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# Middle Powers Initiative Briefing Paper

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## **Deadly Deadlock**

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**A Political Analysis of the Seventh  
Review Conference of the Non-Proliferation Treaty  
New York, May 2-27, 2005**

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## Summary

**The Seventh Review Conference of the Non-Proliferation Treaty, failing to agree on any substantive item, showed the deep fissures in the international community on nuclear weapons. Despite an urgent appeal for action by U.N. Secretary-General Kofi Annan, who painted a picture of a nuclear catastrophe in one of the great cities of the world, the delegates of 153 countries could not rise up above petty disputes over the Conference agenda and at times sank into acrimony. The United States blocked any reference to the commitments made by the nuclear weapons States at the 1995 and 2000 Reviews. Iran blocked proposals to limit access to the nuclear fuel cycle by non-nuclear States. Egypt blocked a weak text on universalization of the NPT because of the Western States' failure to take action against Israel, which is not a party to the NPT and has unsafeguarded nuclear facilities. As a result of the failure to agree on anything, North Korea remained unpunished for leaving the Treaty and announcing its possession of nuclear weapons.**

**Fully 15 days of a 20-day conference were consumed by procedural battles, which became an abuse of democracy and left the majority the victim of an obstreperous minority who hijacked the Conference. Excessive devotion to consensus, in which a dissenting State exercises a virtual veto, derailed what would have been decisive steps forward had a vote been taken. Political will to isolate the U.S. on the one hand, or Iran on the other, was not strong enough to counter the constant subverting. The major developments of the Treaty, which occurred with the promises made in 1995 when the NPT was indefinitely extended and the "unequivocal undertaking" for total nuclear disarmament through a programme of 13 Practical Steps made in 2000 were reduced, literally, to an asterisk.**

**Not even the P-5 (the major nuclear weapons States, the U.S., Russia, the U.K., France and China) could agree among themselves and failed to issue their customary statement; Russia balked when the U.S. refused even to mention the Comprehensive Nuclear Test Ban Treaty, of which it is the principal hold-out.**

**The New Agenda Coalition, carrying the hopes of many who remembered its sterling performance at the 2000 Review, was sundered because of diverging views within the Coalition on how vigorously to pursue nuclear disarmament and also because of the aggressive conduct of one of its members, Egypt. The European Union, now numbering 25 nations, replaced it in effectively putting forward a range of moderate positions.**

**Despite the disarray, the Review Conference was far from pointless. A strong majority of States wanted to move forward on strengthening the NPT, and many excellent proposals were made, not least Canada's call for annual substantive meetings and a**

permanent NPT secretariat. Conference documents can be found at [www.un.org/events/npt2005/](http://www.un.org/events/npt2005/)

The dire condition of the NPT review process awakened a desire in a number of like-minded States to find a way around the procedural roadblocks. A paper, presented by seven NATO States, led by the Netherlands, calling for specific steps for nuclear disarmament, showed a growing disenchantment within NATO on Washington's rigid nuclear policies. Provided they are now willing to rise above diplomatic frustration, it may be possible for like-minded States to start a fresh approach to examine the legal, political and technical requirements for negotiations leading to a nuclear weapons free world.

A new, forward-minded approach to implement the fullness of the Treaty would certainly be supported by civil society, which turned out in abundance. A march through Manhattan to Central Park on the eve of the Conference drew 40,000 persons. Nearly 2,000 NGOs were on hand at various stages of the Conference, the largest representation ever. Mayors for Peace, led by Mayor Tadatoshi Akiba of Hiroshima sent a delegation of 100 Mayors and representatives of cities, and this movement is poised to take hold in cities around the world. The Women's League for International Peace and Freedom, which maintains, through Reaching Critical Will, a highly informative website [www.reachingcriticalwill.org/](http://www.reachingcriticalwill.org/) produced a daily news journal. The 15 speeches given by NGOs at the one session they were allowed to address were filled with knowledge and passion, outshining the drab speeches of most delegates, who frequently appeared to be merely going through the motions.

Presidents and Prime Ministers must now become involved in pressing for nuclear disarmament to avert what the U.N. Secretary-General's High-Level Panel said was a coming "cascade" of proliferation. At present, nuclear disarmament discussions are operating at too low a level in politics and diplomacy. With the exception of the Russian President, not a single national leader either showed up or sent a personal message.

A new round of meetings culminating in the next NPT Review Conference in 2010 now starts. The NPT, as it stands, is wounded. But it remains the fundamental pillar of the nuclear non-proliferation regime providing the legal basis for international verification of nuclear materials and the elimination of nuclear weapons. Whether it can withstand much more undermining will depend on those States that really believe in nuclear disarmament now acting. The approaching summit of the 60<sup>th</sup> anniversary of the U.N. offers a new opportunity to the 170 world leaders who will attend. If they fail to act, Annan warned after the Conference ended, "their peoples will ask how, in today's world, they could not find common ground in the cause of diminishing the existential threat of nuclear weapons."

## 1. Euphoria of 2000 Soon Dispelled

1.1 The 2000 NPT Review Conference ended on a note of euphoria because the nuclear weapons States (NWS) joined a consensus in pledging “an unequivocal undertaking to accomplish the total elimination of their nuclear arsenals” through a Programme of 13 Practical Steps. But by 2002, when the first meeting of the Preparatory Committee for the 2005 Review Conference was held, hopes for serious progress on nuclear disarmament were quickly dashed. Not only did the NWS step back from their commitment, the PrepComm could not even agree on how implementation reports would be made. The United States, openly admitting that the new approach of the Bush Administration (which came to power in 2001) consisted of nuclear and non-nuclear offensive systems, stated that it “no longer supports” some of the 13 Steps, e.g. the ABM Treaty and the CTBT. The Chairman, Ambassador Henrik Salander of Sweden, tried to include a Factual Summary in the report, but the U.S., the U.K., and France insisted that the Chairman’s Summary was only a “personal” statement. The 2005 Review Conference was fated at that moment.

1.2 The second PrepComm, in 2003, met the same fate. Though the Chairman, Ambassador Laszlo Molnar of Hungary, tried to get an “interactivity” debate started, the delegates gave every appearance of ritualistically cloaking the meeting with a façade of discussion. Though North Korea was withdrawing from the Treaty, Iran was under attack for its nuclear fuel program, the U.S. was in the midst of developing a new “bunker buster” nuclear weapon, and the Mayor of Hiroshima was warning that “we stand today on the brink of hyper-proliferation and perhaps of repeating the third use of nuclear weapons,” no constructive action was taken.

1.3 When the third PrepComm was held in 2004, the mood had turned distinctly sour. The NWS, led by the U.S., claimed that NPT priorities should be directed to stopping the proliferation of nuclear weapons, and that the problem of their own compliance with Article VI is non-existent. The leading NNWS claimed the exact opposite: the proliferation of nuclear weapons could not be stopped while the NWS arrogate unto themselves the possession of nuclear weapons and refuse to enter into comprehensive negotiations towards elimination as directed by the International Court of Justice. The Chairman, Ambassador Sudjadnan Parnohadiningrat of Indonesia, tried to have his Chairman’s Summary annexed to the PrepComm report, but the U.S. even refused this token. The Chairman then tried to get a simple paragraph accepted, which merely referred to the commitments made at the 1995 and 2000 NPT Review Conferences and recommended subsidiary bodies to take up key issues in 2005. This paragraph would at least have provided an agenda for 2005. The U.S., at first objecting, relented, but then the Non-Aligned Movement wanted their language attached, specifically calling for a subsidiary body on security assurances. The U.S., the U.K., and France balked. NAM then withheld its agreement

to the Chairman's paragraph absent the PrepComm accepting all the NAM language. Ambassador Sergio Duarte of Brazil, foreseeing his own problems as the Chairman of the Review Conference, without even having an agreed agenda, pleaded three times for the PrepComm to at least agree on an agenda so that he could get on with planning the Review Conference. Amidst the acrimony, his plea went unheard. The PrepComm collapsed.

1.4 Ambassador Duarte then went around the world, visiting all the major capitals, to secure agreement on an Agenda for the 2005 Conference. The cross-current of demands persisted. The Conference opened with days of speeches and still no agenda while backroom negotiations went on. Only on the eighth day of the 20-day meeting was agreement reached on the agenda. Though most States wanted a direct reference made to the achievements of 1995 and 2000 – so that the Conference could then move ahead on this basis – such references were reduced to an asterisk. The agenda merely said, “Review of the operation of the Treaty.”\* To find out what the asterisk referred to, one had to search out another document (NPT/CONF.2005/31), which was a Statement by the President: “It is understood that the review will be conducted in the light of the decision and the resolution of previous Conferences, and allow for discussion of any issue raised by States Parties.”

1.5 Egypt and other NAM countries tried to get this simple statement strengthened by changing the words “in the light of” to “taking account of,” but the U.S. refused this. The NAM, led by Malaysia, then insisted that their interpretation of the asterisk be contained in a Conference document (NPT/CONF.2005/32), which explicated “all the commitments agreed upon by consensus in the 1995 and 2000 Review Conferences.” Later, when the Drafting Committee tried to include the NAM document in the Conference Report, the U.K. objected and the fight over past commitments began again.

1.6 This renewed fight dominated the closing days of the Conference. In the end, the NAM statement was merely referenced, instead of being reproduced in the Final Document. Thus the U.S., aided by its nuclear partners, the U.K. and France, succeeded in stripping both the Agenda and the Final Document of any direct reference to the NWS commitments of 1995 and 2000. This does not mean the commitments have been negated even though they were buried in the 2005 Final Report. They continue to exist and they have the force of law. But the three Western NWS – while Russia and China stayed silent – showed that they have little, if any, intention of honouring them.

1.7 Even when the asterisked agenda was adopted, the Conference's three main committees could not get down to work because agreement on subsidiary bodies still had to be worked out. The U.S., still holding out against these dedicated discussions, found itself isolated even in the Western group. It relented again and late on May 18, the thirteenth day of the

Conference, Ambassador Duarte announced agreement for subsidiary bodies and work could start the next day.

1.8 Although the procedural battles appeared picayune, they were a surrogate for the real struggle between the nuclear haves and have-nots. The discussions between them on the substance of issues are so deep that they quarrel over minute points. While Egypt appeared obstreperous on agenda points, it was upholding the integrity of the Treaty and past commitments. Egypt is particularly incensed at the idea that even more stringent rules be attached to the nuclear fuel cycle to shut off the proliferation of nuclear weapons when the U.S. and the rest of the West stands by mutely as Israel, Egypt's neighbour, continues to ignore the call for it to join the NPT and put its nuclear facilities under IAEA safeguards. Egypt sees the NPT being weakened by the double standard of the NWS. The NAM, with varying degrees of intensity, supports this challenge to the West. The three Western nuclear States, the U.S., the U.K., and France, rail against nuclear proliferation while staying virtually silent on Israel, not to mention their tacit acceptance of India and Pakistan as de facto nuclear weapons States.

## **2. The Opening: From Urgency to Lassitude**

### **U.N. Secretary General Kofi Annan**

2.1 The Conference opened on a note of urgency sounded by U.N. Secretary-General Kofi Annan. From the podium of the General Assembly, he asked delegates to "imagine, just for a minute," the consequences of a nuclear catastrophe on one of the great cities of the world. "Tens, if not hundreds, of thousands of people would perish in an instant, and many more would die from exposure to radiation."

The global impact would also be grave. The attention of world leaders would be riveted on this existential threat. Carefully nurtured collective security mechanisms could be discredited. Hard-won freedoms and human rights could be compromised.

The sharing of nuclear technology for peaceful uses could halt. Resources for development would likely dwindle. And world financial markets, trade and transportation could be hard hit, with major economic consequences. This could drive millions of people in poor countries into deeper deprivation and suffering.

2.2 The Secretary-General hit the issue of the Conference squarely: "Some will paint proliferation as a grave threat. Others will argue that existing nuclear arsenals are a deadly

danger.” Thus he challenged delegates to recognize the truth that disarmament, non-proliferation and the right to peaceful uses of nuclear energy are all vital and must not be held hostage to the politics of the past.

2.3 Despite the limited steps taken to contain proliferation, Annan warned that the gap between the promise and the performance in the non-proliferation regime may become unbridgeable without “bold decisions.” He called for prompt negotiation of a fissile material cut off treaty, maintenance of the moratorium on nuclear testing, early entry-into-force of the Comprehensive Test Ban Treaty, taking strategic nuclear weapons off alert status, and providing assurances to non-nuclear weapons States that they will not be attacked by nuclear States. States living under a nuclear umbrella [e.g. NATO] must overcome their reliance on nuclear deterrence.

### **Mohamed ElBaradei, Director General, IAEA**

2.4 The Secretary-General was immediately followed by Mohamed ElBaradei, Director General of the International Atomic Energy Agency, the closest entity the NPT has for a watchdog on nuclear activities. The IAEA’s team of 2,200 professional and support staff carries out safeguards inspections under legal agreement with States to verify the exclusively peaceful nature of nuclear material and activities, applies safety and security standards, and provides technical assistance for nuclear applications in health, agriculture and related fields. ElBaradei also pointed to the increasing dangers since the last Review Conference in 2000.

In five years, the world has changed. Our fears of a deadly nuclear detonation – whatever the cause – have been reawakened. In part, these fears are driven by new realities. The rise in terrorism. The discovery of clandestine nuclear programmes. The emergence of a nuclear black market.

2.5 These new realities, he added, were worsened by the imbalance between the nuclear haves and have-nots, the continuing reliance on nuclear deterrence, and the regional crises in the Middle East and North Korea. He called for a strengthening of the IAEA’s verification authority through making the Additional Protocol an “integral part” of the Agency’s safeguards in every country party to the NPT. Also, controls over the nuclear fuel cycle must be tightened in ways that are “equitable and effective.” He commended efforts that have been started to eliminate the use of highly enriched uranium in peaceful nuclear applications.

2.6 ElBaradei emphasized that commitment to nuclear disarmament must be firm.

As long as some countries place strategic reliance on nuclear weapons as a deterrent, other countries will emulate them. We cannot delude ourselves into thinking otherwise.

He cast his eye five years forward to the next NPT Review Conference.

