



# News In Review

A collection of NGO views on the NPT Review 2000

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## A Taste of Treaties to Come

Malaysia and Costa Rica submitted a working paper in Monday afternoon's meeting of Subsidiary Body 1, calling for negotiations leading to a Nuclear Weapons Convention (NWC) or framework convention, and suggesting some of the elements to be addressed in such negotiations. The working paper places the NWC in the context of the commitments contained in NPT Art. VI – to pursue good faith negotiations on effective measures relating to nuclear disarmament – and in the 1995 Principles and Objectives – to pursue systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons.

Ambassador Hasmy Agam of Malaysia introduced the working paper in a statement that underscored the importance of the 1996 advisory opinion of the International Court of Justice (ICJ) on the Legality of the Threat or Use of Nuclear Weapons. Ambassador Hasmy stated that, "The unanimous decision of the ICJ, representing the full weight of the legal opinion of all members of the Court, is of historic importance and significance and cannot be dismissed by the nuclear weapons States as being merely an 'opinion'. It is not an 'opinion' in the ordinary sense of the word but a carefully considered juridical view by judges sitting on the world's highest juridical body and responding in a formal manner to a request by the United Nations General Assembly....

"My delegation believes that the 2000 Review Conference should not only welcome the World Court's unanimous Opinion but respond positively to it. The learned judges of the ICJ, without being promoted to

do so, had made it very clear that the States Parties of the NPT have not only *an obligation to negotiate in good faith* but to *bring such negotiations to conclusion*. The reaffirmation of the NPT commitment under Article VI of the Treaty cannot be more clear than that. It follows, therefore, that if States Parties to the Treaty are serious in their commitment towards nuclear disarmament, they should commence negotiations on nuclear disarmament leading to an internationally binding legal instrument on nuclear disarmament."

Beginning in 1996 and every year since then, the General Assembly (GA) has passed resolutions introduced by Malaysia, with large and growing support, entitled "Follow-up to the advisory opinion of the International

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### THE UNEQUIVOCAL INVITATION

**to all delegations  
to meet and schmooze  
with the NGOs  
TONIGHT  
2nd Floor, 777 UN Plaza  
6 - late pm**

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Court of Justice on the Legality of the Threat or Use of Nuclear Weapons," calling for the implementation of this obligation by immediately commencing multilateral negotiations leading to an early conclusion of a NWC.

Malaysia and Costa Rica's working paper combines the language of the GA resolutions and the unanimous ICJ conclusion by suggesting that NPT States Parties agree to "commence multilateral negotiations leading to the conclusion of a nuclear weapons convention prohibiting the development, testing, production, stockpiling, transfer, use and threat of use of nuclear weapons and providing for their elimination under strict and effective international control."

The working paper also expresses concern about those states that operate unsafeguarded nuclear facilities and have not acceded to the NPT (namely, India, Israel, and Pakistan), who continue to insist on the nuclear option despite repeated calls for universality throughout the NPT Review Process. It explicitly offers a way to draw them into the disarmament process by inviting States that have not acceded to the NPT to join in negotiations leading to a NWC. This approach to universality – focusing on a universal disarmament regime – might prove a more effective way of engaging States outside the NPT than the current approach of repeated demands for immediate accession, demands which are usually ignored.

It is worth noting that the working paper, like the GA resolutions, calls for negotiations *leading to* a NWC, suggesting that progress on a multilateral instrument for nuclear disarmament in all its aspects under strict and effective international control might require intermediate work. What is new in this working paper, in relation to earlier GA resolutions, is the effort to present some of the elements of a future NWC, thus giving more content to the call for negotiations. The working paper suggests that consideration be given to the "legal, technical, and political elements required for a nuclear weapons convention or framework convention". This language invites a framework approach along the lines of other international treaties and is reminiscent of the affirmation by the New Agenda Coalition (NAC) "that a nuclear-weapon-free world will ultimately require the underpinnings of a universal and multilaterally negotiated legally binding instrument or a framework encompassing a mutually reinforcing set of instruments."

