

# **Ritualistic Façade**

## **Report and Assessment of Non-Proliferation Treaty Preparatory Committee Meeting**

**Geneva, April 28-May 9, 2003**

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## SUMMARY

**With North Korea withdrawing from the Treaty, Iran under attack for its nuclear program, the U.S. in the midst of developing a new “bunker buster” nuclear weapon, the Mayor of Hiroshima warning that “we stand today on the brink of hyper-proliferation and perhaps of repeating the third actual use of nuclear weapons,” the New Agenda countries complaining that there is “no sign” of efforts to involve all five nuclear weapons states in nuclear disarmament, France and Germany calling for a Summit Meeting of the U.N. Security Council on the proliferation of weapons of mass destruction, and the Non-Aligned Movement once more calling for comprehensive negotiations for a Nuclear Weapons Convention to eliminate all nuclear weapons – the Second Preparatory Meeting of the 2005 Review of the Non-Proliferation Treaty was held in Geneva April 28-May 9, 2003. It was chaired by Ambassador Laszlo Molnar of Hungary. Cuba, one of the last holdouts, joined the 188-member Treaty on October 1, 2002.**

**As occurred at the end of the first PrepComm in 2002, delegates adopted a procedural report to which was annexed the “Chairman’s Factual Summary” (Appendix “A”), which listed various points of view on the NPT’s key issues: nuclear non-proliferation, disarmament and international security, nuclear-weapon-free zones, safeguards, and the peaceful use of nuclear energy. Recommendations for action will be discussed only at the Third PrepComm, to be held April 26-May 7, 2004 in New York.**

**Though the proliferation of nuclear weapons has become a central subject in international discussions, the speeches (one could hardly call them debates) at the Second PrepComm were, for the most part, desultory and ritualistic. The concept of “interactivity” was introduced, in which some states posed questions of others, but the answers were deferred. One would never sense from listening to the representatives of the major states the gravity of this new moment, where new doctrines concerning the use of a new generation of nuclear weapons are underway. It was as if actors of the 106 participating countries were going through the motions, constructing a sort of façade, while outside the assembly the non-proliferation regime is eroding. Severe warnings to this effect were given during a morning devoted to 11 presentations by the representatives of 37 non-governmental organizations. But the**

**NGOs were shut out of the discussions once the general debate concluded. The questions of compliance, enforcement, proper funding for the International Atomic Energy Agency, and putting a spotlight on the central bargain of the NPT – that the nuclear weapons states would eliminate their nuclear weapons in return for all other states not acquiring nuclear weapons – were put off for another day.**

## **1. North Korea**

1.1 For the first time in the history of the Non-Proliferation Treaty, which came into effect in 1970, a state party has withdrawn. On January 10, 2003, the Democratic People’s Republic of Korea (North Korea) issued a statement of withdrawal, accusing the U.S. of a hostile act in listing North Korea as part of an “axis of evil,” and singling it out as a target of pre-emptive nuclear attack. Although it has proven ballistic missile capacity, it is uncertain if North Korea actually possesses nuclear weapons. But because it removed cameras and seals at its Yongbyon facilities and expelled IAEA inspectors, North Korea is suspected of developing a uranium enrichment capacity for nuclear weapons. The statement of withdrawal said, “We have no intention to produce nuclear weapons,” adding that its nuclear activities were confined to peaceful purposes such as the production of electricity. The IAEA, calling for North Korea to reinstitute safeguards programs, reported to the PrepComm: “The Agency is at present not in a position to conclude that nuclear material in [North Korea] has not been diverted to non-peaceful uses.”

1.2 When North Korea threatened a similar withdrawal in 1993, the U.S. and North Korea entered into a Framework Agreement in which the U.S. agreed to help North Korea with its nuclear power program in return for North Korea shunning the development of nuclear weapons. In 2000, both sides proclaimed their friendship even as it became apparent the agreement was breaking down. The Bush Administration in 2001 adopted a belligerent attitude, and at the 2003 NPT PrepComm accused North Korea of maintaining a nuclear weapons program: “It is only by eliminating its nuclear weapons program that North Korea can hope to improve its international standing and obtain the cooperation it needs for its economic development. If NPT withdrawal and threats to acquire nuclear weapons become the currency of international bargaining, our world will be in chaos.”

1.3 While diplomatic talks continue between the U.S., North Korea and China, Ambassador Molnar effectively removed the issue from the table at the PrepComm by stating that he would keep North Korea's nameplate in his "pocket." No one knew what future lay ahead for North Korea – reinstated or removed from the NPT – and the PrepComm went on with other matters.

## 2. Iran

2.1 The United States repeatedly accused Iran of developing a nuclear weapons program. Although Iran has stated that its nuclear program centering on the development of its Bushehr power plant is required by the country's growing energy needs and that it is meeting IAEA standards, the U.S. challenged NPT parties to "draw the inescapable conclusion that Iran's newly revealed nuclear facilities make sense only as a means to produce fissile material for nuclear weapons." However, the IAEA has yet to draw such a conclusion. The special investigation it conducted in recent months will be reported on in June, 2003. Nonetheless, U.S. Assistant Secretary of State John S. Wolf posed a series of questions about Iran:

How many other NPT non-nuclear weapons states built an enrichment plant before their first power reactor was finished? None. What responsible country would or could commit to building a production scale plant without extensive research and development? None. How many other NPT non-nuclear weapon states with nuclear programs based solely on light water reactors have also built large-scale heavy water plants? None. Why has Iran sought clandestinely to acquire laser enrichment technology? Iran has not answered, nor even admitted to this effort.