If we fail to act, the NPT framework may be the same in 2010, but the world certainly will be different. If recent history is any teacher, by 2010, would-be proliferators will continue to innovate, and sensitive nuclear technology will continue to spread. The arsenals of nuclear weapons States will continue to be modernized. And extremist groups will continue to acquire and use a nuclear explosive device – or, even worse, succeed.

2.7 One by one, the delegations then came to the podium for a general debate that went on for eight days. A total of 93 speeches were made, for the most part lackluster and devoid of the sense of urgency conveyed by Annan and ElBaradei. There was a lulling effect in the repetition of familiar positions, although attention picked up when the NWS spoke.

## **United States**

2.8 The U.S. speech was given by Stephen G. Rademaker, Assistant Secretary of State for Arms Control, and leader of the 34-member U.S. delegation. Many were surprised that there was no appearance by a high-ranking U.S. figure. Rademaker concentrated on North Korea, which has withdrawn from the NPT and claims to possess weapons, and Iran, which has “conducted a clandestine nuclear weapons programme.” He called for improving the security of nuclear materials, stopping illicit nuclear trafficking, strengthening safeguards, establishing and enforcing effective export controls, and acting decisively to dismantle terrorist networks everywhere. Regarding peaceful nuclear development, “the language of Article IV is explicit and unambiguous: States asserting their right to receive the benefits of peaceful nuclear development must be in compliance with their non-proliferation obligations under Articles I and II of the Treaty.” Tighter controls on enrichment and reprocessing technologies should be adopted, he said, referring to Iran’s nuclear fuel programme.

2.9 Turning to nuclear disarmament, he said:

The United States remains fully committed to fulfilling our obligations under Article VI. Since the last review conference the United States and the Russian Federation concluded our implementation of START I reductions, and signed and brought into force the Moscow Treaty of 2002. Under the Moscow Treaty, we

have agreed to reduce our operationally deployed strategic nuclear warheads to 1,700-2,200, about a third of the 2002 levels, and less than a quarter of the level at the end of the Cold War. When this Treaty is fully implemented by the end of 2012, the United States will have reduced the number of strategic nuclear warheads it had deployed in 1990 by about 80%. In addition, we have reduced our non-strategic nuclear weapons by 90% since the end of the Cold War, dismantling over 3,000 such weapons pursuant to the Presidential Nuclear Initiatives of 1991 and 1992. We have also reduced the role of nuclear weapons in our deterrence strategy and are cutting our nuclear stockpile almost in half, to the lowest level in decades.

We have eliminated thousands of nuclear weapons, eliminated an entire class of intermediate-range ballistic missiles, taken B-1 bombers out of nuclear service, reduced the number of ballistic missile submarines, drastically reduced our nuclear weapons-related domestic infrastructure, and are now eliminating our most modern and sophisticated land-based ballistic missile. We have also spent billions of dollars, through programs such as Nunn-Lugar, to help other countries control and eliminate their nuclear materials. We are proud to have played a leading role in reducing nuclear arsenals.

## Russia

2.10 The Russian speech, given by Sergey I. Kislyak, Deputy Minister of Foreign Affairs, led off with a Message from President Vladimir Putin, who said bluntly: “Russia strictly complies with all of its disarmament obligations.” Kislyak elaborated:

Over the five-year period from January 1, 2000 to January 1, 2005, the Russian Federation reduced its strategic nuclear forces by 357 delivery vehicles and 1740 nuclear warheads.

By now, Russia has cut down its arsenals of non-strategic nuclear weapons fourfold.

In general, as compared to 1991, the total stockpile of nuclear weapons has been reduced more than fivefold.

The US- Russian Treaty on Strategic Offensive Reductions that provides for mutual reductions of the aggregate number of strategic nuclear warheads to the

level of 1,700- 2,200 by December 31, 2012, for each party has become a new significant step towards nuclear disarmament.

Our contribution to irreversible nuclear disarmament includes the implementation of the programme of reprocessing of 500 tons of highly-enriched uranium extracted from Russian nuclear weapons into NPP fuel. By fall of 2005, a quantitative milestone will be passed in cooperation with the USA, as we finish reprocessing 250 tons of highly-enriched uranium. This equals to elimination of many thousands of nuclear warheads.

Regarding North Korea and Iran, Russia expressed its belief that diplomatic solutions to both crises can be found.

## **China**

2.11           The Chinese statement was given by Ambassador Zhang Yan, head of the delegation, who began with a thinly-veiled attack on the U.S.

It is ... disturbing that the Anti-Ballistic Missile Treaty, which is regarded as "cornerstone of strategic stability" by the international community, was discarded; the outer space is facing the danger of weaponization; the prospect of enter-into-force of Comprehensive Nuclear-Test-Ban Treaty (CTBT) is diluted; international arms control and disarmament is at stalemate; the Conference on Disarmament (CD) has long been paralyzed, making it impossible to start negotiations on issues such as the fissile material cut-off treaty(FMCT) and the prevention of arms race in outer space. Meanwhile, some negative developments, including sticking to the Cold War mentality, pursuing unilateralism, advocating pre-emptive strategy, listing other countries as targets of nuclear strike and lowering the threshold of using nuclear weapons, researching and developing new types of nuclear weapons for specific purposes, add new destabilizing factors to international security.

2.12           Then Zhang turned to China's own role:

As a nuclear-weapon state, China has never shunned its responsibility in nuclear disarmament. The Chinese Government has always supported a complete prohibition and thorough destruction of nuclear weapons, exercised utmost restraint in developing nuclear weapons. China has never taken part, and will not do so, in any nuclear arms race and supported to promote nuclear disarmament process based on the principle of "preservation of global strategic stability" and

"undiminished security for all". China supports an early-entry-into-force of the CTBT and is now working actively on its internal legal proceedings for ratifying the treaty. China supports the start of negotiation of FMCT within the framework of a balanced program of work at the CD.

## **United Kingdom**

2.13 Ambassador John Freeman, head of the U.K. delegation, singled out the non-proliferation side of the NPT, which must be strengthened to ensure that any State deciding to withdraw from the Treaty cannot subsequently benefit from nuclear technologies obtained while a State Party, or seek to use these technologies for an illegal nuclear weapons programme.

We re-affirm our unequivocal undertaking to accomplish the total elimination of nuclear arsenals leading to nuclear disarmament. We continue to support the relevant disarmament measures contained in the 1995 Review Conference decisions and in the 2000 Final Document. We continue to believe that all reductions in nuclear weapons levels, whether achieved unilaterally, bilaterally or multilaterally, are a valuable contribution to the final goal of global nuclear disarmament. We continue to emphasise that our nuclear weapons are for deterrence only and have a political role – not a military one. We continue to make progress on nuclear disarmament. Since the end of the Cold War the United Kingdom has reduced the explosive power of its nuclear forces by more than 70%. In particular, since the last Review Conference in 2000, we have completed the dismantling of our Chevaline warheads. We have also been undertaking studies on the verification of nuclear disarmament.

## **France**

2.14 The French statement, given by François Rivasseau, Ambassador to the Conference on Disarmament, listed a number of measures to strengthen the non-proliferation regime: an effective verification regime, improved multilateral communication, greater State accountability for transfers of nuclear items, easing access to non-sensitive nuclear materials, and making it harder for a State to withdraw from the NPT.

2.15 Addressing France's commitments to Article VI, he said:

France emphasizes in particular its commitment to the programme adopted in 1995 with a view to specifying what actions should be conducted as a matter of

priority within the framework of the implementation of Article VI. This “action programme” included in Decision 2 of 1995 has since been a fundamental benchmark for France. I would nevertheless remind you that right at the time when nuclear-weapons States were making strong commitments, several State Parties were accelerating the development of their illegal nuclear programmes.

France has made every effort to implement the 1995 programme. It signed the Comprehensive Nuclear-Test-Ban Treaty in 1996 and ratified it in 1998; it has dismantled its nuclear testing center in the Pacific. As early as 1996 it announced the cessation of all production of fissile materials for nuclear weapons, shut down the corresponding fissile materials production plants at Pierrelatte and Marcoule and began to dismantle them. Their dismantling continues to this day. France has also drastically cut its nuclear arsenal, eliminating all its surface-to-surface nuclear weapons, reducing the number of its ballistic missile nuclear submarines and cutting by two-thirds its total number of delivery vehicles since 1985.

## European Union

2.16 Because the European Union had expanded into a 25-State body since the last NPT Review Conference, the E.U. statement was anticipated by some as an indication of whether there would be a stronger European position on the future of nuclear weapons. With much of the old Eastern Europe now added to the Western European States, the European Union, with 450 million people, is half again more populous than the U.S. and marginally stronger in economic output.

2.17 The speech, delivered by Nicolas Schmidt, Foreign Affairs Minister of Luxembourg, current President of the E.U., was notable for listing 43 recommendations covering the non-proliferation, disarmament and peaceful use sides of the Treaty. If all 43 were carried out, the NPT would be in much better shape. For example, the list called for “the pursuit of gradual, systematic nuclear disarmament under Article VI of the NPT,” and stressed “the absolute necessity of full compliance with all provisions of the NPT by all States Parties.” Even though there was no specific reference to the “unequivocal undertaking” and 13 Steps of 2000, the list was a good basis for the Conference’s Final Document – especially considering that the E.U. Paper represented a consensus of two NWS, the U.K. and France, two New Agenda Coalition States, Ireland and Sweden, and several NATO States. The E.U. deplored North Korea’s withdrawal from the NPT and affirmed its determination not to allow Iran to obtain military nuclear capabilities. The E.U. remained committed to the implementation of the resolution on the Middle East adopted in 1995. It also called for negotiations to achieve “the greatest reductions” in U.S. and Russian tactical nuclear weapons now located in Europe.

## **New Agenda Coalition**

2.18 The statement by the New Agenda Coalition (Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa, Sweden) was delivered by Marian Hobbs, Minister for Disarmament and Arms Control, New Zealand. While it, like others, called for diplomatic solutions to the crises of North Korea and Iran, the statement excoriated the lack of action on the disarmament side of the Treaty.

According to the latest estimates the number of existing nuclear warheads today amount to upwards of 30,000. This is a figure that is almost as high as the estimated number of warheads that existed when the Treaty entered into force in 1970. Even today's stocks of fissile material are enough to produce thousands more nuclear warheads. We continue to be far from the implementation of the "programme of action" towards implementation of Article VI contained in the Principles and Objectives for Nuclear Non-Proliferation and Disarmament agreed in 1995 and the "practical steps for... systematic and progressive efforts to implement Article VI" agreed in the year 2000. The CTBT has not yet entered into force, negotiations for a treaty banning the production of fissile material have not begun, a subsidiary body on nuclear disarmament has not been established, the majority of weapons reductions are not irreversible, transparent, or verifiable, and the role of nuclear weapons in security policies has not been diminished - to give but a few examples of the lack of implementation of the 1995 and 2000 agreements. ...

The New Agenda at this Review Conference will address the increasing concerns about the lack of compliance and implementation of all commitments made in the context of the NPT regime. In particular, we will address the troubling development that some nuclear-weapon States are researching or even planning to develop new or significantly modify existing nuclear weapons. These actions have the potential to create the conditions for a new nuclear arms race and would be contrary to the Treaty.

## **Non-Aligned Movement**

2.19 Hamid Albar, Minister of Foreign Affairs of Malaysia, current Chair of the Non-Aligned Movement (NAM), the largest political grouping with 119 members, presented the NAM Paper. Foreshadowing their Omnibus Paper, which repeated NAM's longstanding call for

a time-bound programme of nuclear disarmament, the statement was a stern reminder to the NWS of their obligations:

The NPT is at crossroads, with its future uncertain. The historic compromise reached 37 years ago between nuclear-weapon States and non-nuclear-weapon States over disarmament, proliferation and peaceful uses of nuclear technology remains unfulfilled. Today as we meet, the stress is on proliferation, rather than disarmament in good faith. The lack of balance in the implementation of the NPT threatens to unravel the NPT regime, a critical component of the global disarmament framework. Speaking at the 1995 Review and Extension Conference, Malaysia had expressed deep concerns over indefinite extension as we feared that it was a *carte blanche* to the nuclear-weapon States. Ten years later, our fears have not been assuaged. The nuclear-weapon States continue to believe in the relevance of nuclear weapons, despite a globalized and interconnected world. The nuclear-weapon States and those States remaining outside the NPT continue to develop and modernize their nuclear arsenal, threatening international peace and security. We must all call for an end to this madness and seek the elimination and ban on all forms of nuclear weapons and testings as well as the rejection of the doctrine of nuclear deterrence.

## Canada

2.20 Canada called for annual substantive meetings of the NPT and a permanent secretariat.

We propose an annual one week Meeting of States Parties, to provide us with a regular policy forum, a feature now standard in the operation of most other treaties in the disarmament field. Our proposal would retain the necessary time for preparing the Review Conferences.

Recent experiences have demonstrated that States Parties also require a rapid reaction capacity, the ability to come together and take necessary action in cases of extraordinary circumstances involving threats to the Treaty, its norms and its authority, such as an announcement of withdrawal. The outside world expects no less of us. The ability to call such meetings would be vested in a standing bureau. This rapid reaction capability would not detract from the mandate of the IAEA nor the role of the U.N. Security Council, but rather be complementary to any action by these bodies, conveying the strongest possible messages on behalf of the Treaty's members.

## Iran

2.21 Iran's speech, delivered by Foreign Minister Kamal Kharrazi, was both an attack on the NWS and a defence of its own conduct. It criticized the research and development of new non-strategic and low-yield nuclear weapons and the development of national missile defense systems which are instigating a new arms race in outer space. It called for irreversible moves to remove warheads from nuclear weapons systems. It warned that the indifference of the NWS to the wishes of the international community to make progress on nuclear disarmament was leading to the unraveling of the credibility and authority of the NPT.

2.22 Turning to Iran's determination to pursue all legal areas of nuclear technology, including enrichment for peaceful purposes, Kharrazi said.

It is unacceptable that some tend to limit the access to peaceful nuclear technology to an exclusive club of technologically advanced States under the pretext of non-proliferation. This attitude is in clear violation of the letter and spirit of the Treaty and destroys the fundamental balance which exists between the rights and obligations in the Treaty.

