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Reaching Critical Will  
a project of the Women's International  
League for Peace and Freedom

## News in Review

Civil society perspectives on the Seventh Review Conference of the  
Nuclear Non-Proliferation Treaty  
May 2-27, 2005

### Proving the Pessimists Wrong

-Felicity Hill, WILPF

Conference President Duarte concluded the third day of General Debate at the NPT with an announcement that he was unable at that stage to elaborate on negotiation developments, specifically on the formulation of the agenda. He hopes to make an announcement at the plenary at 10 a. m. on Thursday about how the Conference might proceed after the General Debate concludes. With 56 speakers down and 40 more to go, it is possible that at the current rate, the General Debate may conclude earlier than envisaged and the real work of the Conference will begin.

The statement made today by The Bahamas on behalf of the Caribbean Community (CARICOM) recalled the optimism that emanated from the 2000 meeting, an optimism that has yet to make an appearance at this Review Conference thus far. However, at this very early stage, Austria was quite right to not just speak of the challenges to the NPT regime, but to also set a challenge to the States Parties in New York to prove the pessimists wrong about the potential for action on nuclear disarmament, nonproliferation and a successful Review Conference.

Brazil asserted that there is no excuse for the indefinite possession of nuclear weapons or their development and acquisition, emphasizing that a balance must be struck between action on the disarmament obligations of the nuclear weapon states and the non-proliferation obligations of the Non-Nuclear Weapon States. Brazil stressed that "further strengthening of safeguards should be assessed in the light the wider disarmament and non-proliferation context."

Saudi Arabia recalled a report tabled at a previous NPT PrepCom in Geneva on steps that should be taken to establish a nuclear-weapon free zone in the Middle East (NPT/CONF.2005/PC.II/30), maintaining that Israel's possession of nuclear weapons is a major obstacle to peace in the region, as well as a threat to international peace and security.

Other statements delivered on day 3 included

Bahrain, Greece, Hungary, Venezuela, The Holy See, Samoa on behalf of the Pacific Islands Forum Group, Guatemala, Chile, Syria, Qatar, Spain, Croatia, Moldova, Tunisia, Yemen, Belgium, and Myanmar, which are all available on the very useful website of the UN's NPT website.

While statements are being read in the General Assembly Hall, NGOs divide their time between listening to governments and to experts and other officials attending the conference. Over 100 mayors have come to New York to monitor the proceedings, and today they held a lunchtime event in the General Assembly. The public gallery was full of NGO representatives and the press, while the conference floor, where the government representatives sit behind their country's nameplates, was virtually empty. Mayor Itoh of Nagasaki held up a picture of his city on August 9 1945 and said that the majority of the world's citizens, including 66% of US citizens surveyed, want the complete elimination of nuclear weapons and called on States to take action in the name of their own citizens to end the nuclear age.

The Mayors of Hiroshima and Nagasaki, Mayor Akiba and Mayor Itoh, presented more than 8 million signatures to President Duarte calling for the complete elimination of nuclear weapons. Yoko Ono, the artist survivor of the Tokyo fire bombings during World War II, closed her statement by saying that, "A dream you dream alone is only a dream. A dream you dream together is reality. Imagine Peace".



Hiroshima Mayor Akiba  
presenting the International Wall of Law with the German youth movement which built it.



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The *News in Review* is a daily publication brought to you by the Reaching Critical Will project of the Women's International League for Peace and Freedom, United Nations office (WILPF UNO), and made possible by a grant from the Arsenault Foundation.

The views expressed herein are not necessarily those of WILPF or the Reaching Critical Will project. If you would like to submit an article or graphic to the *News in Review*, contact the Editor.

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## A Return to the World Court? Lawyers Discuss Options for Article VI Compliance

- Jennifer Nordstrom, GAPW

The Lawyers' Committee on Nuclear Policy (LCNP), an educational association that uses national and international law to promote peace and disarmament and the US affiliate of the International Association of Lawyers Against Nuclear Arms, held a standing-room-only afternoon discussion Tuesday May 3 to consider options for returning to the International Court of Justice for a judgment on compliance with Article VI, with speakers Peter Weiss, Judge Christopher Weeramantry, Alyn Ware, and chair John Burroughs.

