



NPT News in Review

*Civil society perspectives on the third Preparatory Committee
for the 2010 nuclear Non-Proliferation Treaty Review Conference
4–15 May 2009*



Finding the balance

Ray Acheson | Reaching Critical Will of WILPF

Monday saw the conclusion of statements on Cluster Three, peaceful uses of nuclear energy, and on “other provisions of the Treaty, including Article X.” Article X contains provisions for withdrawing from the NPT, requiring states to give notice to other NPT parties and to the UN Security Council three months in advance.

Delegations expressed diverging views on both subjects. The crux of both is finding a balance between respecting the rights and obligations of states parties. Amid all the attention given to a few recent, isolated compliance cases, many delegations have emphasized the need to adopt measures to ensure or reinforce obligations over rights.

With nuclear energy, most states firmly reminded the Committee that the non-nuclear weapon states are already obligated to place their nuclear facilities under IAEA safeguards and argued that they should not be expected to take on additional obligations, such as ratifying the Additional Protocol—especially since nuclear weapon states are not obligated to have their facilities under any safeguards.

However, in the debate between rights and obligations, needs sometimes seem forgotten. For example, additional verification authority (especially that provided by the Additional Protocol) will be a necessary condition for achieving and ensuring compliance with a nuclear weapon free world. This view is compatible with the approach taken by the International Panel on Fissile Materials, which recommends as the verification standard in its draft fissile materials treaty that all states parties adhere to the Additional Protocol. Thus, the Additional Protocol can be both an important non-proliferation tool as well as a necessary disarmament measure.

A similar debate, between those concerned with the potential consequences of withdrawal from the Treaty and those concerned with restrictions of states rights as spelled out in international law, occurred during discussion of Article X.

While some states wish to clarify the requirements for withdrawal, others warn that any added conditions to the process of withdrawal could potentially undermine international law by contravening the 1969 Vienna Convention on the Law of Treaties.

Further, several delegations seem to equate withdrawal from the Treaty with a threat to international peace and security under any circumstance. Some of these delegations also support measures intended to make withdrawal from the Treaty more costly in general, regardless of whether the withdrawing state has actually violated any of its obligations. These views are often coupled with a call for an immediate convening of the UN Security Council.

While it would be a worthwhile pursuit to adopt some common understandings or measures in order to respond to withdrawal from the Treaty by states that have committed material breaches of their obligations, it is also important to ensure there are appropriate mechanisms for responding to the effects of a withdrawal.

It would also be beneficial to explore incentives to encourage states parties to remain party to the Treaty, through a general strengthening of the Treaty's existing provisions and fulfillment of its past commitments. For example, the Norwegian delegation suggested reaffirming the Treaty's viability through a “forward-looking outcome of the 2010 Review Conference;” enhancing nuclear cooperation and IAEA capacity; codifying security assurances within the NPT context; and further strengthening the review cycle.

The attempt to balance rights and obligations under the NPT will undoubtedly continue to be a focus of debate at the Review Conference, but a careful consideration of what will lead to the strongest disarmament regime possible offers the best guide forward.

Michael Spies contributed to this article.

**12 May 2009
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Educating for disarmament

Dr. Ruth Mitchell and Tim Wright | International Campaign to Abolish Nuclear Weapons

The process of nuclear disarmament is inextricably linked to the opinions, emotions, and knowledge of populations. It involves entire peoples, not merely governments, and takes place beyond the halls of the UN and presidential offices—in school classrooms and our homes.

If we are to succeed in our quest for a world free of nuclear weapons, education must play a vital part. Only knowledge and understanding can create an environment conducive to disarmament; ignorance and irrational fear will lead to the further build-up of arms. In a broad sense, education allows us to move from a global culture of war to one of peace.

According to a landmark UN study carried out in 2002, disarmament education should be thought of as education for disarmament, not just education about disarmament. It argued: "There has never been a greater need for education in the areas of disarmament and non-proliferation ... Changing concepts of security and threat have demanded new thinking. Such new thinking will arise from those who are educated and trained today."