2.23 The Conference would be a success, he said, if the NWS reconfirmed the 13 Practical Steps and concluded a legally binding instrument not to use nuclear weapons against non-nuclear parties to the Treaty; and if the conference ensured the "basic right" of States to unhindered access to nuclear technology without discrimination.

## Marshall Islands

2.24 The tiny State of the Marshall Islands in the Pacific, scene of much nuclear testing in the past, made a poignant speech.

More than any other nation in the world, the Marshall Islands understands what nuclear war means. We experienced nuclear war in our country sixty-seven times- more radiation was released in the Marshall Islands than any other location on this planet. Needless to say, we are still suffering from the adverse consequences of nuclear weapons testing in the name of global security.

The nuclear era has affected us so profoundly in the Marshall Islands that it has even affected our language; our people had to develop new words after the atmospheric testing of nuclear weapons because we did not have words in our language to describe the gross abnormalities in our environment, our animals, and

our bodies that began to appear after our exposure to radiation. Mr. President, the Marshall Islands would not wish this same fate on any other nations or peoples, this is why as a nation we have devoted ourselves to nuclear non-proliferation.

### **3. The Ending: Priorities of the Many, Preference of the Few**

3.1 On the final day, the Conference stumbled to the end, having spent \$3 million in the process. U.N. Under-Secretary-General Nobuyasu Abe presented this figure as “three Cadillacs per day” (3x\$50,000x20). In the Conference assessments, the U.S. paid 32.8 percent of the costs. Iran paid 0.115 percent. The only matter of substance to make it through the procedural hurdles was the Working Paper of the Chairman of Main Committee I and the Working Paper of the Chairman of the subsidiary body on nuclear disarmament and assurances. Both these documents carried a heading that there was no consensus on them “as they do not reflect fully the views of all States parties. Nevertheless, the Committee agreed to annex the papers to this report.”

3.2 Consensus notwithstanding, it can be said that both documents were supported by strong majorities. See NPT Conference documents on U.N. website [www.un.org/events/npt2005/](http://www.un.org/events/npt2005/)

Some highlights:

- NWS must stop nuclear sharing for military purposes under any kind of security arrangements. (ed. note: This is particularly applicable to the deployment of U.S. tactical nuclear weapons in six European countries.)
- The most effective way to prevent nuclear terrorism is the total elimination of nuclear weapons.
- International action to stop proliferation is essential.
- Building upon the decisions taken at the 1995 and 2000 Review Conferences, including the “unequivocal undertaking” for total nuclear disarmament, no new nuclear weapons should be developed.
- Anticipating the early entry-into-force of the CTBT, the moratorium on testing should be maintained.

-- The NWS must respect existing commitments regarding security assurances pending the conclusion of multilaterally negotiated legally binding security assurances for non-nuclear States Parties to the Treaty.

-- Nuclear weapon free zones strengthen the non-proliferation regime and deserve to receive security assurances.

-- Assurances are not applicable if any beneficiary is in material breach of its own non-proliferation and disarmament obligations.

3.3 Delegates seemed too embarrassed even to discuss the committee reports at the open plenary session which closed the conference. Twenty-four delegations made closing speeches, with lamentation the common theme: Japan: “extremely regrettable”; Brazil: “deep sense of frustration”; Norway: “profoundly disappointed”; Cuba: “sincerely regret”; Ukraine: “unfortunate”; Chile: “frustration and displeasure.”

3.4 The most thoughtful and effective closing comment was made by Ambassador Paul Meyer of Canada. “We have let the pursuit of short-term, parochial interests override the collective long-term interest in sustaining this Treaty’s authority and integrity,” he said.

We have witnessed intransigence from more than one State on pressing issues of the day, coupled with the hubris that demands the priorities of the many be subordinated to the preferences of the few. ...

If there is a silver lining in the otherwise dark cloud of this Review Conference, it lies in the hope that our leaders and citizens will be so concerned by its failure that they mobilize behind prompt remedial action. ...

This is a treaty worth fighting for and we are not prepared to stand idly by while its crucial supports are undermined.

3.5 The two protagonists, the U.S. and Iran, devoted their closing comments to once again attacking each other. The U.S. said, “Iran’s single-minded pursuit of uranium enrichment capability, which we firmly believe is intended to underpin a nuclear weapons program, raises a key question”: unnecessary proliferation of such facilities adds to the danger of weapons proliferation. That is why President Bush proposed to close the NPT “loophole” to stop a State from the pursuit of enrichment and reprocessing equipment for ostensibly peaceful purposes while cynically planning all along to use that capacity to manufacture material for nuclear weapons.

3.6 Iran, which, as it turned out, had the last word at the Conference, criticized the U.S. for developing new nuclear weapons systems, maintaining tactical nuclear weapons in Europe, abrogating the ABM Treaty, rejecting the CTBT, threatening non-nuclear weapons States, aiding Israeli nuclear scientists, and wanting the Conference to fail so that it could pursue programs to restrict access to nuclear fuels and technologies in other forums which it dominates.

3.7 Many delegates thought that Ambassador Duarte, who had been stymied throughout, would at least issue a Presidential Statement summing up the problems and exhorting a way forward. But he chose a passive position. His closing comment was not more than a minute long as he thanked delegations for the honour of the presidency “in the twilight of my career.” The Treaty, he said, “enjoys the full support of all its Parties.” Then, at 4:08 p.m. he gaveled the Conference to an end. There was silence for a moment, then a smattering of applause and Ambassador Duarte rose to take a bow.

#### **4. The United States Record**

4.1 Early in the Conference, copies of the magazine *Foreign Policy* were prominently displayed on the literature tables. The cover arrested the attention of many delegates. It showed a mushroom cloud with the title of the lead article superimposed: “Apocalypse Soon: Why American Nukes Are Immoral, Illegal, and Dreadfully Dangerous.” The author was Robert McNamara, U.S. Secretary of Defense from 1961 to 1968. Since *Foreign Policy* is published by the prestigious Carnegie Endowment for International Peace, the article was read with respect. McNamara, now 88, has become an outspoken critic of nuclear weapons in his later years. He came to the Conference during the fourth week for an event sponsored by the Global Security Institute to personally present his case at a noon-hour panel. Other presenters were Ted Sorensen, former Special Counsel to President John F. Kennedy, and Ambassador Thomas Graham, who led the U.S. delegation to the 1995 NPT Review and Extension Conference; both were critical of U.S. policies.

4.2 McNamara characterizes current U.S. nuclear weapons policy as “immoral, illegal, militarily unnecessary, and dreadfully dangerous.” Because 2,000 of the 8,000 active or operational U.S. warheads are on hair-trigger alert, ready to be launched on 15 minutes’ warning, “the risk of an accidental or inadvertent nuclear launch is unacceptably high.” The average U.S. warhead, he says, has a destructive power 20 times that of the Hiroshima bomb. But far from reducing these risks, the Bush administration is keeping the U.S. nuclear arsenal as a mainstay of its military power. It refuses to ask the Senate to ratify the CTBT, has ordered the national laboratories to begin research on new nuclear weapons, and is preparing the underground test sites in Nevada for nuclear tests. In short, the Bush Administration assumes that nuclear

weapons will be part of U.S. military forces for at least the next several decades. McNamara scorns U.S. policy:

The statement that our nuclear weapons do not target populations per se was and remains totally misleading in the sense that the so-called collateral damage of large nuclear strikes would include tens of millions of innocent civilian dead.

...This in a nutshell is what nuclear weapons do: they indiscriminately blast, burn, and irradiate with a speed and finality that are almost incomprehensible. This is exactly what countries like the United States and Russia, with nuclear weapons on hair-trigger alert, continue to threaten every minute of every day in this new 21<sup>st</sup> century.

4.3           What is the U.S. Administration's side of this story? Because the U.S. is so important in determining what will happen to nuclear weapons in the 21<sup>st</sup> century – U.S. military might is the most powerful that has ever existed in the history of the world – it is important to examine how the U.S. sees its own role and then to weigh the criticisms made of that role.

4.4           First, the U.S. view of itself. The U.S. delegation distributed several glossy brochures and pamphlets, which elaborated the points made in Assistant Under Secretary Rademaker's speech (quoted above). Several commentators noted that any reference to the U.S. commitments made in 2000 and also to the CTBT was excised from the historical record.

Since 1997, the U.S. says it has:

- eliminated 64 heavy bombers by severing them into pieces;
- eliminated 150 Intercontinental Ballistic Missile (ICBM) silos by destroying or dismantling them;
- taken out of strategic service four ballistic missile submarines by removing the submarine-launched ballistic missiles and modifying the submarines so that they can no longer carry such missiles; and
- retired and removed 37 Peacekeeper ICBMs from silos by January 2005, with the remaining 13 scheduled for deactivation by October 2005.

4.5           These systems are not being replaced. U.S. defense spending on strategic nuclear forces has declined from seven percent of the Defense Department's budget during the Cold War to less than three percent today. In the last fifteen years, the United States has terminated a

number of strategic nuclear weapons modernization programs, including mobile ICBMs, and limited the production of the B-2 heavy bomber.

4.6 This action shows that the U.S. has “significantly reduced” its reliance on nuclear weapons. The National Posture Review of 2001 establishes a New Triad, which includes:

- Non-nuclear and nuclear forces;
- Active and passive defences, including ballistic missile defences;
- Research and development and industrial infrastructure needed to develop, build and maintain offensive forces and defensive systems.

This concept illustrates the profound changes that are occurring. It reflects a totally new vision of the future. The NPR recognizes that some deterrence roles will continue to require nuclear forces for the foreseeable future, but envisions the strengthening of deterrence through the growing ability to hold certain targets at risk with conventional, rather than nuclear forces. Defenses, and capabilities embodied in infrastructure, are also seen to play a growing role in achieving deterrence and other strategic objectives, and allowing the U.S. to reduce its reliance on nuclear deterrence.

4.7 The U.S. says it does not target any country with nuclear weapons, its strategic bombers are no longer on alert, and it is not developing, testing or producing nuclear warheads. It does concede that it is doing “modest” research on advanced nuclear weapon concepts and a study on adapting an existing nuclear weapon to strike hardened, deeply buried targets. But the robust nuclear earth penetrator is only intended to look at a possible way to enhance deterrence using an existing warhead. “It should also be remembered that nuclear weapons modernization by nuclear weapons States is not prohibited under the NPT.” It denies that new low-yield nuclear weapons would lower the nuclear threshold. Moreover, the assertion that North Korea and Iran are driven to nuclear weapons by current U.S. policy is not based on any evidence. “The programs of these States and others that have violated their non-proliferation obligations predate current U.S. policy. Would they stop even if the United States completely disarmed?” Also, the U.S. has no plans to conduct nuclear tests. The enhanced test readiness program, designed to reduce the time required to undertake a nuclear test, is to provide “appropriate capabilities for, and training of, future stewards of the stockpile.” Improvement in nuclear systems do not presume future decisions but ensures that as long as the U.S. possesses nuclear weapons, it “will have the capability to deal with them safely and responsibly.”

4.8 In summation, the U.S. sees itself as providing world leadership in realizing Article VI objectives through deep reductions in nuclear forces. “The U.S. continues to be a leader in these areas and on many other fronts in support of the NPT.”

There can be no artificial timetables for progress in realizing our common Article VI objectives. Details and dates cannot and should not be predicted or foreordained. Attempts to do so would not advance, and might undermine, expected progress in arms reductions and disarmament. Instead, progress will depend on the broader international context, including success in promoting regional and international peace and security. U.S. efforts to ensure compliance with NPT and other undertakings are critical contributions to this end, as are other efforts to strengthen the Treaty, International Atomic Energy Agency (IAEA) safeguards and export controls.

Despite its protestations of compliance with Article VI, the U.S. has come under heavy criticism by informed organizations within the U.S. Here are three examples.

4.9 The Arms Control Association, Washington, D.C., an independent organization dedicated to promoting public understanding of effective arms control policies, issued a statement on May 10, 2005, which circulated among Conference delegates. It accused the Administration of a “selective presentation” of its record and also ignoring actions taken contrary to U.S. disarmament commitments and obligations established by the NPT at the 1995 and 2000 Review Conferences. Despite the Moscow Treaty, the U.S. will still have in excess of 5,000 nuclear weapons in 2012 – “more than 20 years after the Soviet Union’s collapse.” The Bush Administration has yet to finalize a plan for reducing nuclear deployments, and U.S. strategic reductions have slowed to a crawl. U.S. warheads “have only decreased by *two* in the last year.” It added: “Other vestiges of Cold War-era U.S. nuclear policy include the maintenance of thousands of nuclear warheads on high alert status, thus enabling their launch in a matter of minutes, as well as the stationing of over 400 tactical, or ‘battlefield’ nuclear weapons at bases in six NATO countries in Europe.”

4.10 Despite its claim that the U.S. is not preparing new nuclear weapons, “the Administration requested \$8.5 million for research on modification of the high-yield B-83 bomb to test the feasibility of creating a new Nuclear Earth Penetrator, and it has said another \$14 million would be needed to complete the research in 2007.” The Association also criticized the U.S. for refusing to support the Comprehensive Test Ban Treaty.

4.11 The Western States Legal Foundation of Oakland, California issued a lengthy critique under the title “War is Peace, Arms Racing is Disarmament: The Non-Proliferation

Treaty and the U.S. Quest for Global Military Dominance.” It said that U.S. documentation “downplays the central role that nuclear weapons continue to play in the U.S. pursuit of global military dominance.”

Contrary to its 1970 NPT Article VI commitment to negotiate the “cessation of the nuclear arms race at an early date,” the United States continues to develop nuclear weapons and delivery systems with new capabilities. Advances in a wide range of missile, computing, and space sensing technologies allow either conventional or nuclear weapons to be delivered over great distances with increasing accuracy. This may allow the United States to substitute conventional weapons for nuclear weapons to achieve some military goals, but it is clear that the U.S. intends to retain a large and constantly modernized nuclear arsenal for the foreseeable future. According to the 2004 Defense Department *Strategic Deterrence Joint Operating Concept*, “...nuclear weapons allow the U.S. to rapidly accomplish the wholesale disruption of an adversary nation-state with limited U.S. national resources. While the legacy force was well suited for successful deterrence throughout the Cold War, an enhanced nuclear arsenal will remain a vital component of strategic deterrence in the foreseeable security environment.”

