuclear-weapon States’ nuclear programmes.”
- The old para 27 on export controls is now preferred with “The Conference notes that numerous States underline...” and it also adds new text in the beginning recognizing “that national rules and regulations of States parties are necessary to ensure that the States parties are able to give effect to their commitments with respect to the transfer of nuclear and nuclear-related dual use items to all States taking into account articles I, II and III of the Treaty, and, for States parties, also fully respecting article IV.”
- Para 29 is rephrased to emphasize the important role of the IAEA “in foster international

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*Drafts in Contrast (cont.)*

cooperation in nuclear security," establishing "a comprehensive set of nuclear security guidelines" and assisting member states to enhance their nuclear security, as opposed to recognizing the role of the IAEA "in the global efforts to improve the global nuclear security framework and to promote its implementation and notes the work being undertaken by the IAEA in developing the Nuclear Security Series and assisting States in meeting appropriate security standards."

- Para 30 on illicit trafficking contains the same substance but is rephrased.

*Article IV, etc.*

- Para 32 reaffirms the inalienable right to nuclear energy in conformity with articles I, II and III of the Treaty, taking out article IV from that list.
- The old para 33 is deleted, which essentially repeated para 32.
- The new para 33 is the old 34, amended to reaffirm the right to develop peaceful uses "in conformity with all the provisions of the Treaty," rather than "in a safe and secure manner".
- Para 40 affirms the importance of public information to help build "acceptance," rather than "confidence," in peaceful uses.
- Para 42 says the IAEA Technical Cooperation programme is developed, *inter alia*, "in accordance with relevant directives of the General Conference and the Board of Governors," rather than "the decisions of the IAEA policy making organs".

- Para 48 cuts out the language welcoming the initiative to raise 100 million dollars in extra-budgetary contributions to IAEA activities and encouraging states to make contributions, though this is contained in Action 55 in the action plan.
- Para 51 says nuclear fuel suppliers "are encouraged to work with" rather than "should work with" recipient states in the safe and secure management of spent fuel.
- Para 53 on safety, security, and safeguards now calls for the development of nuclear energy "in accordance with IAEA standards".
- Para 56 cuts out the language on HEU minimization though it is reflected in para 67 and the action plan.
- Para 57 cuts out the reference to a LEU bank and language encouraging states to develop fuel cycle related multilateral mechanisms.
- Para 58 now underlines the importance of discussing "voluntary multilateral" mechanisms for assurance of fuel supply, without affect rights "of States parties to develop nuclear energy for peaceful purposes in conformity with" the Treaty, and while "addressing" rather than "tackling" the related technical, legal, and economic complexities.
- Para 76 on armed attacks against nuclear installations adds a note "that the majority of States parties have suggested a legally binding instrument be considered in this regard."

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*Drafts in Contrast (cont.)*

- Para 78 on nuclear liability finally includes the language from the IAEA General Conference (GC(53)/RES/10) as suggested by Ireland and supported by many other delegations during MCIII meetings.

*Article VI, etc.*

- New para 80 brings back the reaffirmation by the NWS of their unequivocal undertaking to eliminate their nuclear arsenals.
- Para 81 no longer expresses its concern at the risk for humanity represented “by the existence of nuclear weapons” but only by the possibility that they could be used.
- Para 82 on government and civil society proposals and initiatives now also includes a reference to the UN Secretary-General’s nuclear disarmament proposals to “inter alia consider negotiations on a nuclear weapon convention or agreement on a framework of separate mutually reinforcing instruments, backed by a strong system of verification.”
- Para 83 still reaffirms that the final phase of the nuclear disarmament process and other related measures should be pursued within a legal framework, but now notes, “which a majority of States parties believe should include specified timelines,” rather than simply stating “within a legal framework with specified timelines”.
- Para 84 on the CTBT is rearranged though most of the content remains the same regarding the cessation of nuclear weapon test explosions constraining the development and improvement of nuclear weapons, though the sentence that notes with concern that the development of new types of nuclear weapons may result in the resumption of nuclear test explosions has been deleted.
- Para 85 on CTBT ratification, now welcomes the ratification by the Central African Republic and Trinidad and Tobago during the Conference.
- There is a new para 87, which “notes the need for further progress in diminishing the role of nuclear weapons in security policies.”
- Para 88, expressing concern with the lack of action in the CD, now also welcomes the adoption by consensus of the programme of work in May 2009 and urges it to begin work without delay.
- Para 90 now welcomes the “signing” of New START (rather than the conclusion of negotiations), but also adds new language welcoming the closing and dismantling of nuclear weapons-related facilities. IT also adds language welcoming “the reductions announced by some nuclear-weapon States in the role of nuclear weapons in their security doctrines, as well as statements by some nuclear-

weapon States regarding measures related to strengthening negative security assurances, and notes that China maintains a declaratory policy based on the no-first use of nuclear weapons.”

- There is a new para 94, which “notes the first meeting between nuclear-weapon States on confidence building measures in the context of nuclear disarmament and non-proliferation held in September 2009.”
- Para 95, which welcomes increased transparency of some NWS, now also encourages all NWS to provide additional transparency about their arsenals.
- Para 96 adds language welcoming efforts toward developing nuclear disarmament verification capabilities and welcomes the Norway-UK cooperation to establish a “system for nuclear warhead dismantlement verification”.