2.2 G. Ali Khoshroo, Iran's Deputy Foreign Minister responded with his own set of questions directed to the U.S.:

How many nuclear weapon states other than the United States have prescribed the use of nuclear weapons in conventional conflicts and developed new types of nuclear weapons compatible with its combat scenarios? None. Which other nuclear weapons states have named non-nuclear weapon states parties to the NPT as the targets of their nuclear weapons?

None. Which other nuclear weapon states have sought to utilize outer space for nuclear purposes more than the United States? None. How many NPT nuclear weapon states other than the United States have legally rejected the CTBT and practically doomed its future? Why did the United States through its unilateral withdrawal from the ABM and its abrogation of Step 7 of the 13 Steps threaten the strategic stability of the world? Which NPT party other than the United States has left such a record of undermining so many international instruments on disarmament and other issues alike? None. Are these not the relevant questions that should be dealt with at this PrepComm and other NPT meetings?

### **3. Tensions**

3.1 In the North Korea and Iran issues, the longstanding tensions in the nuclear non-proliferation regime flared up anew. The Arab states wanted the spotlight put on Israel (not an NPT member) for its nuclear weapons arsenal, but the Western countries virtually ignored the subject. The newly acquired nuclear weapons capacity of India and Pakistan (which also shun the NPT) is now mostly regarded as a *fait accompli*.

3.2 Meanwhile, the gulf between the NWS and the NNWS widens, with the U.S. openly regarding the 13 Practical Steps of the 2000 Review as but a “political” consensus. Having said at the First PrepComm in 2002 that it no longer supported two of the 13 Steps (CTBT and ABM), the U.S. said at the Second PrepComm: “We think it is a mistake to use strict adherence to the 13 Steps as the only means by which NPT parties can fulfill their Article VI obligations.”

3.3 Yet the New Agenda countries (Brazil, Ireland, Egypt, Mexico, New Zealand, South Africa and Sweden) criticized the lack of “constructive implementation of the 13 Steps – the blueprint for achieving nuclear disarmament, not lip service to them.” While the U.S. pointed to the Moscow Treaty of 2002 as a significant step forward in the implementation of Article VI, the New Agenda said, “We question the Treaty’s contribution to nuclear disarmament” because it “does not contain verification procedures and it ignores non-operational warheads.”

3.4 The U.S. emphasized that it has already dismantled 13,000 nuclear weapons and had eliminated more than a dozen different types of warheads. It said nothing about (though other states were aware of) its planned new "bunker-buster" nuclear weapon, the preparation of which the U.S. Congress authorized a few days after the PrepComm ended. Nor did the U.S. mention its new doctrine of pre-emptive attack (employed in Iraq) and threatened use of nuclear weapons against non-nuclear countries that use chemical or biological weapons, which would be a contravention of the negative security assurances previously given.

3.5 Similarly, Russia declared that it had reduced its strategic warheads to "5,518 units" and lowered its deployed strategic delivery systems to "1,136 units." But it said nothing of its efforts to match the development of the new U.S. bunker-buster. This was revealed a few days later by Russian President Vladimir Putin in a speech to the Duma: "I can inform you that at present the work to create new types of Russian weapons, weapons of the new generation, including those regarded by specialists as strategic weapons, is in the practical implementation stage."

3.6 The modernization of arsenals of lower numbers by the U.S. and Russia, the two dominant NWS, is the principal cause of the tensions in the non-proliferation area. The U.S. determination to focus on "counter-proliferation," i.e., stopping other countries from acquiring nuclear weapons while it not only retains nuclear stocks but threatens to use them, is a direct violation of the legal requirements of the NPT. The credibility of the U.S. position was not helped by its refusal to consider a treaty banning tactical nuclear weapons (it has 180 stationed in six NATO European countries), and its rejection of the attempts made by a number of states to have a reporting requirement of the actual numbers of nuclear weapons. The Non-Aligned Movement, the largest grouping of states in the NPT, severely criticized the U.S. Nuclear Posture Review for setting out rationales for the use of nuclear weapons and added: "The possible development of new weapons and new targeting options to serve aggressive counter-proliferation purposes further undermines disarmament commitments."

## **4. Terrorism**

4.1 Since September 11, 2001, the possibility of a terrorist attack with nuclear weapons has preoccupied many countries. Thus the G8 Summit (the U.S., U.K., France, Russia, Canada, Japan, Italy and Germany)

in Kananaskis, Canada in 2002 adopted a set of six principles to prevent terrorists, or those harbour them, from acquiring or developing weapons of mass destruction. They also launched a G8 Partnership Against the Spread of Weapons and Materials of Mass Destruction and pledged \$20 billion over 10 years to support this initiative. The Chairman's Factual Summary at the PrepComm hailed this as "a positive contribution toward cooperation in reducing threats from all weapons of mass destruction through practical initiatives."