4.12 The Foundation said that U.S. activities include:

- Modification of existing nuclear warheads to achieve additional capabilities.
- Retooling of the nuclear weapons research, design, and production infrastructure to allow maintenance of a downsized nuclear arsenal still numbering in the thousands of weapons for many decades to come.
- Exploration of a different paradigm for nuclear weapons design, production, and certification, called the “reliable replacement warhead.”
- Revamping systems used to plan and execute nuclear strikes.
- Modernizing ballistic missiles and other delivery systems, and beginning development of a new generation of systems to replace existing ones in coming decades.
- Developing a “Global Strike” capability that will allow the delivery of either conventional or nuclear weapons anywhere on earth in a few hours or less.

4.13 The Foundation said: “What the United States calls ‘deterrence’ is in reality the use of strategic weapons to underwrite the projection of force in pursuit of broadly defined ‘U.S. interests’ anywhere on earth.” Thus, for the other nuclear-armed States, U.S. insistence on a constantly modernized nuclear arsenal, despite its advantage in conventional forces, provides a permanent rationale for inaction on nuclear disarmament. Other States can assert that if the most heavily-armed State has a right to nuclear weapons to assure its “security,” they do as well. The window of opportunity, opened up by the end of the Cold War, is closing quickly. A new period of intense economic and military competition in a world of diminishing resources is beginning. With a number of States likely to have large and varied high-tech arsenals that include nuclear arsenals, there is a growing possibility of a new nuclear confrontation that may overshadow the Cold War in its complexity.

By taking the position that nuclear weapons are acceptable tools of warfare that it will use to achieve a variety of goals, the U.S. has severely undermined the NPT’s status as partial codification of an emerging global norm against nuclear weapons use, moving towards a universal prohibition on their possession. The implication that the selective use of nuclear weapons in ordinary warfare is lawful and legitimate signifies acceptance of the end of nuclear non-proliferation as a normative and legal enterprise. If it is legal and moral for one country to use nuclear weapons when it considers interests that it alone defines as vital to be at stake, it is legitimate for any country to do so.

4.14 Tri-Valley CARES (Communicating Against a Radioactive Environment) is a Livermore, California-based organization with 20 years experience monitoring the U.S. Department of Energy (DOE) nuclear weapons complex. In a document, “America’s One-Nation Arms Race,” it has analyzed DOE’s 2006 budget request for \$6.63 billion for nuclear weapons activities. The request continues the decade-long upsurge in funding for nuclear weapons to well over twice what DOE spent in 1995. Actually the total amount the U.S. spends on all its nuclear forces is \$40 billion annually, more than the total military budget for almost all countries. This amount averages out to \$112 million per day. The 2006 nuclear weapons budget is one and one-half times the average annual spending on nuclear weapons during the Cold War, even after accounting for inflation. The upward trend is projected to continue, with the DOE funding level reaching \$2.3 billion in 2010.

4.15 The organization says the Administration plans to rebuild every weapon in the stockpile and install new components to make weapons lighter, more rugged, more resistant to radiation, to improve the consistency of their explosive yield, to add new yield options, to change the height of the explosive detonation, and to improve the accuracy of delivery. In addition, the

anticipated Robust Nuclear Earth Penetrator, thrusting itself into the earth before exploding and attacking targets deep underground, provides the U.S. with a new war-fighting ability.

The nuclear weapons budget is excessively large because the United States is conducting a one-nation arms race against itself to upgrade its nuclear weapons and capabilities. The National Nuclear Security Administration (NNSA), a semiautonomous agency within the Department of Energy, maintains this nation's nuclear weapons. NNSA is sprinting to build upgraded versions of thousands of nuclear weapons even though the 2002 Treaty of Moscow, which was negotiated by and signed by President Bush, requires the U.S. to remove many of them from deployment by 2012. Even more costly and disturbing, the NNSA supports an enormous effort to expand its vast knowledge of nuclear weapons science and technology. NNSA wastes hundreds of millions of dollars to stay on the frontline of diverse technologies and apply them to nuclear weapons including: development of supercomputers, microfabrication technology, lasers, particle accelerators, explosives, and measurement technology. In addition to being costly, this approach sends a message that the United States puts a high value on nuclear weapons. That message undercuts international efforts to discourage nuclear weapons development in countries like North Korea and Iran.

4.16 The U.S. draws some comfort for its strategy from the Carnegie Endowment for International Peace, which distributed its publication, *Universal Compliance: A Strategy for Nuclear Security*. It said the twin goals of U.S. nuclear policy should be to prevent new actors from acquiring nuclear weapons and to reduce toward zero the risk that those who have these weapons will use them. The organization maintains that non-proliferation objectives should drive nuclear policy – and that is exactly what is happening. The U.S. deterrent, for its part, backs up security guarantees to protect important allies such as Japan, South Korea and Germany. Relying on U.S. security guarantees, in Carnegie's view, lessens these country's interest in acquiring nuclear weapons themselves.

Thus, the United States must maintain an effective, reliable nuclear deterrent for as long as nuclear threats remain in the world, even as it pursues a vigorous non-proliferation strategy. The question for the U.S. policy-makers is how best to pursue these two critical goals ... Two radically different approaches have been advanced: to acquire new nuclear weapons with more useable characteristics, thus to dissuade proliferation; and to de-emphasize and devalue nuclear weapons, thus to strengthen the norm against their acquisition and use.

4.17 It is hard to square Carnegie's support for the 13 Practical Steps with its view that the U.S. must retain nuclear weapons "for as long as nuclear threats remain in the world." That is the precise problem: the failure of the NWS to negotiate elimination results in retention, which then undermines non-proliferation efforts. Another prestigious research centre, the British-American Security Information Council (BASIC) addressed this point: "... While the U.S. will want to focus on issues such as the Additional Protocol and the fuel cycle, its own provocative nuclear weapons policies will significantly hamper its negotiation maneuverability and weaken the over-all non-proliferation regime."

What Washington says and does about nuclear weapons can have a profound effect on other countries. If the United States places more reliance on nuclear weapons, other nations will follow. The power of U.S. example should not be under-estimated. Regrettably, with respect to its Article VI commitments under the NPT, the United States is currently leading by the wrong example.

4.18 Robert McNamara's critique of U.S. nuclear policies is well corroborated. But is the U.S. government listening to his warning? If the U.S. continues its nuclear stance, he says, substantial proliferation of nuclear weapons will almost surely follow. Some, or all, of such nations as Egypt, Japan, Saudi Arabia, Syria and Taiwan will very likely initiate nuclear weapons programmes, increasing both the risk of the use of the weapons and the diversion of weapons and fissile materials into the hands of terrorists. There is little doubt that terrorists could construct a primitive device if they acquired the requisite enriched uranium material. McNamara quoted another former U.S. Secretary of Defense, William J. Perry: "I have never been more fearful of a nuclear detonation than now. ... There is a greater than 50 percent probability of a nuclear strike on U.S. targets within a decade." McNamara added: "I share his fears." He called for a national debate examining the military utility of nuclear weapons: the risk of inadvertent or accidental use; the moral and legal considerations; the impact of current policies on proliferation.

4.19 The need for more information on these matters for the U.S. Congress was also raised at a dinner dialogue between two senior U.S. Congressmen, Curt Weldon (R-PA) and Ed Markey (D-MA) with Dr. Hans Blix, Chairman of the Commission on Weapons of Mass Destruction. The event was co-sponsored by the Blix Commission, the Simons Foundation and the Global Security Institute.

## **5. Other Nuclear Weapons States' Modernization**

5.1 Though the spotlight is on the U.S., the other nuclear weapons States are also modernizing their nuclear forces. Absent the U.S. definitively ending its nuclear modernizing

programmes, Russia, China, the United Kingdom and France appear determined to continue entrenching nuclear weapons in their military doctrines. Correspondingly, if the U.S. signaled its willingness to take steps, in tandem with the other NWS, to step down, the others would most likely join in. For the moment, here is where the others stand at the dawn of the Second Nuclear Age.<sup>□</sup>

## Russia

5.2 On November 17, 2004, President Vladimir Putin of Russia confirmed that his country is “carrying out research and missile tests of state-of-the-art nuclear missile systems” and that Russia would “continue to build up firmly and insistently our armed forces, including the nuclear component.” Later, Russia’s Defence Minister, Sergei Ivanov, announced that Moscow will soon have a unique new generation of nuclear weapons “not possessed by any country in the world.”

5.3 Other Russian officials have touted development of a new maneuverable warhead able to avoid missile defenses. President Putin described it as a “new hypersound-speed, high-precision new weapons system that can hit targets at international distance and can adjust their altitude and course as they travel.” Manufacture of single warhead, silo-based missiles continues. The deployment of a road-mobile, multi-warhead variant is scheduled to begin in 2006. Russia has announced it will eventually field several divisions of these missiles, likely totaling about 200 missiles, of which 40 have already been completed and deployed. Russia continues to slowly retire multi-warhead, land-based nuclear missiles, but may deploy some number of recent variants while the numbers of single warhead missiles are slowly built up. Reportedly, development of a new generation ICBM, able to carry up to 10 warheads, is underway. A nuclear variant of a new bomber-carried cruise missile may be deployed in 2005. When ready and flight-tested, a new submarine-launched missile will be deployed on two submarines under construction.

5.4 In part, Russia is engaged in restructuring its deployed strategic force as Russia and the United States reduce toward 2,200 deployed strategic warheads in 2012 per the Moscow Treaty. The partial move from multi-warhead to single-warhead missiles can be viewed as stabilizing. However, there are also ample signs of innovation. In any case, it is clear that Russia is engaged in modernization and replacement of existing systems in accordance with an intention to rely on nuclear forces indefinitely.

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<sup>□</sup> This material is drawn from the NGO presentation to the Conference by the Western States Legal Foundation. Basic sources are principally the Natural Resources Defense Council, The Bulletin of the Atomic Scientists, and government documents.

## China

5.5 China is currently replacing its force of 20 silo-based long-range missiles with a longer-ranged variant. China is also developing a new mobile intermediate-ranged solid-fueled ICBM, which may begin to be deployed by the end of the decade. A longer-ranged variant is also under development. For its ballistic missile submarine force, China is currently working to replace the experimental missile with a more reliable, medium-range missile, and is developing a new submarine. The Chinese program could be characterized as a slow-motion effort to counterbalance long-standing and still evolving U.S. and Russian capabilities, but nonetheless is a form of arms racing.

## United Kingdom

5.6 The submarine-launched Trident missile, equipped with three to four warheads, is Britain's remaining operational nuclear weapon system. At its Aldermaston complex, the Atomic Weapons Establishment is continuing its plans for the development of new facilities to be used for laser-based plasma physics studies, hydrodynamic testing, and supercomputer simulations. Officials state that its mission in part is to "maintain a capability to provide warheads for a successor system" to the Trident without "recourse to nuclear testing." A decision on whether or not to replace the Trident system will likely be made in the recently elected Parliament. A replacement system might not be deployed for another two decades.

5.7 If in accordance with the unequivocal undertaking, and with the fundamental illegitimacy and illegality of threat or use of nuclear weapons, Britain should decide not to replace the Trident system, it would earn a special place in history as the first of the original declared NPT nuclear weapon states to renounce its arsenal.

## France

5.8 In 2001, President Jacques Chirac of France said his nation's security "is now and will be guaranteed above all by our nuclear deterrent;" France's status as a nuclear weapons State is guaranteed until at least 2040.

5.9 For its submarine fleet, France is developing the M-51 missile, which will eventually be equipped with a new warhead, the Tête nucléaire océanique. Modernization also continues for the air-to-surface stocks, with the current cruise missile set to be replaced with a longer ranged variant, also equipped with a new warhead, the Tête nucléaire aéroportée. France has a highly advanced program to develop the capability to design and manufacture modified or

new nuclear weapons without explosive nuclear testing. Notably, with the Laser Megajoule now under construction France and the United States are the only states seeking to induce miniature thermonuclear explosions in contained vessels in giant laser facilities.

## **6. The Legal Basis of the 13 Practical Steps**

6.1 As the 13 Practical Steps of the 2000 NPT Review Conference receded from view, the Lawyers' Committee on Nuclear Policy (LCNP) issued a document challenging the U.S. contention that these were merely political commitments and are now outdated. Using the Vienna Convention on the Law of Treaties as its standard, the LCNP paper said the Practical Steps lay down criteria, principles and measures for compliance with Article VI.

To implement the Practical Steps is to move towards complete fulfillment of the legal obligations set forth in Article VI. To fail to do so in essential respects is to demonstrate a lack of good faith and to breach the Article VI obligations.

6.2 The paper argued that when the 2000 NPT Conference "agreed" on the Practical Steps for the systematic and progressive efforts to implement Article VI, they became inextricably bound up in the legal obligations of Article VI. The Steps became part of a "consistent sequence of acts or pronouncements" that have characterized the Treaty. The Practical Steps thus built upon an existing and solid foundation. Moreover, they were adopted through a strengthened review process. The 2000 commitments were made in the collective, deliberate context of "assuring that the purposes of the NPT Preamble and the provisions of the Treaty are being realized."

6.3 In short, the 2000 Review Conference authoritatively determined that the Practical Steps constitute a practical and reasonable implementation of Article VI. "They identify criteria and principles that are so tightly connected to the core meaning of Article VI as to constitute requirements for compliance with the NPT."

6.4 This legal basis of the 13 steps thus obliges States to achieve the complete elimination of nuclear weapons without any precondition of comprehensive demilitarization. Verification, transparency and irreversibility are essential. A diminished role of nuclear weapons in security policies and reduction of their operational status are called for. All NPT nuclear weapons States must be involved in the process; and non-nuclear weapons States must join in multilateral negotiations for a fissile materials treaty and a Conference on Disarmament body dealing with nuclear disarmament.

## 7. Morality: Unity of the Human Family

7.1 Over the past decade, the Holy See, a signatory to the Non-Proliferation Treaty, has spoken out for the abolition of nuclear weapons through a universal, non-discriminatory ban with inspection by a universal authority. The statements have stemmed from a message Pope John Paul II sent to the U.N. Second Special Session on Disarmament stating that nuclear deterrence, permissible during the Cold War, must lead to disarmament measures and was not acceptable as a single, permanent policy. Speaking from the podium at the NPT Review Conference, Archbishop Celestino Migliore, Apostolic Nuncio and Permanent Observer of the Holy See to the United Nations, addressed this issue squarely.