The International Campaign to Abolish Nuclear Weapons (ICAN) believes that disarmament education should be included in the curriculum of all primary and secondary schools. It should also be offered as a course of study for undergraduate university students and scholarships should

be awarded to postgraduate students wishing to carry out research into disarmament.

Education should also take place beyond formal educational institutions—via the mass media, in community consultations carried out by governments, at public forums, and through the campaigns of non-government organisations. All facets of disarmament should be thoroughly debated and explored in society—questions relating to law, politics, health, science, and human security.

Disarmament education should aim to open people's minds to the dangers of nuclear war, to encourage populations to critically assess the merits of various nuclear doctrines, to promote public debate on proposals for achieving a nuclear-weapon-free world, and to create a culture in which fear and intolerance have been replaced by compassion and a sense of solidarity towards fellow human beings.

We commend Japan for highlighting the importance of disarmament education in the working paper it has submitted to this review process, as well as those states which reported to the UN Secretary-General last year on the progress they have made in implementing the 2002 UN disarmament education study. We encourage all states to work alongside civil society in educating the wider population about the grave threat that nuclear weapons pose and in exploring opportunities for disarmament.

Dr. Ruth Mitchell and Tim Wright are Australian board members of the International Campaign to Abolish Nuclear Weapons.

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Reaching Critical Will

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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.

Learn Abolition

ICAN Australia has produced Learn Abolition, an activity-based education booklet on nuclear disarmament. It is designed for primary and secondary school students and encourages them to think critically about nuclear weapons and play a part in bringing about their abolition. Activities include:

- Hosting a mock UN debate on nuclear disarmament;
- Role-playing a crisis situation involving nuclear weapons;
- Designing a peace symbol and folding paper cranes;
- Using the Internet to promote nuclear disarmament;
- Conducting an opinion poll on nuclear weapons;
- Organizing a disarmament art/writing competition.



Will the NPT finally open its arms to the Nuclear Weapons Convention?

John Loretz | International Physicians for the Prevention of Nuclear War

One sentence in the Chair's draft recommendations to the 2010 Review, released Friday by Ambassador Chidyausiku, is remarkable despite the legalistic language in which it is couched:

"Examine, inter alia, ways and means to commence negotiations, in accordance with Article VI, on a convention or framework of agreements to achieve global nuclear disarmament, and to engage non-parties to the treaty."

The Chair has done in one sentence what the NGO community has spent 12 mostly dark years trying to accomplish: he has made the Nuclear Weapons Convention part of the NPT work plan. Specifically, he has identified the Convention as the implicit goal of Article VI of the NPT, and has called on states to explore ways to commence negotiations on a Convention, even as they work on strengthening disarmament and non-proliferation objectives to which they have already agreed.

If this sentence survives the second week of the PrepCom and remains in the recommendations forwarded to the Review Conference, all NPT states—including the NPT nuclear weapon states—will be honor bound to engage in a serious discussion of the Convention from this point forward. Moreover, part of their task, spelled out explicitly by the Chair, will be to find creative ways to include the non-NPT nuclear weapon states—India, Pakistan, Israel, and the prodigal DPRK—in the disarmament process.

This does not mean that negotiations on a Nuclear Weapons Convention will begin tomorrow, or even in June 2010. The nuclear weapon states continue to talk about the Convention as something off in the distance, maybe 30 or 40 years from now. We still have a lot of work to do if we're to convince them that the whole process could come to a conclusion much sooner.

Nevertheless, this is a significant breakthrough. One of the most frequently expressed criticisms of the NWC, other than the feeling among many diplomats that taking it up is premature, is that the NWC somehow competes with or would distract from desperately needed measures to strengthen the NPT. During the formal NGO session on May 6, we rebutted that argument, making it plain that the NWC and the NPT are closely linked and mutually reinforce each other.