The question follows the historic 1996 World Court opinion, which ruled that the threat or use of nuclear weapons is generally illegal, and that states have an obligation to conclude negotiations on their disarmament. According to Alyn Ware, because the original decision was two-pronged, a return to the court might seek clarification on one or both of those issues, seeking (1) a more defined statement on the (il)legality of specific weapons and current policies and practices, and/or (2) elaboration of the obligation to bring negotiations to a conclusion.

The panelists discussed the potential positive

and negative aspects of returning to the court either for another advisory opinion or with a contentious case. An advisory opinion would provide the General Assembly legal advice. While formally not binding, it would authoritatively state law applicable to all states. A contentious case would be between two or more states and would result in a judgment in a formal sense legally binding only on the disputants. It could address specific actions or policies and might involve consideration of much evidence. It too, however, would clarify law applicable to all states.

Chair and Executive Director of LCNP John Burroughs postulated that questions for another advisory opinion regarding the obligation to disarm might be framed diplomatically, such as, "what are the legal elements of good faith negotiation of nuclear disarmament?" or more aggressively, as in "what are the legal consequences flowing from Nuclear Weapons States' failure to comply with Article VI?" While an advisory opinion applies to all states, it is less likely to be specific on which states have not complied and how.

A contentious case would require one or more states willing to step forward and file a case against another state or states. A defendant state would have to have (1) accepted

compulsory jurisdiction of the court and (2) be a Nuclear Weapons State, have weapons deployed on its territory or otherwise be involved in nuclear alliance. States that satisfy these requirements include Australia, Belgium, Bulgaria, Canada, Denmark, Estonia, Greece, Hungary, India, Japan, Luxembourg, Netherlands, Norway, Pakistan, Poland, Portugal, Spain, and the United Kingdom.

In the same panel, Peter Weiss discussed the legal status of the 13 steps in relation to the interpretation of Article VI disarmament obligations. According to a paper released by LCNP (see [www.lcnp.org](http://www.lcnp.org)), the 13 steps laying out an agenda for implementation of Article VI are an authoritative, legally binding interpretation of the treaty because they were the result of a consensus agreement among all the parties. Mr. Weiss explained that Article 31 of the Vienna Convention on the Law of Treaties, which codified customary law, tells us that a generally agreed upon interpretation of a treaty effectively becomes a part of the treaty.

*Jennifer Nordstrom is the Coordinator of Global Action to Prevent War.*

## International Control of Tritium for Nuclear Nonproliferation and Disarmament

**Author** Martin B. Kalinowski, Assistant Professor, Program in Arms Control, Disarmament and International Security, University of Illinois at Urbana-Champaign

### Key Features

- Explores the role of tritium in nuclear weapons programs
- Discusses opportunities for integrating tritium control into an international nonproliferation system
- Makes the case for carefully designed tritium control that will slow down and reverse nuclear proliferation

### Table of Contents

- 1- Dealing with the civilian/military ambivalence of tritium.
  - 2- Diversion path analysis.
  - 3- Verification of an international tritium control agreement.
  - 4- Technical assessment of an international tritium control agreement.
- App A. World tritium facilities, inventories and production capabilities.

### Audience

Analysts in nuclear non-proliferation and disarmament; think tanks; military planners; journalists; nuclear scientists and engineers; and planners for nuclear energy systems

**Series** Science and Global Security Monograph Series

**Catalog #** TF1704 \$89.95 / £54.99

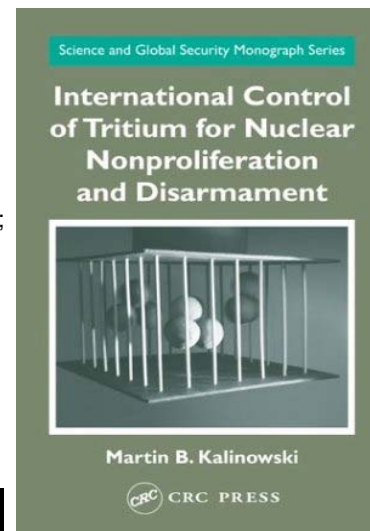
256 pages / Hard Cover

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W W W . C R C P R E S S . C O M