When the Holy See expressed its limited acceptance of nuclear deterrence during the Cold War, it was with the clearly stated condition that deterrence was only a step on the way towards progressive nuclear disarmament. The Holy See has never countenanced nuclear deterrence as a permanent measure, nor does it today when it is evident that nuclear deterrence drives the development of ever newer nuclear arms, thus preventing genuine nuclear disarmament.

7.2 Archbishop Migliore said that the world is rightly concerned about attempts to redirect nuclear technologies and fuels away from their peaceful use and towards nuclear weapons instead. The non-proliferation side of the Treaty must be strengthened. But compliance with its nuclear disarmament provisions is also required. He called for States to use “courageous leadership and political responsibility” to safeguard the integrity of the Treaty. The whole strategy of nuclear deterrence must be re-examined to recognize that the peace we seek in the 21<sup>st</sup> century cannot be attained by relying on nuclear weapons. Arms must not produce evils and disorders graver than the evil to be eliminated. Even “low yield” nuclear weapons endanger the processes of life and can lead to extended conflict.

Nuclear weapons assault life on the planet, they assault the planet itself, and in so doing they assault the process of the continuing development of the planet. The preservation of the Non-Proliferation Treaty demands an unequivocal commitment to genuine nuclear disarmament.

7.3 The Holy See address was in harmony with a speech given by Robert F. Smylie, of Religions for Peace, during the NGO presentations to the Conference. The participants in the Religions for Peace included members of Baha’i, Buddhism, Christianity, Confucianism, Hinduism, Islam, Judaism, Janism, Sikhism, Shinto, Traditionalist/Indigenous, Unitarianism, and Zoroastrianism. The statement recalled that, for more than 30 years, the interfaith community has come together to advocate for an end to war and weaponry. “The majority of religious

leaders have always promoted disarmament, peace and policies that promote human security.”

The statement called for:

1. An end to nuclear proliferation - both vertical and horizontal, the goal embodied in the Nuclear Non-Proliferation Treaty;
2. Abolition of all nuclear weapons with steps to include an end to the deployment of strategic and tactical nuclear weapons; dismantling and destruction of all their components; and an end to further testing, research, manufacture, spread and deployment;
3. Cessation of all nuclear testing in all environments, the goal embodied in Comprehensive Test Ban Treaty;
4. An end to the production of fissionable materials for weapons purposes, safeguarding existing stocks with adequate verification methods, and conversion of existing stockpiles into peaceful uses;
5. Commitment by nuclear weapons powers to provide non-use assurances pending the final elimination of nuclear weapons as a means of curbing proliferation;
6. Negotiation of workable and working treaty agreements between the United States of America and the Russian Federation for the purpose of controlling and reducing nuclear arsenals;
7. Support of existing regional Nuclear Weapons Free Zones and creation of new ones in the Middle East, Central Asia, and Northeast Asia;
8. Termination of research, production and development of new weapons and their delivery systems, coupled with redirection of resources (human, material and economic) toward the lifting of living standards for all peoples;
9. Reduction of military expenses by all countries, and the redirection of the resources toward social welfare needs and intentional conversion strategies;
10. Cessation of military sales, transfers and trafficking between countries, particularly those from the wealthy and powerful countries that create dependency of developing countries or that reinforce repressive governments, and those sales that are made to end trade imbalances or domestic unemployment, regardless of the consequences;

11. Establishment of adequate verification methods in all areas of arms control and disarmament [political and technical means];
12. Designation of the production, sale, use of weapons of mass destruction as crimes against humanity with judicial mechanisms for holding offenders accountable; and
13. Prohibition of the placing or use of weapons in space.

7.4 A practical application of the conversion of military spending to measures to promote economic and social development was provided at a noon-hour forum sponsored by the Fellowship of Reconciliation, Pax Christi, the Muslim Peace Fellowship, Bread for the World, and Peace Action, who have written a draft treaty, "The Global Wellness Fund Treaty." Its purpose is to have the U.N. start a special fund for development made up of monies States would divert to the fund from reduced military expenditures. Even a 3 percent reduction in military spending would free up \$24 billion for development. The sponsors, setting a more modest goal, have set only 30 States as a minimum for the Treaty to take effect. The roots of the new proposal are found in the 1987 U.N. Conference on the Relationship Between Disarmament and Development, which affirmed a "dynamic triangular relationship" between disarmament, development and security. By this it was meant that as States convert even a portion of their military spending to development, it increases human security and reduces the causes of conflict. As States become more stable through economic and social development, less money is needed for military purposes. Security through the twin applications of disarmament and development has been thoroughly examined in the past, and States have done very little to implement it. The Global Wellness Fund Treaty [www.globalwellnesstreaty.org](http://www.globalwellnesstreaty.org) hopes to revive the idea. But the NPT Conference delegates showed no sign that they had heard this message.

## **8. The Rotblat Message: 'Remember Your Humanity'**

8.1 Midway through the NPT Review Conference, an Op-Ed article appeared in *The New York Times* signed by Sir Joseph Rotblat, one of the fathers of the atomic bomb, who resigned from the Manhattan Project in moral opposition to such enormous destruction. For many years, he was President of the Pugwash Conferences on Science and World Affairs and was awarded the Nobel Peace Prize in 1995. He is the last remaining signator of the Manifesto originated 50 years ago by two of the great figures of the 20<sup>th</sup> century, Bertrand Russell and Albert Einstein. The Manifesto was an appeal for new thinking to deal with the power of the atom and is best remembered for its closing admonition: "Remember your humanity, and forget the rest." In his *Times* article, Rotblat, who described himself as "in my 97<sup>th</sup> year, warned of a new nuclear arms race getting underway."

8.2 It was a theme he elaborated in “An Appeal to Delegates” distributed at the Conference. He asked: “How can we talk about a culture of peace if that peace is predicated on the existence of weapons of mass destruction? How can we persuade the young generation to cast aside the culture of violence when they know that it is on the threat of extreme violence that we rely for security?”

8.3 He said the nuclear weapons States are not acting in the good faith required by the NPT. While rigorous steps must be taken to control and cut off the supplies of nuclear materials, this is not enough. “To gloss over the hypocrisy of the nuclear weapons States, which are modernizing nuclear weapons and ensconcing them in their ongoing military doctrines, while urging abstinence on everyone else, is stunning.” He called for a working system of collective security. “We all have a common interest: survival. We have to move forward from a now-outdated security system based on nuclear deterrence and alliances to one based on cooperation and allegiance to humankind.”

8.4 Again Rotblat appealed: “Remember your humanity.” The conduct of the Review Conference did not suggest that many had heard his words.

8.5 Pugwash, led by Paolo Cotta-Ramusino, Secretary-General, convened two forums during the Conference, both attended by Ambassador Duarte. Pugwash put forward constructive proposals which went into the embroiled Conference machinery.

## **9. A Bridge Collapsed**

9.1 The subsidiary body of Main Committee I, dealing with Article VI issues was the heart of the nuclear disarmament side of the Conference. The contrast in the opening positions was striking.

9.2 The Non-Aligned Movement submitted a lengthy paper repeating its call for the immediate negotiation of a phased programme for the complete elimination of nuclear weapons with a specified time frame, including a Nuclear Weapons Convention. It condemned the development of new types of nuclear weapons as contrary to the guarantee given by the NWS that the CTBT would prevent the improvement of existing nuclear weapons and the development of new ones. The indefinite possession by the NWS of their nuclear arsenals “is incompatible with the integrity and sustainability of the nuclear non-proliferation regime, both vertical and horizontal, and with the broader objective of maintaining international peace and security.”

9.3 The New Agenda Coalition was less ambitious and called for the full implementation of the 1995 and 2000 commitments. Calling for negotiations on a verifiable

FMCT and a moratorium on fissile material production for military purposes, the NAC sought a new body at the Conference on Disarmament to deal with nuclear disarmament. It also called for de-alerting and deactivating of nuclear weapons systems.

9.4 The European Union was a step below the NAC request. It sought reaffirmation of the general principles of nuclear disarmament to preserve the integrity of the NPT. Its boldest section was a call for the requisite States (read U.S.) to ratify the CTBT; it called for negotiations for an FMCT “without conditions” (i.e., without mandatory verification) and called on the NWS to reaffirm existing security assurances.

9.5 The United States presented once again the list of its “tremendous strides” in implementing Article VI. Then it took on its critics and denied that U.S. policies are to blame for others’ decisions to pursue nuclear weapons. “How can some assert that nuclear weapons are dangerous and should be eliminated, yet also imply that others may reserve the right to develop nuclear weapons if the nuclear weapons States do not disarm with greater dispatch? Again, such thinking is dangerous in the extreme.” It accused other States of doing little to pursue negotiations in good faith on general and complete disarmament. The U.S. insisted there is a clear relationship between the nuclear and non-nuclear aspects of Article VI, “even though the language in the Treaty contains no suggestion whatsoever that nuclear disarmament must be achieved before general and complete disarmament can be achieved.” Moreover, the U.S. argued that “excessive focus on nuclear disarmament denies attention” to non-proliferation compliance.

9.6 Trying to bridge the NAM-NAC-E.U.-U.S. positions, Tim Caughley, Ambassador for Disarmament of New Zealand, who chaired the subsidiary body, issued a moderate document as the basis of a report. It limited itself to recalling “the commitments to pursue effective measures and make systematic progressive efforts to implement Article VI including the unequivocal undertaking by the nuclear weapons States to accomplish the total elimination of their nuclear arsenals.” It called on the NWS to forego all efforts to research and develop new types of nuclear weapons. It recalled the urgency of the CTBT and sought stricter protection of fissile materials.

9.7 For the NAM, the draft report was too soft. China wanted the prevention of an arms race in outer space mentioned along with criticism of “low-yield nuclear weapons.” Japan wanted to include a warning about nuclear terrorism. Sweden wanted action taken on the elimination of the 7,000-20,000 tactical nuclear weapons. The Netherlands appealed for keeping demands realistic. Iran, siding with the NAM, held for a tougher report. The U.S. took the most extreme position, calling for the excision of whole sections of the Caughley paper. It sought the deletion of the references to the commitments of 1995 and 2000, accepting only a commitment to

Article VI. It called for the deletion of any restraint on the development of new nuclear weapons, the reference to the CTBT, and further development of verification capabilities. This speech, tossing out both commitments of the past and all but the most anodyne commitments to the future was the coup d'grace of the Review Conference.

## **10. Faltering Proposals on the Nuclear Fuel Cycle**

10.1           The question of controlling the use of nuclear fuels was another issue at the heart of the 2005 Review conference.

10.2           The civilian nuclear industry appears to be poised for worldwide expansion. Opponents of nuclear power are aghast at this. Nonetheless, virtually all developing countries, supported by not a few developed countries for whom nuclear energy is an important part of their electricity grid, have made a mantra out of Article IV of the NPT: “Nothing in this Treaty shall be interpreted as affecting the inalienable right of all Parties ... to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II of this Treaty.” The “inalienable right” is always focused on by proponents of nuclear energy. But the reference to the first two articles, in which States are neither to transfer nor receive any materials related to explosive nuclear devices, is given less attention.

10.3           There is a common mis-perception that nuclear power plants are on their way out. On the contrary. Energy ministers from many countries are convinced that only by building more nuclear power stations can the world meet its soaring energy needs while averting environmental disaster. In the past, the virtual absence of restrictions or taxes on greenhouse gas emissions from oil, coal and gas plants has meant that nuclear power's advantage, low emissions, had no tangible economic value. But the entry-into-force of the Kyoto Protocol forcing plant operators to pay for their pollution, combined with soaring fossil fuel costs, are persuading countries to intensify nuclear production.

10.4           Moreover, when we consider the positive aspect of “Atoms for Peace,” the growing role of nuclear energy seems assured. Nuclear science plays a key role in enabling humanitarian benefits essential to development: diagnosing and curing cancer; providing higher yielding, disease-resistant crops; reducing airborne and waterborne pollution and, not least, producing 16 percent of the world's electricity with almost no greenhouse gas emissions.

10.5           Iran and to some extent North Korea have shown the “loophole” in the NPT. They have been charged with using the benefits of the Treaty to acquire nuclear technologies and fuels allegedly for peaceful purposes and then enriching uranium for a nuclear weapon. Any mis-use of the NPT to acquire a nuclear weapon must be stopped. This sets up a tension between

the goal of achieving an effective non-proliferation regime and the right to develop civilian nuclear industries; the right must be preserved while ensuring it does not become a route to nuclear weapons. The clandestine pursuit of nuclear weapons challenges international law.

10.6 The Secretary-General's High-Level Panel on Threats, Challenges and Change said two remedies are required. First, IAEA inspection and verification rules must be tightened up through making the Additional Protocol a universal standard for IAEA safeguards (only one-third of States have so far ratified the Protocol); and the Security Council must be prepared to act in cases of non-compliance. Second, negotiations should be started to make the IAEA a guarantor for the supply of fissile material to civilian power users. Thus the IAEA would guarantee uninterrupted supply of nuclear services at market rates. To get this process started, States should surrender their right to construct such facilities and voluntarily institute a moratorium on the construction of enrichment or reprocess facilities.

10.7 Further, the High-Level Panel said that any State withdrawing from the Treaty (as North Korea has done) should be held responsible for violations committed while still a Party. The Security Council should examine any withdrawal.

10.8 Developing countries resist the imposition of restrictions on the supply of materials and equipment for the nuclear fuel cycle and claim that the developed countries have backed away from their original guarantee to provide assistance to the non-nuclear States to develop nuclear energy. They do not want additional constraints on Article IV. And since they view the NWS implementation of Article VI as entirely unsatisfactory, they claim that the NPT bargain is being eroded.

10.9 Before the Review Conference began, Mohamed ElBaradei suggested seven steps to resolve this dilemma.

1. Institute a five-year moratorium on new facilities for uranium enrichment and plutonium separation; guarantee an economic supply of nuclear fuel to bona fide users.
2. Convert all reactors using highly enriched uranium to low-uranium (which cannot be used for bombs).
3. Make the IAEA Additional Protocol the norm.
4. The U.N. Security Council to act swiftly and decisively in the case of any withdrawal.