4.2 Under the Trilateral Initiative – involving the IAEA, Russia and the U.S. – work has started in placing excess nuclear materials from dismantled weapons under international safeguards. The U.S. is purchasing from Russia low-enriched uranium for reactor fuel that has been down-blended from hundreds of tons of highly enriched uranium obtained from dismantled warheads. The U.S. and Russia have agreed to dispose permanently of 34 tons each of weapons usable plutonium.

4.3 These developments attempted to ease concerns at the PrepComm about terrorist acquisition of nuclear materials. Yet nothing was said of the looting of Iraqi nuclear facilities after the Iraq war. Though no nuclear or other weapons of mass destruction were found by the U.S. (the ostensible reason for going to war), Iraq's facilities containing valuable documents, partially enriched uranium and other radiological materials, which could be used for "dirty bombs," were ransacked under the noses of U.S. forces. Susan E. Rice, a senior fellow at the Washington-based Brookings Institution, has written: "The U.S. government has no idea how much radioactive material may have been stolen and could now be available to the highest bidder."

4.4 The G8 countries refuse to couple their fear of terrorist acquisition of nuclear weapons with the legal requirement for total elimination. It was left to the New Agenda Coalition to make the point that the continued possession of nuclear weapons by some states exacerbates the possibility of these weapons falling into the hands of terrorists. "The only complete defence against this prospect is the elimination of nuclear weapons and the assurance that they will never be produced again."



## 5. The Safeguards System

5.1 The International Atomic Energy Agency is charged not only with maintaining a regular safeguards program involving all declared nuclear facilities, but, since September 11, has also adopted an eight-point plan of action to improve protection against acts of terrorism involving nuclear materials. This extra work is funded through voluntary contributions. Of the \$12.2 million pledged, only \$8.4 million was received. The IAEA is struggling to get its regular budget increased for the safeguarding of 900 facilities in 70 countries. It is seeking an additional \$20 million annually. The U.S. pays \$100 million *per day* to maintain its nuclear weapons program. The IAEA warned the PrepComm: “The risk is real that the ability of the Agency to discover in time evidence of a covert nuclear weapons programme will erode unless the Agency receives the necessary resources.”

5.2 Also, the IAEA is hampered from full implementation of its “integrated safeguards” because of lagging response by states. In the past five years, although 72 states have signed an Additional Protocol with the IAEA, to allow for toughened inspections, these have entered into force in only 32 states. Another 18 NPT states with significant nuclear activities, including sensitive technologies, have not even signed the Additional Protocol.

5.3 The IAEA summed up the challenges facing the 2005 NPT Review:

These include the need to strengthen a safeguards regime that is currently under stress; to create a credible funding base for the Agency’s safeguards system; to establish a strengthened nuclear security framework; to upgrade nuclear safety around the world; and to reinvigorate the nuclear disarmament process including real progress in nuclear weapons dismantlement.

In conclusion, as stated by the IAEA Director General, ‘Impartial and independent verification is at the core of international efforts over the last 30 years to underpin the non-proliferation of nuclear weapons. The world has learned over three decades that only through impartial, international inspections can credibility be generated.’

## **6. Comprehensive Test Ban Treaty Organization**

6.1 The Comprehensive Test Ban Treaty Organization (CTBTO), established to provide a verification regime for the Comprehensive Test Ban Treaty once it enters into force, made a presentation at the first PrepComm. But it was blocked by a procedural technicality from doing so at this meeting. Instead, it submitted a written report showing that 167 states have signed and 98 have ratified the Treaty. It did not mention the few holdout states required to ratify it (because they have nuclear reactors). Since the U.S. has withdrawn its support of the CTBT, entry-into-force is presently blocked.

6.2 Meanwhile, according to the CTBTO, the establishment of the International Monitoring System, which consists of a worldwide network of 321 seismic, hydro-acoustic, infrasound and radionuclide stations and 16 radionuclide laboratories, is advancing well. Throughout 2002, installations were completed at 39 additional stations; 23 more stations were certified as meeting the technical requirements of the Preparatory Commission, bringing the total number of certified facilities to 47. Thus at the end of 2002, 46 per cent of the stations in the International Monitoring Systems, including two Antarctic stations, were completed and met the Commission's specifications. Since the beginning of 2003, three additional stations have been certified, bringing the total to 50 certified facilities. A further 80 stations are under construction or in the stage of contract negotiation.

## **7. New Agenda Coalition**

7.1 The obstacles to the implementation of Article VI of the NPT notwithstanding, the New Agenda Coalition (NAC) held its ground and introduced a Working Paper, which said:

We remain determined to pursue, with continued vigour, the full and effective implementation of the substantial agreements reached at the 2000 NPT Review Conference. That outcome provides the requisite blueprint to achieve nuclear disarmament.

7.2 The NAC called for multilaterally negotiated legally binding security assurances to be given by the five NWS. The Coalition also urged more unilateral reductions and the formalization of such reductions in

legally binding agreements ensuring transparency, verification and irreversibility. Further reduction of tactical nuclear weapons should be a priority.