*Article VII*

- Para 98 is the para 107, which reaffirms that “States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the purpose of the United Nations.”
- Para 101 now “welcomes” instead of “recalls” Mongolia’s declaration of its nuclear weapon free status and “supports the measures taken by Mongolia to consolidate and strengthen this status.”
- Para 103 on the Central Asian NWFZ is from the old para 113, which urges states concerned to resolve their outstanding issues with the Treaty in accordance with the 1999 UNDC guidelines on NWFZs.
- Para 194 now welcomes not just the US intention to ratify Pelindaba and Raratonga but also the ratification of some NWS of protocols to NWFZs. It also adds a new sentence stressing the importance of NWS signing and ratifying relevant protocols. (The old para 108, which welcomes some NWS statements on strengthening NSAs and noting the calls by NNWS for a legally-binding instrument on security assurances, has been deleted.)
- A new para 105 “underscores the importance” of establishing NWFZs “where they do not exist, especially in the Middle East.”
- Para 106 is the old 110, which calls on the NWS “to bring into effect the security assurances” provided by NWFZ treaties and their protocols.
- Para 107 brings in the language from the old para 111 on enhanced consultation mechanisms among the existing NWFZs. Para 107 also acknowledges the intention of NWFZ and NWS to have another conference within the forthcoming NPT review

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*Drafts in Contrast (cont.)*

- cycle, which was previously in the old para 114.
- Para 109 on the DPRK no longer condemns the nuclear tests (which para 9 already has done) but still has language on the threat to international peace and security and the non-proliferation regime.
- The old paragraphs (105 and 106) on the DPRK and the Six Party Talks have been moved to the final paragraph of the text.
- The paragraphs on the Middle East in this review part of the document has now been moved to its own section at the end of the Draft Final Document.

**Article VIII**

- Paragraphs 111–113 contain new language on the institutional reform decisions and recommendations.
- Para 111 now “encourages the past and incumbent Chairs to be available for consultations by the incoming Chair, if necessary, regarding practical matters relating to their responsibilities.” The language in the first President’s draft declaration called on these three Chairs to “meet as often as necessary”.
- Para 112 recommends that a dedicated staff officer to support NPT meetings should be added to UNODA. The salary for this person will be funded from voluntary contributions by states parties without any conditions. Earlier language established a Treaty support unit with one officer initially, with a more detailed mandate, and funded by existing assessed contributions by states parties to the NPT plus additional voluntary contributions.
- Para 113 puts off further consideration of strengthening the review process to the next review cycle. Earlier language specified that these issues would be considered at the first meeting of the next review cycle and recommended the 2015 RevCon review these decisions and determine if further measures are necessary.

**Article IX**

- Para 114 has been modified technically to reflect Serbia’s successor adherence to the Treaty.
- Para 115 now adds that the Treaty is vital to promoting nuclear disarmament and facilitating peaceful uses (in addition to the already-mentioned preventing proliferation and providing security benefits). It also brings in the language from para 124 from the earlier draft, calling on India, Israel, and Pakistan to reverse their nuclear weapon development or deployment, etc.
- Para 117 now notes that the lack of implementation of the 1995 resolution on the Middle East is believed

by a majority of states parties to undermine the Treaty and represent a threat to regional and international peace and security (previously it said that it did indeed do this).

- The old 121 is deleted, which reaffirmed that states not party can only accede to the Treaty as NNWS and should do so promptly and without conditions.
- Para 118 on conditions for supply now notes this only applies to new supply arrangements, not existing ones, as it did previously.

**Article X**

- Para 120 rephrases the original para 127 by noting that numerous states recognized or underscored specific elements (rather than saying the Conference reaffirmed them, etc.). It also notes divergent views on the interpretation of article X with respect to other relevant international law.
- Para 121, based on the old 128, “notes that numerous States reaffirm the responsibility entrusted to the Security Council under the Charter of the United Nations,” rather than the Conference reaffirming this.
- Para 122, based on the old 129, “notes that numerous States acknowledge” that nuclear supply states could consider dismantling/return clauses in the event of withdrawal, rather than the Conference acknowledging this.

**Action Plans****Nuclear disarmament**

- In the principles and objectives, bullet A.v. has rephrased the sentence on international humanitarian law, reaffirming the need for “all States at all times to comply with applicable international law, including international humanitarian law.”
- The paragraph on general and complete disarmament has been deleted.
- Action 2 has all states parties committing to apply the principles of irreversibility, verifiability, and transparency “in relation to the implementation of their treaty obligations” rather than to “nuclear disarmament, nuclear and other related arms control and reduction measures”.
- Point B.i. now calls for the implementation of the 13 steps based on the principle of undiminished “and increased” security for all.
- Point B.ii. no longer recognizes that nuclear disarmament is fundamental for international peace and security nor that the enhancement of international peace and security and nuclear disarmament are mutually reinforcing.
- A new point B.iv. “recognizes the legitimate

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*Drafts in Contrast (cont.)*