5. Urge States to act on Security Council Resolution 1540 to prosecute any illicit trading in nuclear material and technology.

6. The NWS must accelerate their “unequivocal commitment” to nuclear disarmament. Negotiating a fissile material cut-off ban would be a start.

7. Address the reasons for terrorism in the Middle East and the Korean Peninsula and, where needed, provide security assurances. In the Middle East, open a dialogue to make that region a nuclear weapons free zone.

ElBaradei warned that none of these steps would work in isolation. Each requires a concession from someone.

10.10 Main Committee III, chaired by Ambassador Elisabet Bonnier of Sweden, wrestled with these issues. Its draft report called for States to:

- give stronger support to existing IAEA safeguards.
- suspend nuclear cooperation with States in violation of their non-proliferation and safeguards obligations.
- uphold the highest international standards on nuclear safety.
- examine IAEA proposals related to the nuclear fuel cycle.
- seek to develop new proliferation-resistant nuclear power reactors.
- promote transparency in peaceful nuclear activities to build confidence that NPT commitments are being upheld.

Given the intense concerns over the NPT nuclear fuel loophole, this was a very weak report. It was not accepted because it got caught in the cross-fire of Egypt’s objection to the subsidiary body’s report on Article X. This report attempted to toughen the conditions for withdrawal from the Treaty by having the Security Council assess threats to international peace and security posed by a State’s withdrawal. The State would remain liable for Treaty violations and nuclear materials acquired before withdrawal must remain subject to IAEA safeguards. Nothing from Committee III was even reported to the Plenary.

## 11. The CTBT Languishes

11.1 No issue demonstrates so clearly the NPT crisis as the fate of the Comprehensive Test Ban Treaty. If the shutting off of explosive nuclear testing cannot be done, what hope is there for the elimination of nuclear weapons? Achieving a Comprehensive Test Ban Treaty by 1996 was one of the promises the NWS made when the Treaty was indefinitely extended in 1995. A CTBT was negotiated and opened for signature in 1996. President Clinton of the U.S. was the first to sign. Before it can enter into force, the Treaty must be ratified by the 44 countries that have nuclear reactors. So far only 33 have ratified. In 1999, the U.S. Senate rejected the Treaty for reasons that had as much to do with domestic policies as nuclear weapons. When the Bush Administration came to power, it withdrew its support for the Treaty. Without Administration support, the Senate refuses to reconsider the CTBT. China is the only other major requisite hold-out, but has said the ratification process is working its way through the parliamentary process.

11.2 Meanwhile, the Comprehensive Test Ban Treaty Organization continues to perfect a global verification regime. The 337 monitoring facilities are located in some of the most remote regions of the world, including the Arctic and Antarctica. The Seismic, hydroacoustic, infrasound and radionuclide monitoring technologies are designed to register sound and energy vibrations underground, in the sea and in the air, and to detect radionuclides released into the atmosphere.

11.3 Now, although 175 States have signed the Treaty and 120 have ratified it, the CTBT languishes. Wolfgang Hoffmann, Executive Secretary of the CTBT, came to the Review Conference, but was not invited to speak. It was a notable omission, since media reports indicated North Korea was preparing to test a nuclear weapon. Many delegates privately expressed the view that, by taking an adamant position against the CTBT, the United States significantly weakened the international call to North Korea not to test. A group of States friendly to the U.S., known as the G 10 (Australia, Austria, Canada, Denmark, Hungary, Ireland, The Netherlands, New Zealand, Norway and Sweden) issued a call for the recalcitrant States to “ratify the Treaty without delay.”

## 12. Verification: A Standing U.N. Body?

12.1 The last of the 2000 13 Practical Steps dealt with the verification required to provide assurance of compliance with nuclear disarmament agreements. In the intervening years, the United Kingdom launched a study program to develop verification technologies. A

Working Paper was presented to the 2005 Conference spelling out an approach to four key areas: authentication, dismantling, disposition, and monitoring the weapon complex.

12.2 The U.K. concluded that many aspects of authentication of sensitive nuclear weapons design, are achievable. Using modern technologies, inspectors can safely dismantle nuclear warheads. Conventional safeguards systems already can handle the disposition of fissile material. Routine and challenge inspections can buttress a monitoring program. The U.K. said: “While considerable technology exists to support verification of a disarmament program, much still needs to be done in a number of areas to develop and prove these.”

12.3 A specific approach to verification – a Standing United Nations Weapons of Mass Destruction Verification Body – was presented to a noon-hour panel by Trevor Findlay working in cooperation with the Verification, Training and Information Centre (VERTIC). The Findlay report, commissioned by the government of New Zealand, was presented to the Commission on Weapons of Mass Destruction, whose report is due in 2006. This study built on the experience of the U.N. Monitoring, Verification and Inspection Commission (UNMOVIC), which was mandated to deal with the single case of Iraq. Findlay presented a case that a Standing Body is both “necessary and feasible.” He said: “Such a body would extend the range of tools and options available to the international community in tackling the threats of WMD, including from non-State actors, as well as expand the frontiers of inspection, monitoring and verification.”

12.4 Despite the importance the U.N. attaches to the WMD issue, there is no single U.N. agency with a holistic, integrated view of the problem. For example, the IAEA, which devotes itself to nuclear safety and security, does not concern itself with research, development and testing of an actual nuclear warhead. The Comprehensive Test Ban Treaty Organization, equipped to verify testing, cannot ban preparations to test. The Biological Weapons Convention has absolutely no verification regime.

12.5 Building on the experience of UNMOVIC, which took a comprehensive approach to Iraq, a future U.N. WMD verification body could:

- maintain a general watch on WMD and related developments worldwide;
- maintain generic data gathering, processing and analytical capacities for all types of WMD;
- keep abreast of developments and conduct training in verification modalities, techniques and technologies;

- maintain and develop a capability to undertake, at short notice, verification operations, including fact-finding missions, on-site inspections, on-going monitoring and verification (OMV) and complete verification operations, on request.

12.6 The Findlay report was well received by the noon-hour audience of diplomats and NGOs. It was noticeable that Hans Blix, head of the WMD Commission, personally expressed interest. The idea of a permanent U.N. verification body may move forward, although the major States have yet to be heard from.

Meanwhile, a paper offered by Malaysia and Costa Rica outlined a number of mechanisms for verifying the destruction of all nuclear weapons:

- Agreements on data sharing with States and existing agencies;
- An international monitoring system comprising facilities and systems for monitoring by photography, radionuclide sampling, on-site and offsite sensors and other data collection systems;
- Consultation and clarification procedures;
- On-site inspections;
- A registry including information gained from State declarations, the international monitoring system, national technical means, inspections, other international organizations, non-governmental organizations and publicly available sources.

### **13. Nuclear Weapons Free Zones: A New Stimulus**

13.1 It is often overlooked that virtually the entire Southern Hemisphere of the planet is free of nuclear weapons. This is because many States have banded together through regional treaties that ban nuclear weapons from their areas. The 1967 Treaty of Tlatelolco, which banned nuclear weapons in Latin America and the Caribbean, set the standard for subsequent NWFZ treaties. Since 1967, three more NWFZs have been created:

- the 1985 Treaty of Rarotonga, covering the South Pacific.

-- the 1996 Treaty of Bangkok, covering Southeast Asia.

-- the 1997 Treaty of Pelindaba, covering Africa.

13.2           The continent of Antarctica is nuclear-free under the provisions of the 1959 Antarctic Treaty. So are the Earth's orbit and all celestial bodies under the 1967 Outer Space Treaty.

13.3           In 2000, led by Brazil and New Zealand, the U.N. General Assembly called for the creation of a Southern Hemisphere NWFZ Treaty, uniting the current zones. As a step to this goal, Mexico hosted an International Conference of the States Parties to NWFZ treaties, held April 26-28, 2005, on the eve of the NPT Review Conference. Representatives of 110 countries attended and unanimously adopted a strong declaration calling for more NWFZs as an effective means for achieving the objective of the total elimination of nuclear weapons. The declaration said:

We reaffirm that the continued existence of nuclear weapons constitutes a threat to all humanity and that their use would have catastrophic consequences for life on Earth. Therefore, we believe in the need to move toward the priority objective of nuclear disarmament and to achieve the total elimination and prohibition of nuclear weapons. ...

We reaffirm that the use or threat of use of nuclear weapons constitutes a breach of international law and the United Nations Charter, and a crime against humanity.

13.4           The declaration called for establishing NWFZs in the Middle East, South Asia, Northeast Asia and Central Europe. These proposed NWFZs differ significantly from previous ones in that they all include or border on de facto or declared NWS. As BASIC noted: "They also indicate a transition from a passive but legally protected region to a region where disarmament is carried out." Establishing a Central European NWFZ, for example, would require the actual withdrawal, dismantling and destruction of nuclear weapons.

13.5           The Mexico Conference showed not only that NWFZs are a way to a nuclear weapons free world but that significant gains can be made when like-minded nations work together. It was a lesson, unfortunately, lost on the NPT Review Conference.

## 14. NATO: Some Squirming Ahead

14.1 The nuclear fuel cycle is not the only “loophole” in the NPT that needs to be closed. Articles I and II explicitly forbid the transfer and receiving of nuclear weapons between a nuclear weapons State and a non-nuclear weapons State. Nonetheless, for many years, the U.S. has stationed nuclear weapons in Europe. A recent report by the Natural Resources Defense Council says the U.S. maintains 480 tactical nuclear weapons in five NATO non-nuclear States, Belgium, Germany, Italy, The Netherlands and Turkey as well as its fellow NWS, the United Kingdom. NATO has always insisted that this NATO sharing is compatible with the NPT because the U.S. maintains control over them until a time of war when the Treaty would no longer be in effect. It has never been established that the NPT legality is only confined to peacetime. However, NATO asserts that its nuclear-sharing (like the existence of nuclear weapons) predates the NPT. Mexico and Egypt have sought clarification as to the legality of the nuclear-sharing. Until fairly recently, the issue has lain dormant.

14.2 Meanwhile, the core policy of NATO regarding nuclear weapons is beginning to draw critical attention. The core policy is that nuclear weapons are “essential” and provide the “supreme guarantee” of security. However, at the NPT Review Conference in 2000, all NATO States (including the U.S.) affirmed by consensus an “unequivocal undertaking” for total elimination. The contradiction between non-nuclear NATO States commitment to the NPT and their loyalty to NATO military doctrine is stark. NATO tries to explain away the contradiction:

The presence of U.S. nuclear forces based in Europe and committed to NATO provides an essential political and military link between the European and North American members of the Alliance. At the same time, the participation of non-nuclear countries in the Alliance Nuclear Posture demonstrates Alliance solidarity, the common commitment of its member countries to maintaining their security, and the widespread sharing among them of burdens and risks.

14.3 This statement is losing any binding element it may have once had. The Belgian Senate has passed a resolution calling for the removal of U.S. tactical weapons from Belgium. The European Union took a step forward in calling for negotiations on “an effectively verifiable agreement to best achieve the greatest reductions of these weapons.” This complements the call made over the past few years by Sweden, Austria and Ukraine for the U.S. and Russia to move toward the elimination of the 7,000-20,000 tactical nuclear weapons in existence.

14.4 Russia maintains that it has already reduced the number of tactical nuclear weapons inherited from the Soviet Union by three-quarters. However, Russia draws a distinction between its possession and that of the U.S.: whereas Russia confines them to its own territory,

the U.S. has them in six NATO countries. Russia wants the U.S. to pull its tactical nuclear weapons out of Europe as a condition for negotiating the complete elimination of nuclear weapons.

14.5           The United States' allies are silent on this subject. NATO planners know that, if tactical nuclear weapons are removed from Europe, the rationale for the NATO doctrine would disappear. And if NATO takes a new position that nuclear weapons are not, after all, essential, will that not undermine U.S. military doctrine? Despite the bad example it is giving the rest of the world, NATO remains obstinate.

14.6           Main Committee I addressed this issue and the Chairman's draft report included a passage that called upon the NWS "to refrain from nuclear sharing for military purposes under any kind of security arrangements, among themselves, with non-nuclear weapons States and with States not party to the Treaty." The U.S. vigorously objected.

14.7           The NPT Review Conference failed to fully articulate, let alone resolve, this issue. But one way or another, NATO's nuclear policies are coming under renewed attention and, if the public in Europe takes up the issue, NATO may start to squirm.

## **15. Seven NATO States Speak Out**

15.1           Further indication of the restlessness of NATO States with the over-bearing attitude of their three nuclear colleagues was revealed in a paper on preserving the integrity of the Treaty submitted by seven NATO States led by The Netherlands; the others were Belgium, Lithuania, Norway, Spain, Poland and Turkey. The paper gave strong backing to the 2000 commitments, pointed to the need for irreversibility and transparency in the Moscow Treaty, urged a diminished role for nuclear weapons in security policies, supported the extension of Nuclear Weapon Free Zones. It gave strong support for legally binding security assurances, full ratification of the CTBT and "reduction and ultimate elimination" of tactical nuclear weapons. It was informally reported that the U.S. was not pleased with this softening of support within NATO for nuclear weapons.

## **16. New Agenda Coalition: Growing Strains**

16.1           When it began in 1998, the New Agenda Coalition (Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa and Sweden) offered a ray of hope for progress on the nuclear disarmament agenda. By the 2000 Review, it had become a formidable force and took on the NWS in tough negotiations that produced the "unequivocal undertaking" and the 13

Practical Steps. But one by one, the diplomats who were the original players began drifting off to other postings. It was noticeable that the original cohesion and drive of the NAC were softening. Yet the Foreign Ministers of all seven countries published in the *International Herald Tribune* March 24, 2005 a strong call for action. In addition to the strong opening speech by Marian Hobbs, New Zealand's Minister of Disarmament, the group submitted a robust working paper on nuclear disarmament.