## America's One-Nation Arms Race and an NPT-Compliant Alternative

Tri-Valley CAREs has just released a new report by Dr. Robert Civiak titled, *"America's One-Nation Arms Race"*, an analysis of the US Department of Energy's Fiscal Year 2006 Budget Request for Nuclear Weapons Activities. This analysis describes a decade long upsurge in funding for nuclear weapons that supports a vast research and manufacturing enterprise focused on upgrading existing US nuclear weapons and designing new ones. Dr. Civiak notes that the US emphasis on upgrading its nuclear weapons capabilities directly contradicts the US Administration's efforts to convince potential nuclear weapons proliferators that there is nothing to be gained from developing nuclear weapons.

The report describes specific budget proposals, which demonstrate the lack of resolve on the part of the United States of America to disarm and to halt development of new weapons capabilities and new weapons. For example:

- A proposal to increase the funds for research and development (R&D) of new and improved nuclear weapons by 36 percent over 2005. The R&D conducted in this area is generic in nature and is not directly attributable to one existing warhead type.
- A proposal to spend over a billion dollars through 2010 to "regain" the capability to produce plutonium pits (bomb cores). Paradoxically, the capability was never lost, as Los Alamos National Laboratory has continually maintained and upgraded its pit production capabilities. Furthermore, US studies of

pit lifetimes indicate existing pits should last at least another 30 years and possibly 70 years or more. This proposal also includes a plan to build a "Modern Pit Facility" that might produce 250 or more plutonium pits a year.

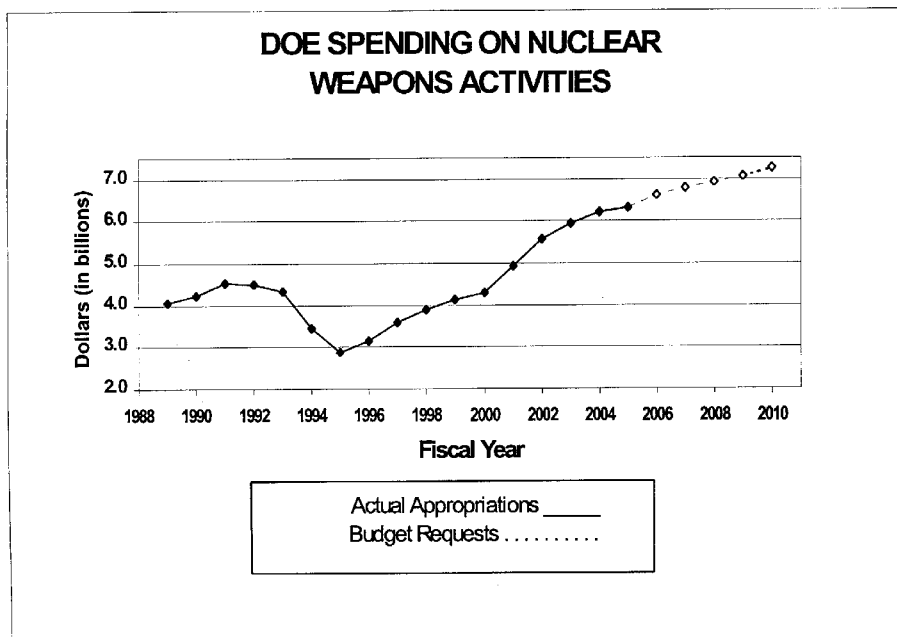
parts and, therefore, would not upgrade the weapons capabilities. The United States and all nuclear weapon states should be called upon to forego any further development of nuclear weapons as evidence of compliance with Article VI and instead use a Curatorship approach to maintain their nuclear stockpile until disarmament has been achieved.

To obtain a copy of *"America's One-Nation Arms Race"*, go to the Tri-Valley CAREs website at [www.trivalleycares.org](http://www.trivalleycares.org) or call the office in Livermore, California at (925) 443-7148. Delegates to the 2005 Review Conference of the NPT can

call the Tri-Valley CAREs office to schedule an appointment with Dr. Civiak and Tri-Valley CAREs staff, who will be in New York between May 1 and May 7.