7.3 The NAC, which has been reaching out to NATO NNWS to get support for its resolutions at the U.N. First Committee, made some headway in linking with Germany's concerns that tactical nuclear weapons have not yet been given a priority in disarmament talks. And a Working Paper, submitted by Austria, Mexico and Sweden explicitly called for the U.S. and Russia to include tactical nuclear weapons within the framework of the Moscow Treaty.

## **8. Non-Aligned Movement**

8.1 As usual, the Non-Aligned Movement (NAM), now led by Malaysia, took the strongest stands for nuclear disarmament.

We continue to believe in the need for negotiations on a phased program for the complete elimination of nuclear weapons with a specified framework of time, including a Nuclear Weapons Convention. In this regard, we reiterate our call to establish, as soon as possible, and as the highest priority, an Ad Hoc Committee on Nuclear Disarmament. The Movement underlines once again the unanimous conclusion of the International Court of Justice that there exists an obligation to pursue in good faith and to bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control. NAM regrets that no progress has been made in the fulfillment of this obligation despite the lapse of almost seven years.

8.2 The NAM once more called for a fourth U.N. Special Session on Disarmament (the first three were in 1978, 1982 and 1988), and also drew attention to the lack of progress on the Millennium Declaration's reference to an international conference on nuclear dangers. The Movement reiterated, as did the New Agenda Coalition, that "the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons."

## 9. High Level Action?

9.1 The recognition that the erosion of the non-proliferation regime requires some dramatic action beyond the structure of the Non-Proliferation Treaty itself is now starting to spread through some Western countries. Calling for the implementation of robust inspections under the authority of the U.N. Security Council to combat proliferation, France said:

The involvement of the Security Council is indeed necessary. It is for this reason that France is proposing that a meeting of the Council should be held for the Heads of State and Government during the next General Assembly of the United Nations. Such a Summit would have two aims: to take stock of the results of non-proliferation policy and to give decisive impetus to that policy.

9.2 Germany followed up by recalling the 1992 Security Council Summit in which a firm commitment was made “to prevent proliferation in all its aspects of all weapons of mass destruction.” This foundation could be built on by a new Security Council Summit Meeting “to give a new impetus to non-proliferation efforts against the backdrop of recent crises.”

Germany added:

Overall the goal should be the establishment of a new strategic consensus on how to deal with serious cases of non-compliance effectively and by making use of the possibilities provided in the U.N. Charter.

9.3 It is not at all certain that, when Western states refer to “non-compliance” in the non-proliferation regime, they mean to include the states that possess – and flaunt – their nuclear weapons as distinct from the states that are suspected of trying to join the nuclear club. But when the NAM and the NAC refer to “non-compliance” they mean to include the vertical aspects of proliferation, not just the horizontal. In today’s climate, any Summit of the Security Council or international conference on nuclear dangers (open to India) would certainly find a focus put on those states that continue to ignore the ruling of the International Court of Justice for the conclusion of negotiations for the elimination of nuclear weapons. The anticipation of

such a conflict puts the approval of all the Western countries of the exercise in some doubt.

9.4 Since Russia and China have again put themselves on record in support of negotiating a treaty on complete nuclear disarmament, the focus swings back to whether the Western countries will actually let higher level discussions go ahead. At the PrepComm, Russia said:

We are committed to decisions of the 2000 Conference and take specific steps to implement them. We consider the Final Document of the Conference as a real future program of multilateral, regional and other measures that contains benchmarks for negotiations on the step-by-step and consensus basis under strict observance of interests of security of all the NPT parties under conditions of stability and predictability and therefore it should be implemented entirely and not selectively.

9.5 China, calling for dialogue and cooperation rather than confrontation and the use of military force, said it held these positions:

First, a complete prohibition and thorough destruction of nuclear weapons must be realized and a world free of nuclear weapons established. Second, nuclear deterrence policy based on the first use of nuclear weapons should be abandoned. Third, existing nuclear arsenals must be reduced in an irreversible, effectively verifiable and legally binding manner.

9.6 For its part, the United Kingdom, drawing attention to the work it has done on verification for nuclear disarmament, said its stockpile of operationally available nuclear warheads had been reduced to fewer than 200, “which represents a reduction of more than 70 percent in the potential explosive power of our deterrent since the end of the Cold War. Nonetheless, the U.K. said it would not engage in multilateral negotiations until the world-wide number of nuclear weapons was reduced considerably. The U.K. attempted to shift the focus away from those who possess nuclear weapons by framing its call for a strengthened NPT in these words:

We can only do this if we combine the focus on disarmament with renewed and strengthened attention to compliance and verification: if we deal effectively with the challenge from the

DPRK; if we strengthen safeguards and fund them properly; and if we resolve concerns about the Iranian programme. We also need to keep the fight against all forms of terrorism, including the risk of nuclear and radiological terrorism at the front of our minds.

9.7 On the question of the viability of the NPT, the U.S. was emphatic. Assistant Secretary of State Wolf said: “Many observers are too quick to write the epitaph for the NPT ... The United States of America rejects that view.”

The NPT’s core purpose is preventing the spread of nuclear weapons. While the Treaty has been largely successful in this respect, irresponsible NPT parties are taking actions that pose fundamental challenges to the Treaty.