16.2 But even though eight NATO States had voted for the New Agenda resolution at the 2004 U.N. General Assembly, thus suggesting the possibility of a strong core centre working together to advance the disarmament interests of the Treaty, there was little inter-action. The growing strains between those in NAC who want a more aggressive stance taken and those who, like Ireland and Sweden, feel a moderate agenda is more attainable started to become very pronounced. Then, when Egypt, frequently supported by South Africa, vociferously objected to tightening the rules on nuclear fuel cycles because Israel is getting off scot free on these issues, the NAC bond suffered a severe blow. The usual internal coordination on nuclear disarmament issues was severely challenged when proliferation concerns moved to centre stage.

16.3 In the end, the NAC, which had rejoiced in common at the end of the 2000 Review, could not even issue a joint statement. Nobody knows the future of NAC, but it will take a lot of hard work and healing to recover the unity it once had.

## **17. Malaysia/Costa Rica: Original and Hopeful**

17.1 The most original and hopeful working paper submitted to the Review Conference came from Malaysia and Costa Rica (NPT/CONF.2005/WP.41). It bore a long title, which probably discouraged its readership: "Follow-up to the Advisory Opinion of the International Court of Justice on the Legality of the Threat of Use of Nuclear Weapons: Legal, Technical and Political Elements Required for the Establishment and Maintenance of a Nuclear Weapons Free World." It summarized the commitments of 1995 and 2000 along with the findings in the 1996 Advisory Opinion of the International Court of Justice, and pointed to the Model Nuclear Weapons Convention (NWC) submitted by Costa Rica to the U.N. General Assembly in 1997 (A/C.1/52/7). The Convention was drafted by an international consortium of lawyers, scientists and disarmament experts and set out the legal, technical and political issues which need to be addressed in order to obtain an actual Convention.

17.2 The Model NWC includes detailed proposals for:

- a) general obligations of States and individuals under a nuclear weapons abolition regime
- b) a phased program for dismantling and destroying existing nuclear stockpiles
- c) control mechanisms for nuclear facilities and materials

- d) a verification regime
- e) criminal liability for violators
- f) protection measures for whistleblowers
- g) dispute resolution and enforcement procedures
- h) measures for dealing with delivery vehicles and dual use materials
- i) national implementation measures
- j) an agency for overseeing the convention
- k) entry into force options
- l) relationships to other nuclear related agreements and regimes
- m) a protocol concerning nuclear energy.

17.3 Unfortunately, the document has languished for want of support by the major countries, nuclear and non-nuclear alike. But the ideas underlying the Convention are very much in play. The 13 Practical Steps of 2000 are clearly a route to a nuclear weapons-free world; that is why the U.S. attempt to forget about the 2000 commitments will continue to be resisted. Meanwhile, a number of papers that have been submitted on security assurances, reduction of non-strategic nuclear weapons, compliance mechanisms, overcoming the institutional deficit of the NPT, verification, and comprehensive programmes for nuclear disarmament carry forward important technical work.

17.4 The Malaysia-Costa Rica paper considers the step-by-step approach to nuclear disarmament too limiting because it has not brought the world much closer to the final goal of nuclear disarmament than when the NPT was adopted in 1970. Neither does a comprehensive approach offer much possibility for success because it is so strongly opposed by the NWS. But an incremental-comprehensive approach – incorporating step-by-step measures within a comprehensive framework – offers the best route to the final destination. By exploring legal, technical and political elements required for a nuclear weapons-free-world, a work programme can be developed focusing on:

-- 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;

-- Mechanisms for verifying the destruction of all nuclear weapons;

- Mechanisms for ensuring compliance;
- An international organization to coordinate verification, implementation and enforcement under strict and effective international control; and
- Disarmament and non-proliferation education to ensure that key sectors of society understand the importance of achieving and maintaining a nuclear weapons free world and how they can contribute to this goal.

17.5 Consideration of these elements required for the complete elimination of nuclear weapons would close gaps in knowledge and build confidence that the end goal can be reached. Next steps would come into view: how to diminish the role of nuclear weapons in security doctrines, achieving a balance between transparency and protection of sensitive information, the role of societal verification, how to build individual responsibility and protection into the disarmament process while respecting State sovereignty, how to deal with delivery systems and dual-use materials – particularly plutonium and highly enriched uranium. A number of economic and environmental issues could also be addressed, including possible financial assistance for disarmament and the harmonizing of environmental standards for destroying systems and disposing of fissile materials.

17.6 The paper argues that the best way to approach these issues is to commence negotiations leading to the conclusion of a nuclear weapons convention or a framework of instruments for the abolition of nuclear weapons.

17.7 The pungent ideas in the Malaysia-Costa Rica paper await a champion.

## **18. Mayors for Peace: World-wide Action**

18.1 If the NPT Review Conference had any dynamism, it was provided by Mayors for Peace (M4P), whose leader, Mayor Tadatoshi Akiba of Hiroshima, led a contingent of 100 mayors and civic representatives to three days of events. Akiba, a 63-year-old former member of the Japanese Diet, was educated in the U.S., where he obtained a PhD in mathematics at the Massachusetts Institute of Technology. He has revived Mayors for Peace, which started in 1982, building an organization of 1,000 mayors in more than 100 countries. The organization has launched a Vision 2020 campaign in which they hope to achieve the elimination of nuclear weapons by 2020.

18.2 Akiba, accompanied by Mayor Iccho Itoh of Nagasaki marched to Central Park in the May 1 rally, then spoke at meetings at the U.N. where the galleries were jammed with NGO enthusiasts. U.N. Secretary-General Annan attended one of the meetings (receiving four standing ovations) and gave his full support to the M4P call. Some 800 Japanese representatives journeyed to New York for the events bringing their enthusiasm and posters with them. They also brought a petition containing 5.3 million signatures calling for an end to nuclear weapons.

18.3 In the General Assembly hall, Mayor Itoh held up a photo of what he described as the blackened corpse of a boy killed in the Nagasaki blast. “What sin did this boy commit?” Itoh asked as he appealed to the consciences of delegates to remember the simple fact that nuclear weapons and humanity cannot co-exist. “Please listen to the *hibakusha*,” he pleaded. The galleries, hearing for once an impassioned speech speaking directly to the life and death issue of nuclear weapons, exploded in applause.

18.4 Having been rebuffed in the M4P attempt to get comprehensive negotiations launched at the 2005 Review, Mayor Akiba plans to issue a call at the 60<sup>th</sup> anniversary observance in Hiroshima for world-wide action. The failure of the NPT Review Conference may well galvanize public support if enough civil society organizations get behind the Mayors.

18.5 The idea that cities are on the front line of nuclear attacks and thus have a primary right to be heard is taking hold. The U.S. Conference of Mayors has given Akiba strong support. Its resolution of June 28, 2004, says that cities around the world are vulnerable to instantaneous devastation on a scale exceeding even that experienced by Hiroshima and Nagasaki. The use of a nuclear weapon by terrorists – or even an accidental launch – would render any city planning for such a disaster “utterly futile.”

18.5 On the last day of the Conference, Akiba released an Open Letter to the Conference President, Ambassador Duarte, complaining that “a mere handful of countries” had by their “crass exploitation of consensus rules” thwarted the will of the great majority of countries. “Given what is at stake for humanity, this is intolerable. That a country would then turn around and condemn these multilateral institutions as ineffective is positively outrageous.”

18.6 Akiba said the task of preparing an alternate venue for negotiations not hamstrung by consensus procedures had become urgent. “Disappointment does not equal discouragement. The will of the great majority will find democratic expression in our cities, our nations, and the world. We continue to seek this year a decision to launch substantive work on a program for the total elimination of all nuclear arsenals.”

18.7 Mayors for Peace joined with the Parliamentary Network for Nuclear Disarmament at one NGO session to give joint support to an international appeal calling for removing all strategic nuclear weapons from “hair-trigger” alert and Launch-on-Warning status. This appeal has been endorsed by 32 Nobel Laureates, 200 organizations, the European Parliament, the Australian Senate and an additional 108 individual parliamentarians. Congressman Dennis Kucinich of the U.S., who ran for the Democratic Presidential nomination in 2004, attended and called on his own country to “stop thwarting” the gathering international momentum for nuclear disarmament.

## **19. NGO Speeches: A Blood Transfusion**

19.1 In contrast to the lethargic tone of most governmental speeches, the afternoon devoted to 15 presentations from numerous non-governmental organizations was marked by a rich blend of information and passion. The conference suddenly felt like it had received a blood transfusion. At the final plenary, some NGOs tried to present a sunflower to each delegate as a symbol of peace, but were prevented by security rules access to the General Assembly hall.

Here are a few excerpts from the NGO speeches:

### **Xanthe Hall**

#### **International Physicians for the Prevention of Nuclear War**

We consider it our common responsibility at this Conference to stop the further erosion of the NPT and to strengthen the Treaty. Even though the NPT is in crisis, it remains a fundamental stepping-stone on the way towards a safer, nuclear weapon-free world. The NPT has set the global norms for non-proliferation and disarmament for 35 years, and the vast majority of its members continue to comply with its obligations without question. We commend these countries and appeal to all NPT member states to work tirelessly toward the preservation and strengthening of the Treaty...

No state wants other states to get hold of nuclear weapons. Neither do we. Mohamed ElBaradei, Director-General of the IAEA, said: “As long as you continue to have countries dangling a cigarette from their mouth, you cannot tell everybody not to smoke with a high degree of credibility”. And yet the nuclear weapon states are modernising their own arsenals. The US is even planning new types of nuclear weapons. The Nuclear Posture Review and one budget request after another make this undeniable. New and existing nuclear weapons (for

example Mininukes and Bunker Busters) might be used in "preventive" warfighting against hardened underground targets. The suggestion that the collateral damage could thereby be minimised, reduces the threshold for the use of such weapons. Expert studies have shown that, however small, these weapons would still produce high levels of fallout and remain weapons of mass destruction that kill and contaminate with radiation. Moreover, our information indicates that the nuclear earth penetrator would not have a small yield at all.

### **Alexandra Sundberg**

#### **Women's International League for Peace and Freedom**

Since reporting was adopted as an obligation in 2000, the past three PrepComs have facilitated a much greater degree of transparency than previously attained. Although institutionalization of reporting is progressing slowly, of the 188 NPT states parties, 39 reported at least once in the preparatory cycle, 6 at all three PrepComs. A total of 67 official reports were submitted in three PrepComs, at most 28 in a single year (in 2003 and 2004). Perhaps more importantly, 25 of the 40 NPT states parties listed in Annex 2 of the CTBT have submitted at least one report.

While these types of information are useful, the submission of an official report is important in that it ensures its translation and inclusion into the meeting record, a much more effective way of increasing transparency. [ed note: Russia and China submitted official reports to the Conference.]

### **Daniel Ellsberg**

#### **Nuclear Age Peace Foundation**

Now, a year after serving his full sentence of eighteen years – nearly twelve of them spent in solitary confinement in a two-by-three meter cell – Mordechai Vanunu is under indictment and faces a return to prison [in Israel] for violating restrictions on his freedom of speech that clearly violate his fundamental human rights. He has and will continue to speak out in favor of a nuclear-free-zone in the Middle East and the global abolition of nuclear weapons, telling whatever he knows that supports these objectives. It is absurd to maintain, as the head of Israel's security system does, that revelation of any further details Vanunu learned from his access in Dimona nineteen years ago could undermine Israeli national security, when no one has been able to identify any damage whatever to Israeli

security in the years since his revelations in 1986. Rather, the prohibitions against his speaking to foreigners and to foreign journalists on any matters, or to his fellow citizens on nuclear matters, are clearly intended to extend his punishment in prison for unauthorized truth-telling for an indefinite period.

The deterrent message to other potential Vanunus – either in Israel or elsewhere – could not be more clear. In a world where more Vanunus are desperately needed – above all, in my own country, the United States, and in other nuclear weapons states violating their Article VI obligations – is this a message that the rest of the world should tolerate to be sent unchallenged? In the interest of vital transparency and future societal verification, there should be international protest of Vanunu's new indictment and of the restrictions on his speech and travel.

### **Jacqueline Cabasso** **Western States Legal Foundation**

In 1995, we were told that “the nuclear arms race has ceased,” in a declaration issued at the Conference on Disarmament by France, Russia, Britain and the United States in anticipation of the 1995 Review and Extension Conference.

Unfortunately, this optimistic claim is not true.

It is true that, with the possible exception of China, the *quantitative* trend is downwards. But *qualitative* modernization of nuclear forces continues.

The nuclear weapon states may protest that modernization is the inevitable byproduct of replacement of existing systems that have reached the end of their service lives.

But if true that defense points to an intention not to fulfill the unequivocal undertaking of elimination for decades to come.

### **Michael Spies** **Lawyers’ Committee on Nuclear Policy**

While the 2000 references to the ABM Treaty and to the START process have been mooted by US actions, on the whole - and certainly with respect to the

principles - the practical steps remain as relevant today as they were five years ago. They should not be devalued by calling them "only political."

First, states should not go back on their freely given word, whatever the form.

Second, under Article 31 of the Vienna Convention on the Law of Treaties, subsequent agreements as well as practice have a crucial role in interpretation. Here the practical steps are a consensus agreement on the application of Article VI. Indeed, the 2000 Final Document states that "the Conference *agrees* on the following practical steps for the systematic and progressive efforts to implement Article VI [and the 1995 Principles and Objectives]." The practical steps are thus an essential guide to interpretation of Article VI. They identify criteria and principles that are so tightly connected to the core meaning of Article VI as to constitute requirements for compliance with the NPT.

A final point: the practical steps have added weight because they are inextricably bound up with the 1995 decision to extend the treaty indefinitely, a decision that is both legally binding and of supreme practical importance. They spell out the "systematic and progressive efforts" committed to in the Principles and Objectives adopted in connection with the extension decision.

## **John Burroughs**

### **Lawyers' Committee on Nuclear Policy**

Certain nuclear weapon states still insist on linking progress towards nuclear disarmament with progress on other disarmament and security fronts. After the ICJ opinion and the 2000 commitments, one would have thought this matter to be settled. But in February of this year, the US Assistant Secretary of State for Arms Control said that the "text and negotiating history of the NPT support the expectation that efforts toward complete nuclear disarmament would be linked with efforts towards general and complete disarmament.... It follows that if anyone wishes to argue that the nuclear weapons states are in default on their obligations relating to nuclear disarmament, they will have a difficult time explaining why all NPT states parties are not also in default on their obligations relating to general and complete disarmament."