"The aim of NWC negotiations," we told the delegates, "is not to provide an alternative to the

NPT, rather to develop an additional instrument that would build upon the NPT and other nuclear non-proliferation and disarmament measures. It would thus be sensible to connect NWC negotiations closely with the ongoing efforts to implement and strengthen the NPT."

By echoing that point of view in the draft recommendations, and by including it as a prominent element of the proposed action plan on disarmament, Ambassador Chidyausiku has not only validated the single most important goal NGOs brought with them into this PrepCom, but has also shown how essential interim steps can be placed in a comprehensive framework—something else that has been central to NGO arguments in favor of the Convention.

Well-respected members of the diplomatic and parliamentary communities have been speaking up for the Convention at this PrepCom. Jayantha Dhanapala, a former UN Under-Secretary-General for Disarmament and the current President of the Pugwash Conferences on Science and World Affairs told participants at Thursday's side event on the Convention that Article VI of the NPT anticipates negotiation of an NWC. He was joined in this assessment by Randy Rydell, a senior political affairs officer in the UN Office of the High Representative for Disarmament Affairs. Rydell's former boss, Hans Blix, has also endorsed the Convention. Henrik Salander, the new Chair of the Middle Powers Initiative and the Chair of the 2002 NPT PrepCom, has offered some strong words of support during this PrepCom as well.

The nuclear weapon states may be less than ecstatic about this, but the one idea that would completely eliminate nuclear weapons and prohibit them as a matter of international law is starting to get some traction.

The draft recommendations to the 2010 Review reaffirm the importance of the commitments made at the 1995 Review and Extension Conference and the 2000 Review, and acknowledge that those commitments have not yet been fulfilled. What the parties to the NPT should do in 2010, the recommendations state, is set "practical, achievable and specified goals and measures leading to the elimination of nuclear weapons." Is it just my wishful thinking, or do others hear the desire for a time frame in that?

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News in Brief

Michael Spies | Reaching Critical Will of WILPF

Preparation for the 2010 RevCon

- The chair will open the floor for general comments on his draft recommendations.
- States decided to allocate the same agenda items to the main committees as in 2005.
- States decided to defer consideration of the final document until the RevCon in keeping with past practice, following a suggestion from New Zealand.
- States also decided on a number of other procedural issues pertaining to the RevCon, agreeing to some measures to cut the cost of background documentation, authorizing the bureau to work intercessionally, and inviting intergovernment and non-government organizations to attend the RevCon.

Highlights from the Cluster 3 Discussion*Fuel supply assurances*

- The IAEA described progress toward establishing a three-tiered mechanism for fuel assurances, based on its current legal authority, including market-based assurances and a LEU fuel reserve.
- Many delegations expressed support for the IAEA's efforts to establish a nuclear fuel bank, including the EU, US, UK, France, and Norway. Norway also expressed support for the German fuel cycle proposal.
- Malaysia said that the fuel bank proposal still requires additional study regarding its legal, political, technical, and economic dimensions.
- In response to fuel assurance proposals, Egypt observed that current efforts to create supply assurances did not seem to be arising from concerns over supply but rather from concerns of supplier states.

Discussion of multilateral fuel cycle approaches

- Turkey, the ROK, and Indonesia cautioned that multilateral approaches should not impede on the right of states to make decisions about their own development of the fuel cycle.
- China, Indonesia, and Iran called for in-depth studies to assess political, economic, security, and/or technical dimensions of multilateral approaches. Cuba called for in-depth negotiations and for any proposal to be adopted by consensus. Iran said any proposal should be taken up by the IAEA General Conference and not by the Board of Governors.
- Several delegations warned against measures that would effectively result in the denial of technology or compromise rights, including

Brazil, Switzerland, Malaysia, Nigeria, and Iran. Brazil warned that multilateral approaches must not impede the rights of states that adhere to comprehensive safeguards. Switzerland said it does not envisage support for proposals that in effect strengthen existing monopolies or aim in principle to restrict the rights of states. Malaysia and Iran warned that any approach must not introduce any new non-proliferation commitments beyond existing ones. Nigeria said any measures must not impose "unnecessary" limitations on nuclear transfers.