The legal, technical, and political elements of a future NWC suggested by the working paper include:

- Non-discriminatory general obligations, applicable to States and non-State actors, prohibiting the acquisition, development, testing, production, stockpiling, transfer, use and threat of use of nuclear weapons;
- Interim control, protection and accounting of nuclear weapons and fissile material holdings;
- Phases and steps for the systematic and progressive destruction of all nuclear warheads and their delivery vehicles;
- An international organisation to coordinate verification, implementation and enforcement under strict and effective international control.

The working paper also suggests that appropriate interim steps be taken, along the lines proposed by the NAC, "including unilateral measures and the achievement of other mutually reinforcing bilateral, plurilateral and multilateral instruments to remove the role of nuclear weapons from security doctrines and to further the reduction and elimination of nuclear arsenals."

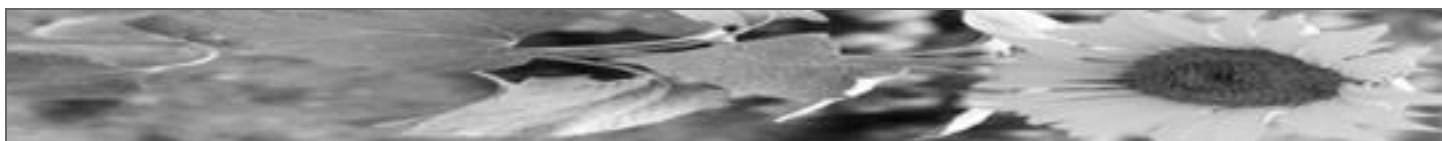
Costa Rica's role in support of the NWC also includes its submission in 1997 of the Model NWC to the UN Secretary General for distribution as a discussion document.

The Model NWC has generated a broad range of responses and a revised Model NWC, collected and published in *Security and Survival: The Case for a Nuclear Weapons Convention*. Follow up responses, addressing questions critical to the future course of nuclear disarmament, are contained in the periodic *NWC Monitor*.

Both publications are available through the Lawyers' Committee on Nuclear Policy (LCNP) in New York (212-818-1861, [www.lcnp.org](http://www.lcnp.org)) and International Physicians for the Prevention of Nuclear War (IPPNW) in Cambridge (617-868-5050, [www.ippnw.org](http://www.ippnw.org)).

A panel discussion on the NWC will take place in Dag Hammarskjöld Library Auditorium today, May 9, 2-4pm.

**Merav Datan**  
**International Physicians for the**  
**Prevention of Nuclear War (IPPNW)**



## NPT DELEGATES BRIEFED ON NMD

A dinner briefing on National Missile Defense (NMD) was attended by a large number of interested NPT delegates on Thursday, May 4. Speaking specifically about the US domestic political context and the likely combat effectiveness of the proposed NMD system, the presenters were followed by a lively question and answer session.

Dr. Lisbeth Gronlund, of the Union of Concerned Scientists, Dr. Richard Garwin of the Council on Foreign Relations and Daryl Kimball of the Coalition to Reduce Nuclear Dangers expanded on this issue which has been, and will continue to be, of major concern to NPT RevCon delegates. The main conclusions of the meeting were that missile defence won't work and that the financial and strategic costs will be astronomical. Speakers emphasised the important role that NPT delegates can play in encouraging the US to abandon this initiative which is largely driven by electoral politics.

### REVIEW: COUNTERMEASURES:

#### Technical Evaluation of the Operational Effectiveness of the Planned US National Missile Defense System

• [www.ucsusa.org/arms/](http://www.ucsusa.org/arms/)

A Study Group organised by the Union of Concerned Scientists and the MIT Security Studies Program recently launched their technical evaluation of the Operational Effectiveness of the Planned US National Missile Defence System and a four minute animation that shows how straightforward devices like balloons and bomblets would confuse the NMD system.

The Report concludes that the "National Missile Defence system under development by the US would be ineffective against even limited ballistic missile attacks from emerging missile states. Moreover, its deployment would increase nuclear dangers from Russia and China, and impede cooperation by these countries in international efforts to control the proliferation of long-range ballistic missiles and weapons of mass destruction. The United States should reconsider its options for countering the threats posed by long-range ballistic missiles and shelve the current NMD plans as unworkable and counterproductive."

All of the contributors to the study are either physicists or engineers. "Our analysis is based on an understanding of basic physics and technology and uses only information available in the open literature. This detailed analysis is possible because the US is now so close to potential deployment that it has selected specific interceptor and

sensor technologies that the NMD system would use. We do not believe that access to classified information would in any significant way alter our study or its conclusions."