And in May 2004, France referred to the 1995 "action program" as including "the determination to move forward systematically and progressively in cutting

nuclear weapons as a whole within the framework of general and complete disarmament."

As we have demonstrated, there is no legal link between elimination of nuclear arsenals and comprehensive demilitarization. This point must be insisted upon, so as not to allow nuclear weapon states a rote excuse for failure to comply with Article VI. ...

Interpreted in light of the NPT preamble and the 1995 and 2000 commitments, Article VI provides an excellent road map for the achievement of nuclear abolition: implementation of effective measures on cessation of the nuclear arms race at an early date and toward nuclear disarmament, and conclusion of a treaty on the elimination of nuclear forces. Over the last five years, the nuclear weapon states, and especially the United States, have gone way off the map. This Review Conference should reaffirm the road map and point the nuclear weapon states back in the right direction.

### **Tony de Brun** **Loleplap Trust**

It is an honor for me to be able to speak to you today on behalf of indigenous people throughout the world whose lives have been dramatically affected by the proliferation of weapons. I bring you the greetings of the people of the Marshall Islands, and more specifically the paramount leaders of the Ralik chain, Iroijlaplap Imata Kabua, and Iroijlaplap Anjua Loeak, whose domains have borne the brunt of United States military weapons development -- from the nuclear bombs of the Cold War to the missiles that carry them today.

I lived on the island of Likiep in the northern Marshalls for the entire 12 years of the US atomic and thermonuclear testing program in my country. I witnessed most of the detonations, and was just 9 years old when I experienced the most horrific of these explosions, the infamous BRAVO shot that terrorized our community and traumatized our society to an extent that few people in the world can imagine.

While BRAVO was by far the most dramatic test, all 67 of the shots detonated in the Marshall Islands contributed one way or another to the nuclear legacy that haunts us to this day. As one of our legal advisors has described it, if one were to

take the total yield of the nuclear weapons tested in the Marshall Islands and spread them out over time, we would have the equivalent of 1.6 Hiroshima shots, every day for twelve years.

**Louis Zeller**

**Blue Ridge Environmental Defense League**

Today, the United States of America and the Russian Federation hold a toxic legacy of plutonium waste from nuclear warheads. While citizens of many nations applaud the dismantling of strategic nuclear weapons, we are deeply troubled by the provisions of the US/Russian bilateral plutonium disposition agreement that allows each nation to use 34,000 kilograms of this military waste in civilian nuclear electric power plants.

We hereby stand opposed the reprocessing of plutonium for fuel because it presents unsupportable risks to public safety and the environment, and undermines the goal of nuclear non-proliferation. Manufacturing plutonium fuel (MOX, see end note) would create vast amounts of waste. And, plutonium fueled reactors would create an unsolvable international nuclear security dilemma.

**Natalie Wasley**

**International Peace Pilgrimage**

**Tina Keim**

**NPT Youth Action**

On behalf of the youth of the world, we want to thank you and the NGO community for inviting us to speak at this conference dealing with topics vital to the future of our world.

We speak to you as representatives of a group of young people from many nations who are themselves representatives of the generations that will inherit the consequences of the decisions you make this month. Because we are young, we tend not to be influenced by the politics of war, religion and economic interests, but we are intelligent, articulate and far-sighted. We have been taught to think critically and defend our rights to free speech, free thought, and the right to protest. We speak to you today of that which **must** happen to ensure a safe, clean environment for generations to come. We are interested primarily in protecting the common future of humanity...

We ask you: What do you intend to turn over to us, the next generation? Will you give us a world in which disarmament exists on paper while billions are spent to develop the ultimate in war technology and the means of mass murder? Will you give us nations that, while deploying and developing their own nuclear weapons, are quick to go to war when enemies appear to be obtaining similar weapons? Or will you give us a world united under a common constitution that limits military armaments and eliminates entirely the possibility of nuclear holocaust? Will you be able to explain your choice in good conscience to your children and grandchildren?

## **Carol Naughton**

### **British-American Security Information Council**

Five Non Nuclear-Weapon States (NNWS) parties to the Non-Proliferation Treaty (NPT) – Belgium, Germany, Italy, The Netherlands and Turkey – participate in nuclear sharing arrangements with the United States. These countries host US B61 ‘gravity’ bombs that, in the event of nuclear war, could be delivered by aircraft and pilots belonging to the host nations. The United Kingdom also hosts US nuclear weapons, USAF aircraft and pilots. Previously Greece also participated in nuclear sharing, but in 2003 US nuclear weapons were reportedly withdrawn from the country.

Recently, other European states have begun to question this nuclear sharing. We welcome recent moves by parliamentarians, particularly in Belgium, but also in Denmark, Germany, and the Netherlands, calling for the removal of NATO nuclear weapons from Europe. As well, we note that the Non-Aligned Movement opening statement given by Malaysia as well as Egypt’s opening remarks both questioned the NATO nuclear sharing arrangement...

We urge that:

1. The remaining US nuclear weapons are withdrawn from Europe. These weapons are militarily obsolete and are no longer relevant to transatlantic relations.

2. NATO conducts a review of its Strategic Concept including a diminished role for nuclear weapons and a commitment to no first use of nuclear weapons as first steps to their complete removal from European soil.
3. The United States and Russia negotiate a verifiable treaty on the elimination of all sub-strategic, or tactical, nuclear weapons.
4. France, Russia, and the United Kingdom terminate all nuclear weapon modernization and replacement programmes.
5. This NPT Review Conference agrees a statement that the Treaty is binding at all times and in all circumstances.

## **Diane Perlman**

### **Psychologists for Social Responsibility**

The desire for nuclear weapons is a symptom of something deeper. Focusing on getting rid of the symptom, we ignore the cause. Efforts to physically stop proliferation without addressing the underlying psychological meaning cannot succeed. The relationship between the possession of nuclear weapons and power is inextricable. Some perceive that possession of the greatest means of destruction in the world means that you will be taken seriously.

This can provoke weaker actors into military action. Today that includes nuclear terrorism, an asymmetrical response to asymmetrical power. While we must focus on the supply side of terrorism, by safeguarding fissile materials, we must simultaneously address the demand side of terrorism. Threatening, humiliating and backing one into a corner can increase paranoia and make others more dangerous, as well as increasing recruitment to terrorism and arousing popular support for nuclear weapons. The way to be secure is to make your enemy more secure.

Military superiority, national security, and nuclear deterrence are old concepts that have become new oxymorons that need to be replaced by “mutually assured survival.”

## **Helen Caldicott**

### **Nuclear Policy Research Institute**

Each year these unregulated sanctioned releases occur because the industry considers certain radioactive elements to be biologically inconsequential. This is not so.

These unregulated releases include the noble gases krypton, xenon and argon, which are fat-soluble and if inhaled by persons living near a nuclear reactor, are absorbed through the lungs, migrating to the fatty tissues of the body, including the abdominal fat pad and upper thighs, near the reproductive organs. These radioactive elements, which emit high-energy gamma radiation, can mutate the genes in the eggs and sperm inducing genetic disease. ...

Nuclear power produces a carcinogenic legacy for all future generations, it produces global warming gases, and it is far more expensive than any other form of electricity generation, while it triggers the proliferation of nuclear weapons.

A supplementary protocol to the NPT is needed, which would permit the signatory States to fulfil their obligations stated in Article IV of the NPT by supplying technical aid in form of Renewable Energy Technologies. The supplementary protocol should be the basis for an International Renewable Energy Agency that can act as a counterbalance to the institutionalized advocates for nuclear energy. The main provision of the supplementary protocol to Art IV should be: "The present Treaty permits the parties to the Nuclear Non Proliferation Treaty to replace the assistance in the peaceful use of nuclear energy provided for in article IV with assistance in promoting the use of clean, sustainable, renewable energy."

## **Satoru Konishi**

### **Hiroshima Survivor**

In the morning of August 6, 1945, I saw the blinding flash of the atomic bomb in Hiroshima. I was 16 years old and standing 4.5 kilometers from ground zero. I watched in awe as the colossal white column rose into the sky, as if a ferocious monster were climbing up to challenge heaven. Hiroshima was soon engulfed in a sea of flames that burned well into the night. Tens of thousands of mothers and children were shouting and begging in vain to be rescued.

By the next morning, the city had been razed to the ground, reduced to a vast nuclear desert. I wandered about in a daze. At one point, I noticed a voice shouting for water. The sound came from a deformed face that looked like a boiled flabby lump of white tofu. Due to the shock, my memories of that day are only a few incoherent fragments, but I still hear that man begging for water. I wonder if he forgave the 16 year-old-boy who failed to respond to his dying request.

Hordes of nuclear refugees wandered aimlessly through hell on earth. We have seen the end of the world from which only this body, *you*, can save us. We have seen nightmarish catastrophe beyond imagination and expression. We were stripped of humanity, the dead and survivors alike. Those who lived carried life-long physical and emotional injuries, including a “radioactive time bomb” that could explode at any moment. We suffered cruel, endless torment. Nuclear weapons are evil, immoral, inhuman instruments of the devil. They must be exorcised from our world now, before it is too late.

## **Recommendations: Start Negotiating Abolition**

### **Felix Fellmer**

#### **International Law Campaign**

We believe that an abolition framework is the only way forward. Abolition goes further than the simple physical destruction of the weapons – which is disarmament – and also encompasses non-proliferation. A Nuclear Weapons Convention would regulate the phasing out of all aspects of the nuclear weapons complex from the development and testing to deployment and use or threat of use. Verifiably. It would also provide the legal basis for the universal criminalization of nuclear weapons activities, thus helping to prevent breakout. Such a Convention has been written and is possible. It does not replace a step-by-step approach; it *is* a step-by-step approach. It does not compete with the NPT; it *completes* the NPT, which foreshadows such a Convention in its Article VI. Without the commencement of negotiations on a Convention we can never achieve the goals of the NPT. Whether to do this should no longer be an issue. There has to be a negotiated agreement on HOW to abolish nuclear weapons safely and forever; on HOW to deal with breakout or non-compliance; and on

HOW to verify a nuclear weapon-free world.

The goal of abolishing nuclear weapons may seem unrealistic to you now, given the difficulties you are facing in these negotiations. But it is equally unrealistic to believe that we can go on like we are for any length of time without the NPT collapsing. It is vital that you save it by making mature decisions about the future of this world and courageously stepping forward to meet this challenge.

## **20. Conclusion: Like-Minded States Could Close the Net**

20.1 When an international conference is subverted by important States with their own agenda, of course it will fail. But a failed conference – at one point in time with particular political actors and policies in place that may change – is no reason to give up on the full implementation of the Non-Proliferation Treaty. The NPT is the only existing legal instrument providing for the elimination of nuclear weapons.

20.2 Yet the dismal facts must be faced. The nuclear weapons threat is urgent. The NPT has never been more wounded. Proliferation of nuclear weapons is around the corner. A new jolt of energy is desperately needed to overcome the NPT malaise.

20.3 Where will that jolt come from?

Several years ago, the U.N. Secretary-General called for an international conference on nuclear dangers. Nothing happened.

The Conference on Disarmament tried to start an interlinking scheme that would at least implement negotiations for a fissile material ban. Nothing happened.

The Mayors for Peace, now 1,000 strong, called on the 2005 NPT Review Conference to launch negotiations for a Nuclear Weapons Convention to be concluded by 2010 and fully implemented by 2020. Nothing happened.

Kofi Annan wants world leaders gathering at the U.N. in September to take action. Will they?

20.4 Patience has run out. Frustration levels are too high. The NPT process must be reinvigorated if the Treaty is to survive. A working partnership of important non-nuclear States determined to save the NPT must now be forged. While the non-proliferation side of the Treaty must continue to be addressed, the heart of the crisis revolves around Article VI. A concerted

effort must now be made to bring Article VI issues to the forefront. The 13 Practical Steps started this process.

20.5 Instead of accepting the roadblock thrown up by the NWS, a group of like-minded States, from all regions, could now start new work to identify the legal, political and technical requirements for the elimination of nuclear weapons. Examples of such work would include establishment of verification capabilities, fissile material and nuclear weapons inventories, nuclear material controls, strengthening and expanding NWFZs, national abolition legislation like New Zealand's, and NATO nuclear-sharing issues. This work, in an Article VI Forum, could specify steps that could be taken unilaterally, bilaterally, regionally, and multilaterally to enhance security without relying on nuclear weapons. Such work would be done as a contribution to the NPT process and provide the framework for eventual negotiations leading to a nuclear weapons-free world.

20.6 This work should start at first among like-minded non-nuclear weapons States; working in forums with the NWS is, as the 2005 NPT experience and the continuing paralysis at the Conference on Disarmament show, debilitating. Like-minded States who really believe in Article VI of the NPT need to work together for a while to allow their creativity and commitment to surface. This process may well produce the outline of how negotiations, as called for in Article VI and reinforced by the International Court of Justice, can proceed. At some point in the new deliberations, those nuclear weapons States interested in joining a new process to fulfil Article VI could be invited in. A framework for negotiations could be started.

20.7 Much would depend on public backing and political support for this new initiative. A rising public demand for nations to get on with negotiating and implementing a Nuclear Weapons Convention to ban the production and deployment of all nuclear weapons may well take hold. It can be expected that one or more nuclear weapons States would resist and claim that it still needs nuclear weapons. But such claims would have less and less credibility in a world where the architecture for security without nuclear weapons became better understood and where the universal norm against the possession of nuclear weapons was growing in stature.

20.8 Like-minded States, who are tired of being dominated by recalcitrant NWS in the existing multilateral forums, need to be liberated in their quest for the elimination of nuclear weapons. Actually, they need to liberate themselves. In so doing they would provide new hope, at a moment of the NPT's deadly deadlock, for achieving true security for all humanity.









## **THE MIDDLE POWERS INITIATIVE**

A program of the Global Security Institute

Through the Middle Powers Initiative, eight international non-governmental organizations are able to work primarily with “middle power” governments to encourage and educate the nuclear weapons states to take immediate practical steps that reduce nuclear dangers and commence negotiations to eliminate nuclear weapons. MPI is guided by an International Steering Committee, chaired by Hon. Douglas Roche, O.C., former Canadian Disarmament Ambassador. [www.middlepowers.org](http://www.middlepowers.org)