Dr. Robert Civiak is a physicist who served for ten years as Program Examiner in the White House Office of Management and Budget, where his primary responsibilities included oversight of the nuclear weapons programs. Tri-Valley CAREs is a US non-governmental organization with over 20 years experience monitoring Lawrence Livermore National Laboratory and the US nuclear weapons complex. Livermore Laboratory is one of two principle nuclear weapon design locations in the United States, and is where development of the new Robust Nuclear Earth Penetrator bomb is slated to occur.

*Submitted by Inga Olsen, Tri-Valley CAREs.*



- A proposal to reduce the lead-time needed to conduct an underground nuclear test to 18 months, by the end of 2006. Since all of the nuclear weapons in the existing US stockpile were extensively tested, there is no need to maintain a testing capability, unless the Administration plans to design and test a completely new nuclear weapon.

- Proposals to design new warheads including a "Robust Nuclear Earth Penetrator" and a "Reliable Replacement Warhead."

The Tri-Valley CAREs report highlights US activities that are inconsistent with the country's disarmament obligation. More importantly, it offers a practical approach for maintaining the nuclear arsenal, until disarmament is complete, that is in alignment with the Nuclear Non-Proliferation Treaty (NPT). This approach, called "Curatorship", would replace aging components with similar

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

### Daily morning interfaith prayer vigil

Where: Ralph Bunche Park, 42nd Street, 1st Avenue  
When: May 2-6, 7:30 AM  
Contact: Caroline Gilbert, Christian Campaign for Nuclear Disarmament

### Abolition 2000 Morning Caucus

Where: United Nations Church Center (44th street and 1st avenue), Boss Room, 8th floor  
When: Daily, 8 AM- 9 AM  
Contact: Monika Szymurska, Global Coordinator

### Governmental Briefing- Ambassador Paul Meyer (Canada)

Where: UN Conference Room E  
When: 9 AM- 10 AM  
Contact: Rhianna Tyson, RCW

### NATO nuclear policy and the NPT

Where: UN Conference Room E  
When: 10 AM- 11 AM  
Contact: Karel Koster, PENN-NI

### Stopping the Spread of Plutonium: The Argument for Abandoning the Japanese Rokkasho Reprocessing Plant

Where: UN Conference Room E  
When: 11 am - 1 pm  
Contact: Damon Moglen, Union of Concerned Scientists

### Raising Awareness, Creating Engagement. A Briefing on the Approach taken by the UK Weapons of Mass Destruction Awareness Programme

Where: UN, Conference Room E  
When: 1:15- 2:45 PM  
Contact: Carol Naughton, WMD Awareness Programme

### Verification Pursuant to the NPT: Concluding Safeguards Agreements and Additional Protocols"

Where: UN, Conference Room 6  
When: 1:15- 2:45 PM  
Sponsored by IAEA

### Challenging and Changing Dangerous Nuclear Weapons Policies in the USA

*Part I: Beyond nuclear warheads: Challenging U.S. plans for high tech global military dominance*  
*Part II: Changing U.S. Nuclear Policies with Congress and Civil Society*  
Where: UN, Conference Room E

When: 3- 6 PM

Contact: Andy Lichterman, Western States Legal Foundation or Carol Urner, WILPF

### Reception/Gallery Opening- (invitation only)

Where: South End (Visitors) Lobby, United Nations  
When: 6-8 PM  
Contact: Rosé Cohen

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[www.reachingcriticalwill.org](http://www.reachingcriticalwill.org)



For more than 20 years, the Nuclear Age Peace Foundation has provided quality independent research and analysis on nuclear and international security issues.