The excellent animation is showing outside Conference Room 4 and the report can be viewed in the UCS website set out above.

### PUSHING THE LIMITS: THE DECISION ON NATIONAL MISSILE DEFENCE

• [www.clw.org/coalition/libbmd.htm](http://www.clw.org/coalition/libbmd.htm)

*Pushing the Limits: The Decision on National Missile Defence* (available outside Conference Room 4), was produced by the Coalition to Reduce Nuclear Dangers and the Council for a Livable World Education Fund. The fifty-seven page report presents a comprehensive analysis of each of the four criteria that President Clinton has outlined as the basis for the deployment decision. The report concludes that a precipitous decision to deploy unproven and very costly missile defences later this year "will diminish overall US and international security, increasing rather than reducing nuclear dangers."

Estimates of the costs of the proposed, ground-based national anti-missile system have increased dramatically beyond early estimates, according to *Pushing the Limits*, "[t]he public and the policy makers may soon feel NMD sticker shock", warns report author and Deputy Director of the Coalition, Stephen Young. "It is unwise to commit to deploy and invest tens of billions of dollars on national missile defence when the technology remains unproven and appears unlikely to work against even a minimal threat", says Young.

The new *Pushing the Limits* report points out that it would be far cheaper, even for countries like North Korea to develop countermeasures that could overwhelm or confuse the proposed system than it would be for the US to increase the capabilities of its missile defense. The book also notes that in response to deployment, China is likely to expand its relatively small strategic nuclear arsenal, increasing tensions across Asia. In addition, the report also emphasises that America's NATO allies have all expressed concerns about US plans for missile defence.

**Felicity Hill**  
**Director UN Office - WILPF**

### Coming Up:

Wednesday 10th May 2000 - 6pm

A roundtable discussion for NGO and delegate exchange on the subject of forward looking recommendations to be drafted by the NPT Conference - Conference Room C

## Jacqueline Cabasso

Western States Legal Foundation  
Executive Director

### 1. What are your hopes or expectations for the Nuclear Non-Proliferation 2000 Review Conference?

Until just two weeks before it began, I saw this Review Conference, like the PrepComs of the past few years, as mainly a forum where the nuclear policies and programs of the Nuclear Weapon States (NWS) could be discussed and criticized by NGOs and governments of NNWS. I expected that, like the PrepComs, this forum would provide opportunities for NGOs to offer information and analysis to interested governments, for NGOs from many countries to meet together, and for NGOs and governments of NNWS to express their growing frustration with the failure of the NWS — especially the US — to meet their Article VI disarmament obligations. What has changed is Russia's unanticipated ratification of START II and the CTBT. It looks to me like Russia has seized the moral high ground in a very high stakes game of nuclear poker. Suddenly this NPT Review Conference has come to represent an historic moment of both great opportunity and great danger. I wish I had more faith that my government would take this opportunity to respond in good faith by dropping its plans to deploy missile defenses and getting down to the real business of nuclear disarmament, but unfortunately I don't.

### 2. What topics do you work on most or find the most interesting in this forum?

My organization, Western States Legal Foundation, was one of the first to recognize that the US "Stockpile Stewardship" program represented an ambitious effort to rebuild and modernize the US nuclear weapons complex, with the aim of maintaining large arsenals for decades to come while retaining the capacity to design and deploy nuclear weapons with new military capabilities. We have presented our information and analysis, which is firmly rooted in "local knowledge" (ie. our proximity to and familiarity with the US nuclear weapons labs), at NPT PrepComs and Review Conferences since 1994. I think it's fair to say that our work in documenting the details of the "Stockpile Stewardship" program and analyzing its implications for the CTBT and the NPT regimes has made a significant contribution to the international debate over the role these treaty regimes can and should play in the path to the abolition of nuclear weapons.