Today, each of us must make a choice. The time for business as usual is over. The time for resolute action is here. Without full compliance by all states, the security benefits of the Treaty will erode. Without strict enforcement, the international confidence that has underpinned the Treaty will dissolve, and the basis for peaceful sharing of nuclear technology will be destroyed. The world will become a far more dangerous place as more nations contemplate their future amid growing numbers of nuclear weapon states.

9.8 The NPT dilemma is summed up in that statement. The “core purpose” of the NPT is not just to stop the spread of nuclear weapons but to construct a world free of nuclear weapons. That means the countries which possess them must eliminate them. Otherwise, nuclear weapons are bound to spread. There cannot be a double standard. This is the message from much of the world that the U.S. Administration has a hard time hearing.

## **10. NGO Statements**

10.1 Despite being barred from the detailed discussions of the PrepComm once the general debate had concluded, the expert NGO representatives made a significant contribution to the meeting through their statements and seminars. The Chairman’s Factual Summary noted: “Many states parties emphasized the value of the involvement and contribution of

civil society in the process of Treaty review. Substantive proposals were made for the enhanced participation of non governmental organizations.” One of the proposals came from Canada in a paper written by Ernie Regehr, Executive Director of Project Ploughshares and a member of the Canadian delegation. The Canadian paper set out options for deeper NGO involvement, such as permitting NGOs to attend and speak at the detailed meetings, suitable seating and more access to documentation, and consultation between governments and NGOs on particular agenda items.

10.2 The NGO statements, made to a plenary meeting of the PrepComm, were compiled by Reaching Critical Will, a project of the Women’s International League for Peace and Freedom (WILPF) and the NGO Committee for Disarmament. The following highlights are from the document at [www.reachingcriticalwill.org](http://www.reachingcriticalwill.org).

- **The NPT Under Siege.**  
**Speaker: Rhianna Tyson (WILPF)**

It is all too obvious that the Nuclear Weapons States have failed to implement the practical, attainable 13 step nuclear disarmament plan, agreed to unanimously at the conclusion of the 2000 NPT Review Conference, in some cases blatantly casting aside or repudiating its central elements....

What are the implications for the NPT in this precarious context? Why, thirty- three years after it entered into force, does the threat of nuclear weapons still haunt our existence? Why is the threat of nuclear war now greater than at any time since the height of the Cold War? Thirty- three years of asymmetrical compliance has created unsustainable pressure on the Treaty, and today it faces near collapse. If the world community allows the Nuclear Weapons States to continue demonstrating their contempt for the Treaty, the NPT will crumble and we will find ourselves in the deadly grip of a new and uncontrollable global arms race....

The world’s people have been begging to be rid of these genocidal, ecocidal, and suicidal nuclear weapons for more than fifty years. The NPT has more member states than any other arms limitation agreement, a testament to the Treaty’s significance. Although some Non Nuclear Weapons States seem to be working towards proliferation, those which desire nuclear disarmament are the vast majority. The moral high ground is yours for the taking: together, you must reiterate your pledge never to use these weapons, never

to unleash the indiscriminate, unimaginable horrors of nuclear explosions on any people. You must stand up and refuse to be threatened with such atrocity. Any state that believes in the viability and justification for such use can be isolated, if the majority of you, together with the burgeoning new global peace movement, can muster the common political will to do so....

- **Evolving Nuclear Strategy of the U.S. and U.K.**  
**Speaker: Dr. Fiona Simpson (BASIC)**

The U.S. abandonment of the ABM Treaty, the refusal to press for ratification of the CTBT, the acceptance of the nuclear status of India and Pakistan, the termination of the START process in favor of the questionable viability of the SORT process, together with the inadequate support for the threat reduction and non-proliferation programmes, are all signs that this administration has abandoned diplomatic non-proliferation. The ‘End of Arms Control’ has been announced in Washington DC, and the end of non-proliferation is implicit in the Nuclear Posture Review, the National Security Strategy, and the latest Strategy to Combat WMD. NATO too, at US insistence, amended its position on the CTBT in two communiqués in 2001....

Germany, the Netherlands, Belgium, Italy, Greece and Turkey participate in the controversial nuclear sharing programs within the alliance. These countries need to state if they would be prepared to sanction the use of nuclear weapons against a non-nuclear state if called upon to do so by the Alliance Supreme Command. An exercise in the spring of 2002 posed this very question in the context of a chemical or biological weapons threat to Turkey, and resistance to even conventional pre-emptive strikes by NATO was strong. But the NPT regime is threatened from within as much as from without, and member states of NATO, nuclear sharing countries in particular, must decide if they stand behind the norms of the NPT, or behind the emerging policies of the United States.

- **Earth-Penetrating Nuclear Weapons, Nuclear Testing and Depleted Uranium Weapons: Medical Consequences.**  
**Speaker: Dr. Victor Siddel (IPPNW)**

*Any* use of nuclear earth-penetrating weapons (EPWs) – such as the B61-11 currently in the U.S. stockpile or any new “bunker busters” developed by the U.S. Department of Energy – would cause serious local health and



environmental damage. Development of new nuclear EPWs is called for in the U.S. Nuclear Posture Review delivered to Congress in December 2001 and the Bush administration has requested funds for the Robust Nuclear Earth Penetrator in both its Fiscal Year 2003 (\$15.5 million) and FY 2004 (\$15 million) budgets. A nuclear EPW research and development program would greatly increase pressure to resume nuclear test explosions by the U.S. and would place additional – perhaps fatal – stress on the non-proliferation regime.