### We invite you to utilize our free educational and advocacy resources, including:

**Back to Basics:** *Reviving Nuclear Disarmament in the Non-Proliferation Regime*, the Foundation's briefing booklet for the 2005 Non-Proliferation Treaty Review Conference;

**WagingPeace.org**, our education and advocacy website;

**The Sunflower**, a monthly e-newsletter resource providing news, information and analysis on nuclear and international security issues;

**NuclearFiles.org**, a comprehensive website dedicated to all aspects of the Nuclear Age, mixing a diversity of perspectives with contemporary and historical primary source documents; and

**Turn the Tide**, a public advocacy campaign to chart a new course for US nuclear policy.

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## On the Nuclear Trail of Tears: The International Peace Walk and the Nuclear Fuel Cycle

- Hongwei Chen, WILPF

On Tuesday, May 3<sup>rd</sup>, the International Peace Walk hosted a panel discussion entitled “The Legacy of Nuclear Weapons and Future Proliferation.” Participants of the Peace Walk travel around the world, from uranium mines to nuclear power plants and nuclear weapons complexes, in an effort to expose the health and environmental harms of every step of the nuclear process. The speakers at the event consisted of Peace Walk participants from diverse backgrounds, united to protest the trail of devastation left behind by the production, refining and use of nuclear materials. With a variety of touching narratives and power-point presentations, the panelists made clear that the threat of nuclear war is not the only scourge of the nuclear age. Rather, the nuclear industry devastates communities and peoples’ lives every step of the way.

Johnella Sanchez, an indigenous activist, began the discussion by bringing attention to the implications of uranium mining and nuclear waste disposal on indigenous peoples across the world. Many natives from poor communities have been recruited to work in uranium mines since the beginning of nuclear age without knowledge of the radiation hazards. At the same time, toxic nuclear waste has been stored chiefly on indigenous lands. She concludes that, “it’s all about big business and not human lives.”

Bilbo Taylor, a peace walker from Australia, spoke of the terrifying effects that uranium mines in Australia have on surrounding communities. Most uranium mines are built on the indigenous land, many times on sacred sites of indigenous peoples; governments give a free ticket to the companies that construct the uranium mines to use any tactics necessary to quench resistance from the community. The uranium mines also have devastating impacts on the local environment. For example, one such mine nearly monopolizes crucial groundwater supplies, using nearly 100 million liters per day, while poisoning it with radiation. He maintains that as many people will

die from the practices of the nuclear industry as have been killed by atomic blasts—“what is going on here is genocide.” Taylor called upon the people of the world to put faith in themselves, rather than their governments.

Vicki Downy, an indigenous woman who lives close to a highway through which radioactive waste from the Los Alamos Laboratory is shipped, con-



photo from <http://peacehq.tripod.com/OSSTBIPW/>

demned the callous dismissal of peoples’ concerns about waste spills by the US government. She conveyed the wisdom of indigenous elders, stressing the need to take care of the land, water, and each other.

Nat Wasley, another peace walker from Australia, briefed the event’s participants about SILEX, the secretive laser uranium enrichment facility located 30 miles from Australia’s largest city. Both the Australian and US governments have classified most of the information about this facility, obscuring the nature of its activities. The private corporation which owns SILEX can sell its technology around the world, raising further concerns about proliferation.

Atsuko Nogawa, Greenpeace-Japan’s anti-nuclear coordinator, spoke against the opening of Japan’s first plutonium reprocessing plant, Rokkasho, as well as nuclear power in Japan in general. Japan’s nuclear plants, she pointed out, which produce very high level toxic waste, are built on earthquake faults.

Ralph Hutchinson of the Oak Ridge En-

vironmental Peace Alliance educated the audience about issues surrounding the Y-12 “National Security Complex” in Oak Ridge, Tennessee, the last full scale nuclear weapons production facility in the US. The Y-12 plant has recently been given \$4 billion by the Department of Energy to streamline weapons production, develop new “mininukes,” and refurbish old nuclear weapons to extend their lifespan for another 100-130 years. Hutchinson pointed out that these activities are in violation of NPT Article VI, which calls for efforts towards disarmament at an early date. Extending the nuclear arsenal for another century is “not anyone’s definition of an early date.” Hutchinson, like Taylor, is pessimistic about the NPT and maintains the necessity of grassroots movements.

Shosen Morita, an activist who has worked in both India and Japan, stressed the necessity of spiritual connection between all who want peace. He enticed the audience with an anecdote about Mahatmas Gandhi’s success in leading a “spiritual revolution without anger or violence.” Gandhi won not only the hearts of the Indian people but of people worldwide. He maintained that everyone should “become their own personal Gandhi” in order defend all life on earth.