- The ROK urged for more attention to be paid to multilateral approaches to the back end of the fuel cycle, including waste management.
- New Zealand said any proposal should include measures related to safety and security of nuclear materials, especially related to transport on the high seas.
- Austria said any proposal should increase transparency and international security, and create conditions for nuclear disarmament.
- Egypt argued against the concepts of proliferation-sensitive technologies and irresponsible nuclear states.

Discussion of other nuclear energy issues

- The EU proposed an action plan on promoting the responsible development of nuclear energy, focusing on promoting assistance, safety, security, transparency, and development of multilateral approaches to the fuel cycle.
- Norway cautioned that nuclear energy might not be the right way to generate electricity and welcomed the establishment of IRENA.
- Austria said that in light of the economic costs and the problem of waste, nuclear power is not a sustainable solution to climate change.

Highlights from the Focused Discussion on Withdrawal from the Treaty

- The US reiterated its past positions regarding the need to develop an understanding on responding to withdrawal by treaty violators.
- The EU reaffirmed its past positions and proposals, as set forth in a 2007 working paper.
- Several delegations, including Australia, the EU, Japan, and Russia, supported the principle that nuclear materials and facilities provided to a state, while party to the Treaty, should remain in peaceful use and under safeguards after that party were to withdraw.
- Several delegations, including the EU, Japan,

continued on next page

News in Brief (cont.)

- Russia, Canada, also supported the principle that a withdrawing state should remain liable for violations committed while party to the NPT.
- Several delegations expressed the view that, in the case of withdrawal, any materials supplied under Article IV should be returned to the supplying state. Russia said that any materials that could not be returned should remain under life-time IAEA safeguards.
 - Russia expressed support for clarifying the requirement of Article X, specifically recommending that a notice to withdraw should be submitted in writing and provide sufficient detail of the reasons for withdrawal.
 - States expressed divergent views on whether any withdrawal constitutes a threat to international peace and security. Canada and Norway suggested any withdraw would constitute a threat to international peace. Russia and Cuba disputed any such automatic link. The ROK noted a withdrawal could constitute a threat.
 - A number of delegations, including Russia, Cuba, and Iran, expressed opposition to revising Article X or undermining the sovereign right to withdraw.
 - States expressed divergent views on a response mechanism, particularly on the question of whether a withdrawal should trigger an automatic meeting of the UN Security Council or the IAEA Board of Governors, or if an extraordinary session of states parties should be convened.
 - Indonesia opposed bringing withdrawal cases to the Security Council, expressing support instead for extraordinary sessions of states parties.
 - Several delegations advocated for the Security Council to convene immediately upon receiving a notice of withdrawal. Russia expressed opposition to any immediate meeting of the Council, however, noting that the body itself must decide whether any particular case constitutes a threat to the peace.

Discussion of Other Issues*Institutional Reform*

- Canada provided further details on its proposals to achieve further reform of NPT institutions and the review process. Canada specifically called for: annual general conferences; establishment of a standing bureau; and establishment of a NPT support unit with the Office of Disarmament Affairs.
- Norway expressed support for the ideas of holding annual meetings and for establishing an NPT support unit.

Will the NPT... (cont.)

Among the specific interim steps mentioned are CTBT ratification, negotiation of a fissile materials ban, diminished operational status (which means taking nuclear weapons off hair-trigger alert, at long last), deep and verifiable reductions, irreversibility, and others that were part of the 13-step action plan endorsed in 2000 and that were relentlessly trashed by the Bush administration right through 2008. The recommendation that might actually have the greatest repercussions in the short term, were it to gain acceptance, is that there be no qualitative improvements in nuclear arsenals. Stopping the modernization of nuclear weapons and of the infrastructure to produce warhead components and delivery systems really would make abolition only a matter of time.