### 3. What led you to be doing the work that you are doing now?

I'm a lifer. The first Earth Day took place in 1970, my senior year of high school. I joined the ecology club, where I helped to start a recycling center and began my public speaking career. I also became involved in anti-Vietnam war activities, and from the beginning saw peace, environmental and social issues as inextricably linked. I next became active in the campaign to shut down nuclear power plants in California. My growing awareness about the dangers of radioactivity and ongoing peace advocacy led to my participation, starting in the early 1980's, in nonviolent anti-nuclear weapons protests at the Lawrence Livermore National Laboratory, near my home in California. I started working with Western States Legal Foundation in 1982. A visit to the Soviet Union's nuclear test site in Kazakhstan in 1990 led to increasing activity on an international level. I attended the Partial Test Ban Treaty Amendment Conference in 1991, CTBT negotiations in 1994, and every NPT PrepCom and Review Conference since 1994. In 1995 I helped to found the Abolition 2000 Global Network to Eliminate Nuclear Weapons, and this year helped to launch the US Campaign to Abolish Nuclear Weapons, Part of the Abolition 2000 Global Network.

## NGO Recommendations

*At the NGO Presentations of 3 May 2000, there were a series of excellent recommendations made by the speakers on behalf of the NGO community. We are featuring these recommendations each day this week.*

### **Indigenous Peoples Presentation: "Peaceful" Uses Result in Genocide**

I propose a resolution for acceptance by this forum for future action on these issues within the NPT process. That the NPT Review 2000 resolve:

1. To become directly informed of the issues of uranium mining, testing, rehabilitation, and radioactive waste storage affecting Indigenous communities through the establishment of relevant and formal reporting procedures and the provision of resources adequate to the task of the timely compilation of relevant information and findings; and
2. That there is commitment to the establishment of an Indigenous committee which reports to the NPT process officially and regularly on various States actions to address the issues of disadvantage arising from findings of such reporting relevant to Indigenous communities.

**Jacqui Katona - Gundjehmi Aboriginal Corporation**

# Gorleben - Germany

The two main storage facilities for radioactive waste in Germany, the Gorleben "Castor-Hall" and the Ahaus storage facility, are basically warehouse type buildings. Large demonstrations have shown that the population concerned is fundamentally opposed to the 1970s choices for "interim" storage, especially as no final storage management scheme or site has been decided upon. The transports have also been opposed for safety reasons because of the potentially catastrophic consequences of an accident during the journey through densely-populated areas. As one radioprotection engineer puts it, these transports are nuclear facilities on wheels and risks associated with transports are of the same extent as those associated with the operation of a plant.

Over the last 25 years Germany has seen many demonstrations against the nuclear industry. Those against the Wackersdorf reprocessing plant in Bavaria in the 1980s were particularly massive. Today's demonstrations are specifically against nuclear shipments. During the last four years, demonstrations have been organised against transports of nuclear spent fuel or high-level radioactive waste to the two "interim" storage facilities. These demonstrations have involved tens of thousands of citizens - activists, farmers, and even local police trade unions — and have required the intervention of tens of thousands of police. The use of police forces and the repair for damages (to roads and railway tracks) have been very costly:

• **April 1995:**

one cask of spent fuel transported to Gorleben	= 8,000 policemen, DM \$50 million
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• **May 1996:**

one cask of highly radioactive waste from the reprocessing plant at La Hague transported to Gorleben "	= 9,000 police, DM \$90 million
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• **March 1997:**

four containers of spent fuel and two containers of highly radioactive waste from the reprocessing plant at La Hague, France transported to the Gorleben	= 20,000 demonstrators, 30,000 police and estimated to have cost DM \$111 million
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• **March 1998:**

another transport of six containers of spent fuel from the Gundremmingen and Neckarwestheim nuclear power plants to the Ahaus "interim" storage facility	= 10,000 demonstrators, 30,000 police, cost an estimated DM \$100 million
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According to the security organisation in Germany, it is up to the area concerned to pay for the police forces during such demonstrations. However, since the Lower Saxony Land, in which is located the Gorleben storage facility, has been obliged by the Federal government to accept the waste against its will, it has not yet agreed to pay these sums. The outcome of the conflict is still unclear.

Since the return of high-level radioactive waste from the reprocessing countries to Germany is just beginning, as well as the transport of spent fuel which will not be reprocessed to "interim" storage sites, many more transports are to be carried out and corresponding protests are scheduled.