... the development, deployment, and use of *any* nuclear weapons by the U.S. or any other State would undermine global security and further weaken the NPT and the CTBT, along with the non-proliferation regime built upon these treaties. Crossing the nuclear threshold for the first time since the U.S. used nuclear weapons on the cities of Hiroshima and Nagasaki – even with a “low-yield” nuclear weapon -- would be not only morally repugnant, it would signal the start of a nuclear war – something the entire world has been trying to prevent for more than 50 years.

- **Nuclear Disarmament and Ballistic Missile Elimination**  
**Speaker: Regina Hagen (INESAP)**

We propose the following systematic and progressive steps be undertaken:

**Stop testing missiles and missile defense systems.**

With test restrictions, the design of new missiles types would be effectively prevented, and even modifications to existing missile technology would be drastically limited. In combination with a stop to missile development and deployment and a halt to missile exports, such a ‘missile freeze’ would immediately end horizontal – i.e. geographical – as well as vertical – i.e. qualitative – missile proliferation....

**Initiate negotiations for an international treaty banning tests of ballistic missiles and of missile defense systems.**

Verification of a missile flight test ban can be done with existing technology. In setting up a verification system, the competent treaty organization could draw on the knowledge and experience of Provisional Technical Secretariat of the Comprehensive Test Ban Treaty Organization, among other verification agencies. It is therefore particularly regrettable that the CTBTO representative has been denied the opportunity to speak directly to you. We

strongly urge that this situation is rectified in the time for the CTBTO to address the 2005 Review Conference.

**Any research, development, testing, building, and deployment of weapons for use in space should be prohibited.**

Stopping the development of space weaponization now should have highest priority. We have the opportunity to prevent an arms race in outer space now. Negotiations on a treaty to ban weapons in space should therefore be started immediately.

Until a space weapons ban is in place, a moratorium on the weaponization of space by all space user states would help to build trust in the feasibility of such an endeavor.

- **Northeast Asia Nuclear Weapon-Free-Zone.**  
**Speaker: Dr. Hiromichi Umebayashi (Peace Depot)**

I [make] following recommendations to this Preparatory Committee,

1) to encourage the Northeast Asian states, the ROK, the DPRK and Japan, to initiate talks to establish a NWFZ with provisions for legally binding security assurances by nuclear weapon states, as a means to resolve regional security issues, including nuclear problems, while at the same time, encouraging the DPRK to rejoin the NPT, and

2) to call upon ASEAN leaders to make best use of the upcoming ASEAN Regional Forum (ARF), the sole Asia-Pacific regional multilateral forum devoted exclusively to security issues, to be held in Cambodia on June 18, in order that it may play a mediating role to advance constructive talks among Northeast Asian states and other concerned states including China, Russia and the United States, which are all member states of the ARF.

3) To call upon the United States to abandon its dangerous nuclear policy that targets certain designated states, including North Korea, with preemptive nuclear strikes. It is posing a great threat to international peace and security by increasing unnecessary tensions and suspicions as well as undermining security assurances given under NPT.

- **Needed: NPT Emergency Response Mechanisms.**  
**Speaker: Aaron Tovish (NGO Committee on Disarmament)**

**The NPT community needs a mechanism for convening on an emergency basis.**

Whenever any party or group of parties feels that the treaty faces a serious, urgent challenge, they should be able to instigate a process that could lead to the convocation of a meeting of the parties on short notice.

**The meeting of the parties must be able to take decisions by voting.**

If the collective voice is to be heard, the option to vote must be available. The parties should remain seized of the issue until it is resolved, or deemed manageable within the regular review process....

**This response mechanism must be available equally for NPT nonproliferation compliance crises and for NPT disarmament compliance crises.**

A good example of the latter would be an announcement by a nuclear-weapon state that it plans to resume nuclear weapon testing. Advance warning of an impending test could be relatively short, so the need for rapid consideration of the issue would be great.

By general treaty standards, the NPT is rather bare-boned in the mechanisms department. If it is going to handle the difficult times ahead, it must beef up a bit. Aside from an emergency response mechanism, other institutional mechanisms that deserve consideration are NPT task forces - such as one on NSAs -- and a permanent treaty secretariat.

- **An Urgent Call for the Total Abolition of Nuclear Weapons.**  
**Speaker: Dr. Tadatoshi Akiba (Mayor of Hiroshima)**

We stand today on the brink of hyper-proliferation and perhaps of repeating the third actual use of nuclear weapons. As the mayor of Hiroshima, I can assure you that the path we are walking leads to unspeakable violence and misery for us all. And as the mayor of Hiroshima, I am well aware that we must do more than talk about this danger. For over fifty years, mayors of Hiroshima have been raising the alarm about nuclear weapons. For 30 years, this august body has been fine-tuning the wording and debating the

implications of the NPT. Hiroshima celebrated in 2000 when the final document that emerged from the review conference included an "unequivocal undertaking" on the part of nuclear-weapon states to eliminate their nuclear arsenals. And yet, we are forced to conclude that the United States, the prime mover in all things nuclear, relentlessly and blatantly intends to maintain, develop and even use these heinous, illegal weapons.