- interests of non-nuclear-weapon States in the constraining by the nuclear weapon States of the development and qualitative improvement of nuclear weapons and ending the development of advanced new types of weapons." The action (previously Action 5) about ceasing modernization, etc. has been deleted.
- Action 3 on implementing the unequivocal undertaking has eliminated the reference to reducing nuclear weapon-related materials.
  - Action 5, which is based on the old 6, no longer calls upon the NWS to convene timely consultations but now to "promptly engage" with a view to the issues listed a–g.
  - In Action 5a, they are promptly engaging with a view to "rapidly moving towards" an overall reduction the global stockpile, whereas previously they were to consult on rapidly "pursuing" this reduction.
  - Action 5b on nuclear sharing is rephrased; rather than consulting to "address the question of all types of nuclear weapons and related infrastructure stationed on the territories of non-nuclear-weapon States," it now has them engage with a view to "address the question of all nuclear weapons regardless of their type or their location as an integral part of the general nuclear disarmament process".
  - Action 5d is rephrased, taking out the no first use reference.
  - Action 5e on de-alerting has the NWS "consider the legitimate interest of" NNWS in further reducing operational status.
  - While the NWS are still called upon to report the Action 5 undertakings to the NPT, there is now a timeline: they are to report back to the 2014 NPT PrepCom and the 2015 RevCon will "take stock and consider the next steps for the full implementation of Article VI". However, the UN Secretary-General is no longer invited to convene a conference to agree on a roadmap for the complete elimination of nuclear weapons.
  - C.i and ii on NSAs are rephrased but involve the same content, though ii adds language recognizing NSAs can be granted through NWFZ treaty protocols.
  - Action 7 on CD discussions on NSAs removes the call for the UNGA to assess the situation if the CD doesn't start working by the end of its 2011 session.
  - Action 8 on NWS respecting their obligations no longer starts out with "pending the conclusion of multilaterally negotiated legally binding security assurances..."
  - In Action 9, concerned states are now "encouraged to review" any reservations to NWFZ protocols rather than to "withdraw" these reservations or unilateral declarations.
  - Section D.i. no longer reaffirms the commitment to ending nuclear testing and constraining the development of new weapons, etc. but recognizes that the cessation of such testing constrains the development and qualitative improvement of nuclear weapons and constitutes an effective measures of disarmament and non-proliferation.
  - Section D.ii. literally removes the "urgency" from the entry into force of the CTBT.
  - A new Action 10 says that all NWS undertake to ratify the CTBT "with all expediency" and that they have "the special responsibility to encourage Annex 2 countries in particular those which have not acceded to the NPT and continue to operate unsafeguarded nuclear facilities, to sign and ratify."
  - Action 11 adds that pending EIF of the CTBT, states commit to refrain from "the use of new nuclear weapons technologies".
  - Action 12 on the CTBT EIF Conferences is now limited to states that have ratified the CTBT.
  - Action 13 now says states that have "ratified" rather than signed the CTBT "undertake" rather than are encouraged to promote its EIF.
  - Action 15 on developing the CTBT verification regime is now mandated to the CTBT Preparatory Commission rather than CTBT signatories.
  - The action on closing nuclear test sites has been deleted.
  - Action 15 on CD negotiations of a fissile material treaty removes the call for the UNGA to assess the situation if the CD doesn't start working by the end of its 2011 session.
  - The action on the global moratorium on fissile material production for weapons purposes has been deleted.
  - Action 16 now encourages NWS to commit to declare excess fissile material rather than commitment them to make such declarations.
  - Action 21 reframes some of the action-oriented items from the old Action 23 on reporting. It encourages, "as a confidence building measure," NWS to "agree as soon as possible on a standard reporting form and to determine appropriate reporting intervals for the purpose of voluntarily providing standard information without prejudice to national security."
- Non-proliferation**
- A new chapeau paragraph is added to this action plan recalling and reaffirming the relevant outcomes of 1995.

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*Drafts in Contrast (cont.)*

- Action 26 is rephrased from the old non-proliferation action 5, underscoring the importance of complying with the non-proliferation obligations and addressing compliance matters to uphold the treaty's integrity and the authority of the safeguards system.
- Action 27 is new, underscoring the importance of resolving cases of non-compliance "in full conformity with the IAEA statute and Member States' respective legal obligations." It also calls on all member states to "extend their cooperation to the Agency."
- Action 28 encourages rather than urges all states parties to implement additional protocols.
- The action plan deletes previous paragraphs calling on states parties to strictly comply with their obligations including IAEA safeguards and IAEA Board of Governors and UN Security Council resolutions and calling on states parties "to seek solutions to all issues related to non-proliferation in accordance with the obligations, procedures and mechanisms established by the relevant international legal instruments."
- Action 29 encourages states parties to consider specific measures that would promote the universalization of the CSA (though not the AP as in the previous draft).
- Action 34, on developing technology base for advanced safeguards, now encourages "states parties, within the framework of IAEA statutes," rather than just the IAEA to undertake this development.
- Action 36 encourages states parties to make use of "multilaterally negotiated and agreed" guidelines and understandings in developing their own national export controls, which also cuts out the reference to guidelines "developed by supplier arrangements".
- Action 37 encourages states parties to consider whether a recipient has brought into force IAEA safeguards obligations rather than an AP in making nuclear export decisions.
- Action 39 encourages transfers and international cooperation in conformity with articles I, II, III, and IV of the Treaty and the elimination of any undue constraints inconsistent with the Treaty, which is a rephrase of the earlier draft.
- Action 44 on illicit trafficking deletes the specific reference to UNSCR 1540, 1673, and 1810.
- Action 46 now includes a reference to regional systems in relation to regulatory controls of nuclear material.