We all agree that the NPT is the foundation of nuclear disarmament and non-proliferation, the walls of which would be strengthened by the mortar of a CTBT, a fissile materials treaty, stronger safeguards, and other interim measures. What has eluded the diplomatic imagination up until now is the recognition that the Nuclear Weapons Convention is the capstone of the whole edifice. Maybe that idea is finally starting to sink in.

John Loretz is the program director of the International Physicians for the Prevention of Nuclear War.



Art by Lora, winner of the Joseph Rotblat Peace of Art competition



What 1540 could be: An equitable approach to non-proliferation in a globalised world

Natasha Barnes | University of Canterbury, New Zealand

Dimity Hawkins | ICAN Australia

The event on Monday afternoon, hosted and chaired by Michael Kraig, Senior Fellow at the Stanley Foundation, explored the challenges facing compliance with UN Security Council Resolution 1540 (2004), most notably the assistance asked for and received by states parties.

UNSC Resolution 1540, adopted under Chapter VII of the UN Charter, puts into place an overarching structure that addresses the international security risks created by weapons of mass destruction (WMD) and the acquisition of these weapons by non-state actors. It brings together the entire range of WMD counter-terrorism and plurilateral initiatives into a regime that is now universally applicable. The resolution places comprehensive obligations on states aiming to harmonise the implementation of previously separate agreements relating to WMD and obliges states to recognise these agreements in national legislation.

Ambassador Claude Heller, Permanent Representative of Mexico, explained the history behind UNSC Resolution 1540. Brian Finlay, Senior Associate at the Henry L. Stimson Centre in Washington, spoke about the need to convince governments and the UN Security Council of linkages between the world of security and the more immediate needs of development in many regions. Regional approaches, he argues, are vital to the comprehensive and effective implementation of the resolution.

O'Neil Hamilton, CARICOM Coordinator for 1540, spoke from a regional perspective of the challenges in terms of capacity of small states in the Caribbean to meet the obligations of the resolution. As he argues, one size does not fit all and there is a domestic hierarchy in terms of the most pressing policy needs in many of these states. Using examples such as food security, disease, poverty, and disaster response (a yearly challenge in many of these nations due to hurricanes, etc.), he effectively highlighted the need for UNSC Resolution 1540 to integrate these most immediate issues if policy and domestic legislation is to be taken seriously.

Questions and discussion ranged around the need to go beyond root causes and develop trust, universal disarmament, dynamic compliance, and supply side issues. Leveraging support and implementation within states by being more creative and responsive to domestic policy needs is vital, and states requesting support to do so should be encouraged. Participants also addressed the problem of nations being aware of the resolution but lacking the political will to translate this into action when there are so many more urgent needs.

There was hope that a new era of communication, rather than proliferation, could be achieved if the implementation of the resolution was able to be more responsive.



Nuclear Bailout: the Costs and Consequences of Renovating the Nuclear Weapons Complex

Lacy Orme | Reaching Critical Will of WILPF

Presented by the Arms and Security Initiative of the New America Foundation, speakers Frida Berrigan and William D. Hartung discussed the recent National Nuclear Security Administration's (NNSA) budget proposals and the potential ramifications of the proposed changes to the US nuclear weapons complex. According to Mr. Hartung, the maintenance of the current eight nuclear weapon facilities and the proposed development of three additional facilities "sticks out like a sore thumb" and is "contrary to the rhetoric being spoken" by the Obama administration.

Obama's speeches indicating a desire to move towards a nuclear weapon free world are a positive step, he said. However, the Life Extension Programs, eerily similar to the de-funded Reliable Warhead Replacement program, seem to be out of step with both the Prague speech and the statement made on behalf of the President at the NPT last week. Mr. Hartung went on to say that there needs to be additional monitoring by independent groups of the labs and production facilities, so that their compliance with the forthcoming Nuclear Posture Review and the new US stance on nuclear weapons is met.