Given US intransigence, other nuclear-weapon states cling to their weapons, and several non-nuclear-weapon states appear to be reevaluating the need for such weapons.

Therefore, it is incumbent upon the rest of the world, the vast majority of the international community, to stand up now and tell all of our military leaders that we refuse to be threatened or protected by nuclear weapons. We refuse to live in a world of continually recycled fear and hatred. We refuse to see each other as enemies. We refuse to cooperate in our own annihilation.

We demand here and now that, when the States Parties review the NPT in 2005, you take that opportunity to pass by majority vote, regardless of any nations that may oppose it, a call for the immediate de-alerting of all nuclear weapons, for unequivocal action toward dismantling and destroying all nuclear weapons in accordance with a clearly stipulated timetable, and for negotiations on a universal Nuclear Weapons Convention establishing a verifiable and irreversible regime for the complete elimination of nuclear weapons.

"Impossible," some will say. "The nuclear powers will never agree." But just as plants can get along fine without human beings, people are ultimately the power behind their leaders. The time has come for the people to arise and let our militarist, competitivist leaders know where the real power lies. The time has come to go beyond words, reason and non-binding treaties. The time has come to impose economic sanctions on any nation that insists on maintaining nuclear weapons. The time has come to use demonstrations, marches, strikes, boycotts, and every nonviolent means at our disposal to oppose the destruction of millions of our brothers and sisters, the destruction of our habitat and the extermination of our species. The time has come to fight, nonviolently, for our lives.

"The military industrial complex is too powerful," some will say. I have no illusions about what happens when the people seek to correct their rulers. It

took a hundred years and a terribly bloody war to free the slaves in the US, then another century to free them from the terror of lynchings and the humiliation of segregation. It took 30 years for Gandhi to free India from British rule. It took 15 years to stop the Vietnam War. Bottom-up change takes time and great sacrifice, but, unfortunately, people of moral and spiritual vision must again take up the struggle. The abolition of nuclear weapons is no less important and no less just than the abolition of slavery.

- **Israel and the Middle East.**

**Speaker: Dr. Mohammed Shaker (Egyptian Council for Foreign Affairs)**

The 2000 NPT review conference reaffirmed the importance of the [1995] Resolution on the Middle East and recognized the resolution to be valid until its objectives are achieved. The conference also reaffirmed the importance of Israel's accession to the NPT and placement of all of its nuclear facilities under comprehensive IAEA safeguards, realizing the goal of universal adherence to the NPT in the Middle East.

We believe that the 2005 conference should follow suit and should emphasize a time frame within which the zone is established. In view of the challenges facing the NPT, several voices are being raised in a number of Arab countries, why should we continue to be parties to the NPT while all these decisions and resolutions are not implemented? This situation would be aggravated if implementation were further delayed.

## **11. The Moral Case**

11.1 The strong moral case against nuclear weapons made by Mayor Akiba of Hiroshima and some other NGOs was not echoed in the government statements. The sheer horror of what nuclear weapons are all about is lost in regular governmental discussions. An exhibit of the human suffering caused in Hiroshima and Nagasaki, set up in an adjoining room, was mostly ignored by delegates. For this reason, the words of the Holy See, an NPT party, were especially compelling as well as needed in the PrepComm. Archbishop Diarmuid Martin, Permanent Representative to the United Nations office in Geneva, said:

The end of the Cold War should never permit us to overlook the calamitous damage which the use of nuclear weapons would

cause. A so-called “peace” based on nuclear weapons cannot be the type of peace that we seek for the 21<sup>st</sup> century. The proliferation of nuclear weapons can only make the possibility of their use ever more real. No State – big or small – can morally justify escalating such a risk.

The Holy See added that the preservation of the NPT demands “unequivocal action” towards the elimination of nuclear weapons. The fight against terrorism ought to galvanize the world to strengthen the NPT. The peace process requires that the Middle East be made a zone free of all weapons of mass destruction.

11.2 Against the backdrop of the paramount moral issue posed by nuclear weapons, the suggestion that better reporting methods in the NPT process will make the world a safer place is diverting if not disingenuous. Some Western countries, such as Canada, have invested time and energy into developing reporting formats. While it is, of course, better to have full disclosure by the NWS of their nuclear arsenals than not to have such information, the focus on the need for reporting shows how reluctant the allies and friends of the Western nuclear powers are to challenge them directly on their illegal rejection of comprehensive negotiations for elimination. It is not information about nuclear weapons that is the real issue; it is rather the possession, deployment and threat to use nuclear weapons. Western-oriented states, particularly those in NATO living under the nuclear umbrella of the U.S., are shirking their responsibilities to challenge directly the nuclear powers. Standardized reporting may increase the ability to make fissile materials more secure. But it may also increase the comfort level of governments with the status quo. It is the status quo – the maintenance of nuclear weapons by the powerful – that renders the NPT a discriminatory regime. The double standard must be ended, and nations which sincerely believe that the safety of the world can only be assured by the application of international law must start speaking out loudly.