*Peaceful uses*

- The chapeau to this section of the action plan adds

language reaffirming that the Treaty fosters to the development of peaceful uses by providing a framework of confidence and cooperation within which those uses can take place.

- Action 48 on the right to nuclear exchange is now limited to states parties.
- Action 49 on international cooperation is now limited to states parties.
- Action 50 on facilitating transfers is now also in accordance with article IV (as well as I, II, and III as before).
- Action 58 on multilateral approaches to the fuel cycle is slightly rephrased from the previous draft and now specifies that such arrangements should be discussed "without affecting rights under the Treaty and without prejudice to national fuel cycle policies" and should tackle complexities of these issues, "including in this regard the requirement of IAEA full scope safeguards".
- In Action 64, a new point for the action plan calls upon all states to abide by the decision adopted by consensus at the IAEA General Conference on 18 September 2009 on prohibiting armed attacks on nuclear installations.

*Middle East*

- Para 2 of this section removes the word "simultaneously" in describing the efforts of the Middle East Peace Process in contributing to a WMDFZ in the Middle East.
- Para 7a specifies that the UNSG "and the co-sponsors of the 1995 Middle East Resolution, in consultation with the States of the region" will convene a conference 2012 on this issue (previously only the UNSG was convening the conference).
- Para 7b specifies that rather than a special coordinator, a "facilitator" will be appointed, by not just the UNSG but also the resolution co-sponsors in consultation with the states of the region. In addition, this facilitator will now report to the 2015 RevCon and its PrepComs, rather than just the PrepComs as in the previous draft.
- There is a new paragraph, 7c, which endorses the designation by the UNSG and resolution co-sponsors in consultation with the states of the region, of a host government for the 2012 conference.
- 7e now includes "consideration of all offers aimed at supporting the implementation of the resolution," including the EU offer of a follow-up seminar to the one held in June 2008.

*Other regional issues*

- Para 1 is an amalgamation of paras 105 and 106 of the earlier draft, though it removes the reference to UNSCR 1718 and 1874. •



## What to do now? A plan for action

Sameer Kanal | Reaching Critical Will of WILPF

On Thursday, Ban All Nukes Generation (BANg) Europe held an event entitled “What To Do Now? A plan for action”. Moderated and facilitated by Nina Eisenhardt, the event was a discussion rather than a panel, with everyone present sharing their opinions in a brainstorming strategy session.

The discussion began with Ms. Eisenhardt asking what projects and events were coming up outside the RevCon that could advance the cause. The International Day of Peace on September 21, Nuclear Abolition Day and World Environment Day, both on June 5, and the June 14 anniversary of the Advisory Opinion on Nuclear Weapons by the International Court of Justice were discussed, as well as films such as “Countdown to Zero” and “Pax Americana.” Emily Gleason of the Project for Nuclear Awareness also mentioned that her organization and Think Outside The Bomb would be attending the US Social Forum from June 22-26 in Detroit to address nuclear weapons.

The discussion focused first on disarmament education, with Ursula Gelis, a Norwegian activist, noting that education is expensive, but also underscoring that “an unthinkable amount of money is wasted” on the military worldwide that could be spent on education. Kim Nguyen of the Project for Nuclear Awareness noted that in her experience, American students do not learn about nuclear weapons except in vague terms, and that nuclear weapons are thus conceived as “just another bomb.”

Stephanie Fraser, a Vermont-based activist with NukeTweets, said that the phrase “compulsory retirement” for nuclear weapons, which “turn 65” this year, has been effective. In response to Ms. Fraser’s question about what engaged her in the disarmament community, Ms. Nguyen said it was her willingness to “put myself in other people’s shoes” and see the risks of weapons of mass destruction that inspired her.

Nguyen also highlighted PNA’s programs, including video conference programs for students outside the Philadelphia area. Ms. Eisenhardt’s observed that the stories of hibakusha are often inspiring to young people, and BANg co-founder Giorgio Alba added that the Hiroshima Peace Museum has a free video conference and translation service to allow groups to communicate with hibakusha easily without the hibakusha having to leave Japan.

Ms. Gleason reaffirmed the effectiveness of hibakusha stories, and also finding additional stories of people affected in the past and present by the nuclear industry. Highlighting her own experience of learning about nuclear weapons as “a thing of the past,” Gleason noted that “people today are sick and dying from the legacy of nuclear bombs.” Ms. Eisenhardt stated that recording the stories of hibakusha and others is a vital project.

Another topic of discussion was increased communication and coordination between disarmament NGOs. Kai Hagen of BANg praised NGO collaboration during the RevCon, but noted that there is a lot of time between such conferences where civil society could work together better. Wenjing Tao of IPPNW called for a web site that was focused on collective information rather than the current single-organization-focused web sites, and Sylvia Popp, a Finnish activist, recommended regular online communication, such as a monthly chat, to keep civil society in collaboration. Ms. Eisenhardt created what she described as a “Wish List” of communication and coordination ideas for NGOs and called for civil society to focus on cooperation rather than merely communication in future efforts.