It is difficult to grasp the full scope of the nuclear weapons complex. According to Ms. Berrigan, the most thorough investigation of the military industrial complex and US spending on nuclear weapons comes from independent researchers, such as Steven Schwartz of the Brookings Institute. The difficulty of the investigation lies in the complex's deep entrenchment; almost every government agency has a piece of the nuclear weapons program within its budget. According to Mr. Schwartz and his researchers, the amount the United States has spent on nuclear weapons since the 1940s comes to somewhere near a startling 5.5 trillion dollars, at least. Helping us grasp the enormity of this staggering number, Ms. Berrigan asked us to imagine spending a million dollars every second for ten years, which renders a number that would still fall short of US spending.

Ms. Berrigan echoed the sentiment that we have heard from NGO representatives throughout this NPT: that the Prague speech and US statement to the NPT from Obama are full of promise. However, there are realities to face, she said, not-

ing that despite this "exciting political moment" in which the US is "engaging with the international community for the first time in years ... the Department of Energy released its budget and there are still billions of dollars that are going to new nuclear weapons."

For a hard copy of the report being released today by Mr. Hartung and the New America Foundation, contact Ms. Berrigan at berrigan@newamerica.net.

Are New Nuclear Warheads Needed for Safety and Reliability of the U.S. Arsenal?

Emma Rosengren | IPPNW Sweden

This briefing, arranged by the Institute of Energy and Environmental Research (IEER), featured IEER President Mr. Arjun Makhijani speaking on how to maintain safety and reliability "on the road to zero nuclear weapons".

In his speech, Mr. Makhijani argued that the Obama administration has opened up an opportunity for change regarding the rationale for possessing nuclear weapons. It has turned from the old-fashioned launch-on-warning, first-strike policy initiated by former US President Carter and reinforced by former President Bush, toward mainly deterrence. In this light, the perception of the two concepts of safety and reliability need to change accordingly.

According to Mr. Makhijani, new nuclear weapon designs both challenge reliability and increase the likelihood of more nuclear tests, contradictory to the CTBT. At the same time, findings show that no age-related safety defects have been reported in the history of the US nuclear weapons program. Therefore, Mr. Makhijani argued, to maintain both safety and reliability, and to work for progressive nuclear dismantlement, designs should not be changed and verifiable de-alerting should be deployed.

The Q&A session ranged around the environmental and safety aspects of de-alerting and dismantlement of nuclear arsenals, the need for the establishment of an atmosphere where nuclear weapons will not be used preemptively, and the role of political will among member states in IAEA and other international bodies.





What's On Today's Calendar of Events

Abolition 2000 Caucus

Where: Conference Room E

When: 8:00–8:50 AM

Contact: Anthony Salloum, Abolition 2000

Government Briefing: Ambassador Marius Grinius of Canada

Where: Conference Room E

When: 9:00–9:50 AM

Contact: Ray Acheson, Reaching Critical Will

NWD Simulation - Negotiation Article VI (Phases of Implementation)

Where: NGO Room (Conference Room E)

When: 10:00 AM–1:00 PM

Contact: Regina Hagen, INESAP

Operational Status of Nuclear Weapon Systems

Where: NGO Room (Conference Room E)

When: 1:15 AM–2:45 PM

Contact: John Hallam, Nuclear Flashpoints

NPT Safeguards

Where: Conference Room 8

When: 1:15 AM–2:45 PM

Contact: International Atomic Energy Agency

NWD Simulation - Negotiation Article VI (Phases of Implementation)

Where: NGO Room (Conference Room E)

When: 3:00–6:00 PM

Contact: Regina Hagen, INESAP

Nuclear Wordsearch

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

pakistan
rarotonga
wilpf
protocol

tactical
moratorium
abolish
assurances

vienna
iaea
universality
safeguards

Answers to yesterday's crossword