Marcus Atkinson, chair of the discussion and co-founder of Peace Walk, declared that these Peace Walkers are at the NPT Review Conference in order to represent the thousands who did not have the privilege of traveling to New York; they are here to speak for those whose voices cannot be heard in the halls of the United Nations.

Perhaps the most important message conveyed by this panel is the need to begin anti-nuclear activism at the grassroots—to begin with local voices rather than expert-led discussions, mobilizing common people instead of governments. As Taylor put it: “I’m not interested in politics, I’m just interested in life.”

*Hongwei Chen is an intern with the Reaching Critical Will project of WILPF UNO.*

**"We are approaching a point at which the erosion of the nonproliferation regime could become irreversible and result in a cascade of proliferation."**

—2005 United Nation's High-Level Panel Report, *A More Secure World*

## CAMPAIGN TO STRENGTHEN THE NPT

"... The global nuclear threat cannot be reduced without stronger international leadership and cooperation. The United States and other countries must pursue a comprehensive and balanced approach beginning with the 2005 NPT Review Conference. They should:

1. Agree to establish more effective controls on technologies that can be used to produce materials for nuclear weapons.
2. Expand the ability of the International Atomic Energy Agency to inspect and monitor compliance with nonproliferation rules and standards.
3. Conduct vigorous diplomacy to halt uranium enrichment and other sensitive nuclear fuel cycle activities in Iran and dismantle North Korea's nuclear weapons capacity, as well as diplomacy designed to address the underlying regional security problems.
4. Accelerate implementation of the nuclear-weapon states' disarmament obligations and commitments .... These steps would reduce the risk of nuclear war and the allure of nuclear weapons.
5. Secure all nuclear-weapons-usable material to the highest standards to prevent access by terrorists or other states by expanding programs to secure and eliminate these materials....
6. Clarify that no state may withdraw from the treaty and escape responsibility for prior violations of the treaty or retain access to controlled materials and equipment acquired for "peaceful" purposes.

The success of the conference should be judged by the ability of the parties to agree on specific, additional steps that will strengthen the treaty regime. The security of the international community demands no less.

Sec. Madeleine Albright  
Alexei G. Arbatov (Russia)  
Amb. George Bunn  
Amb. Ralph Earle II  
Robert J. Einhorn  
Amb. Robert Gallucci  
Amb. James Goodby  
Rose Gottemoeller

Amb. Thomas Graham, Jr.  
Amb. Robert Grey, Jr.  
Hon. Lee Hamilton  
Hon. John D. Holm  
Hon. Spurgeon Keeny, Jr.  
Jessica Mathews  
Sec. Robert McNamara  
Sec. William Perry

Lt. Gen. Robert E. Pursley  
(USAF Ret.)  
Sen. Douglas Roche  
(Canada)  
Amb. Henrik Salander  
(Sweden)  
Hon. Lawrence Scheinman  
Amb. Wendy Sherman

(Signatories as of April 4, 2005)

Today's security environment requires an even more comprehensive, balanced, and robust global nonproliferation strategy. In May 2005, representatives from over 180 governments will meet to review implementation and compliance with their mutual obligations and commitments under the 1968 nuclear Nonproliferation Treaty (NPT) and seek agreement on additional steps that will strengthen the treaty.

This month, the Campaign to Strengthen the NPT and a group of prominent nonproliferation and security experts issued a statement noting that: "The NPT's future success depends on universal compliance with tighter rules to prevent the spread of nuclear weapons, more effective regional security strategies, and renewed progress toward fulfillment of the nuclear-weapon states' NPT disarmament obligations."

The Campaign is a joint non-governmental project designed to collect and disseminate latest and best information about the NPT, the challenges it faces, and leading proposals to advance nuclear nonproliferation and disarmament.

The experts' statement calls on the United States and all NPT states-parties "to recommit themselves to the legal and political obligations established by the treaty and successive NPT Review Conferences, as well as agree on a specific and balanced program of action to strengthen treaty implementation and compliance."

**For the full text of the Campaign Statement and information about the 2005 NPT Review Conference, visit:**

**NPT2005.org**

The Campaign to Strengthen the NPT is a project of the **Arms Control Association** and the **Carnegie Endowment for International Peace**