*Sameer Kanal is an intern with Reaching Critical Will of the Women’s International League for Peace and Freedom. •*

Reaching Critical Will would like to thank all of our colleagues and friends who supported us during the 2010 Review Conference. In particular, a big thanks goes to our interns—Emma Bjertén, Sameer Kanal, and Aaron Hayman—and all of the others who covered events for this year, including Ryan Faello, Jonna Kim, Josefin Lind, Malin Nilsson, Allison Pytlak, Emma Rosengren, Thomas Silfverberg, Joel Van Wagenen, and Tim Wright. Thanks also to colleagues from NGOs and delegations for your support!

In case you are wondering what RCW is up to next...

We’ll see some of you back in Geneva next week at the Conference on Disarmament, and we’ll see others of you at the Biennial Meeting of States on small arms in two weeks.

Check out **www.reachingcriticalwill.org** to stay up to date with our activities and to find information, analysis, documents, and more from disarmament-related initiatives year-round.



## On the road for global zero

Wolfgang Schlupp-Hauck | Abolition 2000

When the Review Conference is over, civil society will continue its efforts to reach the goal of a nuclear weapons free world. If the Review Conference will not pave the path to negotiations for a nuclear weapons convention, the demand of civil society will continue and get stronger.

German members of Abolition 2000 are preparing for an extraordinary tour of disarmament dialogue. After returning from New York, Wolfgang Schlupp-Hauck and his wife Brigitte Schlupp-Wick will start on a six month bicycle tandem tour. It will lead them over 7.000 km from Mutlangen, a former deployment site of Pershing II missiles, to Stuttgart, Vienna, Budapest, Istanbul, and Teheran, all the way meeting with Mayors for Peace. They write about their journey:

*We are committed to peace work. Nuclear missiles were on our doorstep. We protested and they were disarmed.*

*We campaign for a ban of nuclear weapons and a world free of nuclear weapons and that conflicts be resolved non-violently.*

*After the NPT Review Conference we will start to discuss the outcome with civil society in cooperation with Mayors for Peace and with members of parliament in cooperation with PNND. We will be on the road with our bicycle tandem, without emissions, from 15 July 2010 until January 2011.*

*You can follow our tour on [www.global-zero-now.de](http://www.global-zero-now.de)*

Other groups are active as well. The International Campaign to Abolish Nuclear Weapons is coordinating 5 June as Nuclear Abolition Day. All over the world, people will demand action, not only words: [www.nuclearabolition.org](http://www.nuclearabolition.org)

Mayors for Peace is planning in Hiroshima a conference in which UN Secretary-General Ban Ki-moon will participate. •



## Global civil society says, "It's Simple: Start Abolition Negotiations Now!"

Jacqueline Cabasso | Western States Legal Foundation and Mayors for Peace

Dear President Obama,

*We wholeheartedly applaud you for declaring in Prague, "I state clearly and with conviction America's commitment to seek the peace and security of a world without nuclear weapons." We commend you for your courageous and historic recognition that "as the only nuclear power to have used a nuclear weapon, the United States has a moral responsibility to act." We call on you to make good on that commitment and fulfill that responsibility by announcing at the 2010 Nuclear Non-Proliferation Treaty Review Conference your initiation of good faith multilateral negotiations on an international agreement to abolish nuclear weapons, within our lifetimes! Yes we can!!*

*Signed: 100,000 Americans*

During the opening week of the 2010 NPT Review Conference, President Libran Cabactulan and UN High Representative Sergio Duarte accepted symbolic presentations of *more than 17 million signatures* collected around the world expressing the collective will of international civil society to see the commencement of negotiations on a nuclear weapons convention without further delay. We were disappointed that the White House did not respond to our request that President Obama or a senior U.S. official accept these signatures.

While various petitions were circulated in different countries, agreement on the central unified demand—start negotiations on a Nuclear Weapons Convention—is unprecedented. The largest number of signatures came from Japan, the only country thus far to have directly experienced a nuclear attack. GENSUIKYO, the Japan Council Against Atomic and Hydrogen Bombs, presented 6,912,802 signatures, including 1522 leaders of local governments and councils including mayors, governors, municipal assembly chairs and vice-chairs. The petition concludes: "We call on the nuclear weapons states and all other governments to agree to commence and conclude negotiations of a treaty, a nuclear weapons convention, to ban and eliminate nuclear weapons without delay."

From January through March of 2010, members of the Youth Division of Soka Gakkai in Japan engaged in a petition drive urging the adoption of a Nuclear Weapons Convention (NWC). In total, 2,276,167 signatures were collected. During the same period, a survey of the attitudes of young people toward nuclear weapons was conducted by Soka Gakkai International members in six countries. The results clearly demonstrate that a great many young people feel threatened by the existence of nuclear weapons and desire their abolition.

The International Trade Union Confederation, RENGO, the Japanese Trade Union Confederation together with GENSUIKIN, the Japan Congress Against A- and H Bombs and KAKKIN, the National Council for Peace and Against Nuclear Weapons, and UNI Global Union, presented 6,704,493 signatures "support[ing] the campaign of the 'Mayors for Peace', headed by the

mayors of Hiroshima and Nagasaki, in calling for abolition of all nuclear weapons by 2020."