11.3 The effect of the double standard was subtly depicted by Jayantha Dhanapala, Under-Secretary-General for Disarmament Affairs, who would in a few days leave the U.N. post he has held for five years. Pointing out that the number of nuclear weapons today is scarcely below the number that existed when the NPT came into force in 1970, he said: “... nuclear disarmament is proceeding at a rate of only about 42 weapons a

year. Can the world afford to wait literally hundreds of years to fulfill the promise of Article VI?"

Adding to this problem, some nuclear-weapon States are devising new rationales and doctrines to expand the circumstances in which these weapons would be used -- including doctrines that threaten preemptive nuclear strikes, even against non-nuclear-weapon States, and that reaffirm the great value of such weapons in advancing key security interests. They are also considering the development of new nuclear weapons. Many other NPT non-nuclear-weapon States, while supporting disarmament as a goal, continue to enjoy the security benefits from the nuclear umbrella, which remains based on the deadly doctrine of nuclear deterrence and first-use.

He asked whether the war in Iraq would serve as a deterrent to future proliferation, "or will it only encourage states to seek nuclear weapons?" Then, turning to the future, he warned that the "endless pursuit" of unilateral defensive measures and the "perpetual drive" for military superiority would produce a world full of nuclear weapons. "The more the horrible flaws in such strategies are critically examined, the more attractive nuclear disarmament becomes as a practical and effective alternative."

He closed in the same manner as in his final address as President of the 1995 NPT Review and Extension Conference: with an appeal to civil society. "I have valued for many years the persistent efforts of non governmental organizations in furthering the goals of the Treaty ..."

It is an historical fact that the Final Document of the 2000 NPT Review Conference reaffirmed that "the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons." I believe that an informed, united, and determined public offers the only absolute guarantee of actually achieving this goal. Where does the future of the NPT lie? It lies most of all in the support it enjoys among the people and its leaders.

Dhanapala's speech, aimed at shaking up the complacency of governments, was one of the most perceptive given during the two-week PrepComm. While the text of his speech was distributed, unfortunately, it

was not heard by most of the government delegates, since it was given in a noon-hour event sponsored by the Middle Powers Initiative and the Global Security Institute.

## **12. Conclusion: Assessment**

12.1 Because it had to appeal to all delegations, the Chairman's Factual Summary, negotiated among delegations in private meetings, was bland and certainly not a ringing call to action. The governments are so deeply divided on the issue of nuclear weapons that it would be unrealistic to think that problems which extend beyond the NPT itself can be resolved by the limited authority of a PrepComm. The issue of compliance with the NPT is less one of technical considerations and more one of the philosophy of power. The five permanent members of the Security Council exercise a hegemony over the rest of the world through their power, which is sustained by their possession of nuclear weapons. If they were sincere about living up to the fundamental bargain of the NPT, they would have acted – in a joint and collaborative manner – to shut down the nuclear weapons enterprises that they foster. They have had plenty of time to do this. And they have been given many citations for action, not least by the International Court of Justice.

Now the non-proliferation regime is further threatened by the emergence of a new ideology aimed at disbanding arms control and disarmament treaties. The ABM and the CTBT are but two examples. The diminishment of the qualitative value of the 13 Practical Steps undermines the protestations of an “unequivocal undertaking” to total elimination. The NPT is thus in a shaky state today, but it can only be strengthened by outside forces. The call for U.N. Security Council action at the Summit level may be a start, even if such a meeting were to begin with only a limited interpretation of what “non-proliferation” truly means. At least the discussion would be lifted out of the ritual of the NPT process. Left to itself in the present atmosphere, the NPT will fall apart. It simply cannot hold together in one compact two such divisive views and sets of actors. If the atmosphere were to change, then the NPT could make genuine progress because it has already shown a tremendous capacity for handling all the technical questions contained within the drive for nuclear disarmament. In the end, the fundamental question – do nations want to achieve nuclear disarmament – can only be answered by the governments concerned.



Here the question of public opinion, as Dhanapala has repeatedly said, will be a determining factor. Will the publics manifest to their political leaders their aversion to nuclear weapons, and make governments respond to deeply held feelings of the immorality, illegality and sheer danger of the continued possession of nuclear weapons? The answer to that question is uncertain. Though publics around the world manifested their aversion to war in the run-up to the 2003 Iraq war, they have been largely silent on the nuclear weapons issue. While public opinion polls have shown that people generally would like to get rid of nuclear weapons, there has not been a vibrant expression of that opinion. It lies rather flat and flabby in the list of public concerns. There are so many crises in the world that the nuclear weapons issue seems remote. Even educators seem perplexed by the immensity of the issue.

Yet the world is inexorably moving to some form of nuclear warfare. That this should be happening in what has been termed the “Post-Cold War” era is a paradox of immense consequences.

The questions of political power and the rule of law must be addressed if the Non-Proliferation Treaty is to play its part in world safety. These questions are essentially moral ones. People do understand moral issues. When they understand the moral consequences of present trend-lines, they will not put up with the ritualistic façade that the NPT review process has become.