**Mycele Schneider**

**WISE-Paris Plutonium Investigation**

To download the journal visit: [www.pu-investigation.org](http://www.pu-investigation.org)

## Quote of the Day

“An unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals and, in the forthcoming NPT review period 2000-2005, to engage in an accelerated process of negotiations and to take steps leading to nuclear disarmament to which all States parties are committed under Article VI.”

Para 11. Chairman's Working Paper, Cluster Two, Subsidiary Body 1



# Clinton Administration National Missile Defense Proposal

Dr. Bruce Blair, President of the Center for Defense Information, former nuclear missile officer, and one of the world's leading experts on nuclear weapons, made the following comments on the "Talking Points for ABM Treaty Negotiations" between the US and Russia published today by the Bulletin of the Atomic Scientists and The New York Times.

The Clinton Administration's proposal for altering the Anti-Ballistic Missile (ABM) Treaty to allow the U.S. to build a missile defense system, accurately states that defenses have been opposed because of "concerns that one side might have the ability to make a surprise disarming first strike against the enemy and then deploy a broad strategic missile defense system to knock out the enemy's combat resources which had survived the first strike and were being launched against the assailant".

However, the proposal seriously misstates the adverse effects of the planned NMD on Russia's strategic deterrent. Moreover, the proposal, which encourages Russia to maintain its hair-trigger posture indefinitely, means the continuing, and increasing risk of a mistaken or unauthorized launch of nuclear missiles. The U.S. should be seeking to reduce, not embrace, Russia's readiness to launch on warning.

The proposal undermines stability in the following ways:

- It states that the U.S. missile defense system will be limited to protect against a threat from a few dozen warheads, while Russia would keep between 1,000 and 2,000 to have "the certain ability to carry out an annihilating counterattack..." In reality, a surprise offensive U.S. strike could potentially destroy all but a few tens of Russian warheads, and Russia's control over these surviving weapons might be lost.
- It asserts that the Russian strategic forces which survived a U.S. strike could deliver a minimum of a few hundred warheads. But this is higher than Russian planners would estimate.
- It cites the hair-trigger alert status of Russian nuclear missiles as grounds for Russian confidence that they could mount an annihilating counterattack. In reality, Russian (and U.S.) high-alert posture means the continuing and increasing risk of a mistaken or unauthorized launch of nuclear missiles.
- Finally, while the U.S. proposal offers the following reassurance: "...the tremendous risks associated with initiating a nuclear war under any circumstances make these theoretical calculations largely irrelevant. Obviously, neither side could ever contemplate such an assault", the inconvenient truth is that both sides are planning for the contingency of all-out nuclear attack.

The Russians must pay more attention to the fact that if a launch decision were made right now in the White House and Pentagon, the order could be carried out within about two minutes. Those young men in their launch centers would validate the order, retarget their missiles (thereby overriding the 1994 Clinton-Yeltsin de-targeting pact in seconds), and send the launch signal to about 2,000 strategic warheads, which would immediately fire out of their silos. About ten minutes later, another 400 warheads would break water from the U.S. ballistic missile submarines on launch-ready alert at all times.

It is this threat that worries Russia the most. And with thousands of weapons on hair-trigger alert it should worry us all.

**Dr. Bruce Blair**

**President of the Center for Defense Information**

The full text of the "Talking Points" and related documents can be found at <http://www.thebulletin.org>

## What's On

**9 May 2000**

### event:

Seminar: "Achieving a Nuclear Weapons Convention: Legal, Political and Technical Strategies for Nuclear Disarmament"

### place & time:

Dag Hammarskjold Library Auditorium, UN @ 2- 4pm

### event:

Cooling Tower Accessory Kit - New York artist work on display

### place & time:

1st and 47th Street @ 2 - 2.30pm

### event:

**WILPF & Reaching Critical Will reception:**  
**the Unequivocal Invitation!**  
*wine, conversation and light refreshments all supplied*

### place & time:

**2nd Floor, Church Centre, 777 UN Plaza, New York from 6pm onwards**

### Main Committee 1:

**Subsidiary Body 1**  
Sessions begin @ 10am  
Conference Room 4

### Main Committee 2:

**Subsidiary Body 2**  
Sessions begin @ 3pm  
Conference Room 4

### Main Committee 3:

Sessions begin @ 10am & 3pm  
General Assembly Hall

*Please check venue and times against daily schedule as these may change*