Signatures were collected in India, Sweden, Belgium, Nepal, The Netherlands, Liechtenstein, Austria, Bangladesh, Japan, Senegal, Slovakia, Pakistan, France, United Kingdom, Australia, Luxemburg, Benin, Bosnia & Herzegovina, Kosovo, Germany, Morocco, Turkey, Guatemala, USA, the Philippines, Brazil and Costa Rica—just to mention a few countries.

Mayors for Peace, with 3,880 members in 143 countries and regions, supported by the International Association of Peace Messenger Cities, submitted 1,024,820 signatures on its Cities Are Not Targets (CANT) petition, calling on the leaders of all Nuclear Weapon States to "engage constructively in good-faith negotiations to abolish all nuclear weapons by the year 2020!" Of these, 73,997 signatures were collected in Yaizu City, the port from which the 5th Lucky Dragon fishing boat departed on May 1, 1954, to be enveloped in a radioactive cloud unleashed by the U.S. "Bravo" test at Bikini Atoll in the Marshall Islands, 1000 times more powerful than the A-bomb that destroyed Hiroshima. This test is considered by many to be the third use of a nuclear weapon, after Nagasaki. In addition, Mayors for Peace submitted 1577 "Cities Appeal" petitions in support of the Hiroshima-Nagasaki Protocol to eliminate nuclear weapons by 2020.

A large network of groups in the United States, including American Friends Service Committee, Peace Action and United for Peace and Justice, collected some 100,000 signatures calling on President Obama to make good on his Prague commitment to "seek the peace and security of a world without nuclear weapons" by "announcing at the 2010 Nuclear Non-Proliferation Treaty Review Conference your initiation of good faith multilateral negotiations on an international agreement to abolish nuclear weapons, within our lifetimes!" This mirrors the language unanimously adopted by the U.S. Conference of Mayors, an association of over 1,200 U.S. cities with populations of 30,000 or more,

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*Global civil society says... (cont.)*

which at its June 2009 annual meeting called for the abolition of nuclear weapons by 2020.

From the UK, the Campaign for Nuclear Disarmament (CND) and Medact submitted 42,126 signatures calling on the UK government to, "Pursue multilateral negotiations with a view to concluding a Nuclear Weapons Convention by the year 2020 to ensure the elimination of nuclear weapons world wide." The International Campaign to Abolish Nuclear Weapons (ICAN), on behalf of 64 diverse French organizations including Le Mouvement de la Paix and Abolition 2000, submitted 38,720 signatures calling on the French government to support a Nuclear Weapons Convention and to begin the process at the 2010 NPT Review Process of working for their complete elimination by 2020.

From Germany, signatures collected on three petitions totaled 25,600. The largest one, with 22,000 signatures, was initiated by Pax Christi, IPPNW, IALANA, Mayors for Peace, GEW (union of teachers and educators), and the Campaign Unsere Zukunft Atomwaffenfrei. It represents the broadest such appeal in Germany since the early 1980s, with a range of signatories from churches, unions, and peace and conflict institutes, artists, scientists, mayors and parliamentarians from all parties, and representatives of major organizations. Among other things it calls on the German government to press for withdrawal of the last U.S. nuclear weapons from Germany, to oppose nuclear weapons in the new NATO strategy, and "to push for the earliest possible commencement of negotiations for a Nuclear Weapons Convention for the abolition of nuclear weapons, as proposed

in the UN General Assembly." The second appeal, with 3400 signatures, was promoted during the "Peacemarch for Hiroshima" campaign, in which bike tours travelled from the Southern tip of Germany (Sylt) to the Northern tip (Zugspitze). This petition too calls on the governments meeting at the 2010 Review Conference to initiate and conclude without delay a Nuclear Weapons Convention. The third petition, initiated by the Friedenskreis Pankow, a church based group outside of Berlin, collected approximately 200 signatures from formerly East German activists and people from their community. Friedenskreis Pankow was founded in the early 1980s in the GDR to work for reconciliation between east and west Germany. This appeal was launched after the announcement of U.S. President Barack Obama's Nobel Peace Prize award in support of his call for a world without nuclear weapons.

Rounding out the numbers, the International Campaign to Abolish Nuclear Weapons (ICAN) submitted an additional 8,000 signatures "call[ing] on all countries to begin negotiating a legally binding, verifiable Nuclear Weapons Convention." The Abolition Flame Campaign of the Abolition 2000 Global Network to Eliminate Nuclear Weapons sent 432 letters to Presidents Obama and Medvedev, calling on them to "Announce at the 2010 Nuclear Non-Proliferation Treaty Review Conference the initiation of good faith multilateral negotiations on a Nuclear Weapons Convention to eliminate and abolish nuclear weapons by the year 2020."

*Jacqueline Cabasso is the executive director of the Western States Legal Foundation and US coordinator for Mayors for Peace. •*



## Civil society next steps beyond the 2010 NPT Review Conference

Anabel Dwyer | Lawyers Committee on Nuclear Policy

Civil society organizations keep nuclear disarmament on track to zero and beyond by organizing next steps. How does the law figure in all this?

First, we humans, as Judge Weeramantry points out, organize ourselves through rules and principles of law for our continued existence.

Nuclear weapons have no place and no use because:

"The destructive power of nuclear weapons cannot be contained in either space or time. They have the potential to destroy all civilization and the entire ecosystem of the planet." (*Legality of Threat or Use of Nuclear Weapons*, ICJ Opinion, 8 July 1996).

Taniguchi Sumiteru, a Nagasaki Hibakusha, attested to this reality:

"Nuclear weapons are weapons of extinction that cannot coexist with humans. Possession of nuclear weapons, or even the intention to acquire them, is against humanity. There is no defense against nuclear attacks and there can be no "retaliation" against them." (Civil Society Presentations to the 2010 NPT Review Conference, 7 May 2010).

Because nuclear weapons are inherently indiscriminate and disproportionate, any planning, preparation, threat or use of nuclear weapons violates the fundamental and peremptory rules and principles of humanitarian law and the dictates of the public conscience. Human continuance requires universal adherence to these basic rules and thus elimination of nuclear weapons.

Once we admit that nuclear weapons are useless and already unlawful in any guise, we can pursue the way out and get on with our common "obligation 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" (ICJ Opinion).

Nuclear Weapon-Free Zone (NWFZ) states already implement this obligation and nuclear-weapon states will follow suit when they too realize they are better off without nuclear weapons. Note too that the Model Nuclear Weapons Convention is receiving more and more attention. Given that there is movement toward nuclear disarmament, the question now is: How can we get to zero faster?

The ICJ's finding that good-faith negotiations are the way beyond the nuclear conundrum reflects a continuing shift away from law viewed as that which is enforced by force to that which is implemented. International law continues to develop to enhance and preserve human society in a "we" rather than

"us"-versus-"them" context. Thus, the post-nuclear world follows from the post-slavery, post-colonial and post-apartheid worlds.

Reliance on good-faith is nothing new. In plain terms good-faith has always been the working glue of society. It's just that now we're defining society broadly to include us all because we're all in the same boat. Applying the good-faith standard of common ethical legal (and human) practice, presumes and means openness, fairness, disclosure of material facts, meaningful and unequivocal steps toward the elimination of nuclear weapons, with cooperation and sincerity, within a reasonable time span and without further postponement.

Yet some people say we can't wish away bad guys because it's "human nature" to act in bad faith. Christopher Ford of the Hudson Institute argues that nuclear weapons or some equivalent deterrent is inevitable because we must be ready and willing to wipe out the bad guys who are out to get us which we know because we're out to get them. Deterrence, Ford said, is a

"phenomenon... and [that] it is simply a fact of life that one can indeed often prevent someone from taking some action by making clear that its costs will be unacceptable and outweigh any benefit." (Civil Society Presentations to 2010 NPTRC 7 May).

In the nuclear weapons context this reasoning is inane, outdated and fatal. Leaders who rely on nuclear deterrence are dangerously out of touch with reality.

Or as Lorraine Rekmans put it in *This is My Homeland*:

"What has happened to us? Why are we listening to lunatics? What good is a nuclear bomb? What country or people are we hoping to defend? The poisons that seep into our water system and the tailings' dust in the air around us will kill us slowly and silently. Who will be left to defend, if we all die of radiation poisoning? Have a vision not clouded in fear."

Still as we act for good-faith complete nuclear disarmament we can look closely at the content of nuclear disarmament agreements, treaties or conventions and devise practical working procedures to implement them. As a matter of content, agreements for "nuclear disarmament in all its aspects" apply to nuclear warheads, fissile materials, delivery systems and nuclear materials and technology. They will be implemented "under strict and effective international control" by fair

*continued on next page*





*Civil society next steps (cont.)*

or equivalent local, regional and global rules and procedures regarding accountability, transparency, verification, inspection, compliance, dispute resolution and liability and compensation for harms, dangers and threats.

Operating on conscious and articulated premises that nuclear weapons are unlawful, have no use and that we humans have the know-how and capacity to avoid extinction and ecocide we can pursue workable legal agreements. Here are some questions I heard asked in various workshops. Pursuing these may help our civil society organizations devise next steps as we work in good-faith toward implementing a multilateral nuclear disarmament process to zero and beyond.

1. Do modernization, upgrades and new weapons production violate the object and purpose of the New START and CTBT since these treaties are steps in an agreed upon irreversible and unequivocal nuclear disarmament process? (The answer is yes. One task is to briefly flesh out this legal argument and present it at every possible forum. Call this **the irreversible/unequivocal project**.)

2. Do NATO and US/Japan Treaties that impose deployment, threat or use of nuclear weapons violate all countries', individuals' and corporations' obligations to adhere to the intransgressible rules and principles of humanitarian law? (The answer is yes. Call this **the peremptory humanitarian law project**. In summarizing recourses that can be or are being pursued we can look at a corollary. What can be done about Compensation Acts for Hibakusha,

uranium miners, down-winders, atomic vets, nuclear industry workers which assign outdated and inconsistent radiation exposures standards and assign responsibility/liability to governments rather than the corporations that continue to reap ill-gotten short-term gain? Is lack of admission of criminal wrongdoing a problem?)

3. How can we formally assemble sufficient evidence requiring major modification of the IAEA Statute and national equivalents as well as stopping the rash of agreements and legislation granting improper liability caps? How do we prove to the IAEA, DOE and would-be nuclear power states that "the potential benefits of nuclear power are greatly outweighed by the proliferation, contamination, waste, decommissioning and clean-up problems of all nuclear technology and materials?" (Call this **the affidavit/human rights project**.)

4. How do we begin negotiating a multilateral nuclear weapons convention so that complete nuclear disarmament is a step to elimination of trade in and reliance on weapons, nuclear power, unfair labor practices and environmentally unsound practices? Again NWFZ Treaties can serve as models but prohibitions against dumping and transport must be expanded to assign responsibility and liability to suppliers, operators and governments for clean-up, compensation, land seizure, contamination, and health problems already inflicted or that can be anticipated from mining, production, accidents or tests. (Call this **the Framework Agreement project**.)

*Anabel Dwyer is a board member of the Lawyers Committee on Nuclear Policy. •*





## What's On Today's Calendar of Events

### Abolition Caucus

Where: Conference Room A, North Lawn Building

When: 9:00–9:50

Contact: Alice Slater, Nuclear Age Peace Foundation

### Plenary

Where: Conference Room 4, North Lawn Building

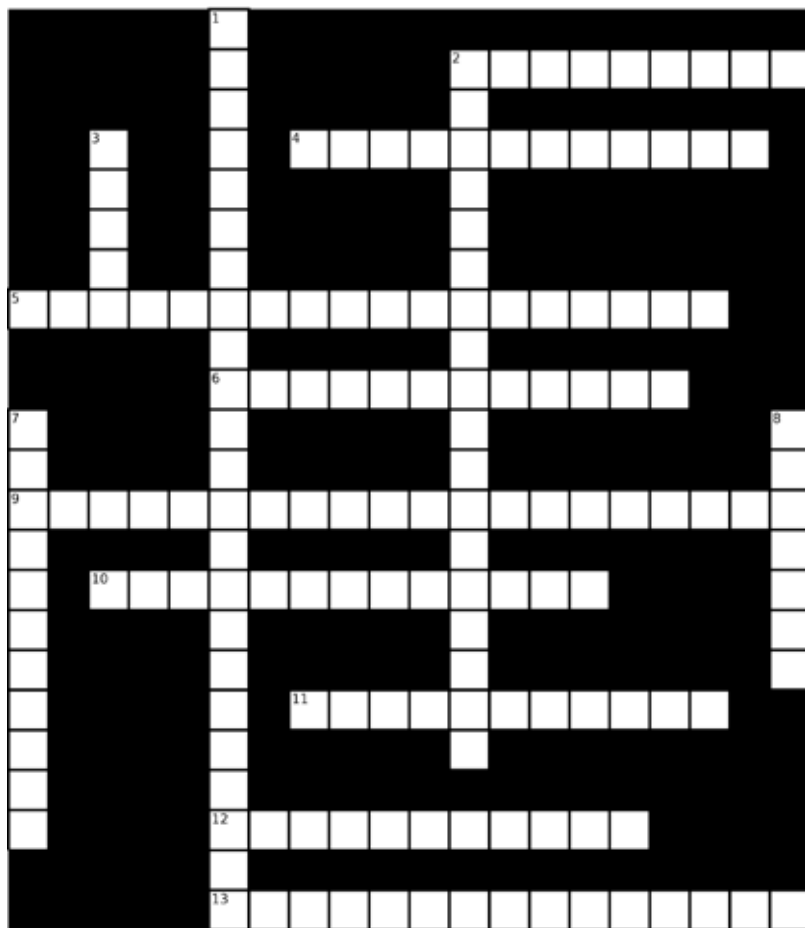
When: 11:00

### Closing meeting

Where: Conference Room 4, North Lawn Building

When: 15:00

## Nuclear Crossword



### Across

2. By the time of the Review Conference in 1980 the members had increased by \_\_\_\_ parties compared to the Review Conference in 1975.
4. Which country has the most nuclear power plants (two words)?
5. This grouping of states was founded in Belgrade 1961 (three words).
6. This treaty prohibits placement of nuclear weapons or any other weapons of mass destruction on the seabed, ocean floor and in the subsoil.
9. WILPF's project for nuclear disarmament (three words).
10. What is the name of the clock which was established in 1947 to illustrate the threat of a global nuclear war (two words)?
11. A proposal named after a Polish foreign minister to establish a zone free from nuclear weapons in Central and Eastern Europe.
12. In late 1994 the IAEA had completed its inspection and declared that the nuclear weapon facilities had been dismantled in this country.
13. What was the name of a series of nuclear tests conducted by the United States from 1962- 1963?

### Down

1. This manifesto issued in 1955 was signed by several well known scientists who warned about the risks of nuclear weapons and urged world leaders to find peaceful solutions to international disputes (three words).
2. The world's first international agreement aimed at excluding nuclear weapons from an inhabited region of the globe (three words).
3. The International Commission on Nuclear Non Proliferation and Disarmament established in June 2008 as an initiative by the prime minister of Australia and the prime minister of \_\_\_\_.
7. The element Fermium is named after this physicist who was in charge of the team which produced the first nuclear reaction (two words).
8. This country became a non nuclear weapon state in November 1996.