

The NPT: Crisis and Challenge

**Report and Assessment of
Non-Proliferation Treaty Preparatory Committee Meeting
New York, April 8-19, 2002**

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SUMMARY

An exercise in frustration, the first meeting of the Preparatory Committee for the 2005 Review of the Non-Proliferation Treaty dashed the hopes raised at the 2000 Review for serious progress on nuclear disarmament. Not only did the Nuclear Weapons States (NWS) step back from their “unequivocal undertaking” to negotiate the total elimination of their nuclear arsenals, the PrepComm could not even agree on how implementation reports will be made. Extensive wrangling over a timetable for the PrepComm meetings signaled the deep divisions persisting in the international community on the future of nuclear weapons. With the United States openly admitting that its new approach consists of nuclear and non-nuclear offensive systems and stating that it “no longer supports” some of the 13 Practical Steps agreed to in 2000 (e.g., ABM Treaty, CTBT), the NPT has been severely wounded.

The New Agenda countries played a strong role, protesting that there had been few advances in the 13 Steps since 2000, warning that, despite bilateral and unilateral reductions, the total number of nuclear weapons deployed and stockpiled still amounts to thousands, and promising to pursue, with continued vigour, the full and effective implementation of the 2000 agreements.

The subjects of nuclear terrorism, compliance by Iraq and North Korea to their NPT commitments, and the continuing refusal of India, Pakistan and Israel to join the NPT were all given prominent attention. The IAEA pointed to its \$12 million voluntarily funded 8-point plan of action to improve protection against acts of terrorism involving nuclear material and other radioactive materials.

The PrepComm took up the subject of reporting on the implementation of Article VI and the 1995 Resolution on the Middle East, but could not agree on the scope, frequency or format of such reporting.

Fourteen statements by non-governmental organizations to the PrepComm were praised by several delegates for substance and insights.

The PrepComm ended with a seven-page “Chairman’s Factual Summary” annexed to the Report of the PrepComm. The Factual Summary reflected points made at the meeting, including concern about existing nuclear arsenals, new approaches to the future role of nuclear weapons and development of new generations of nuclear weapons; and concern that the U.S. withdrawal from the ABM Treaty and the development of missile defence systems could lead to a new arms race. This document goes forward to the Second PrepComm (2003 in Geneva), but its status was immediately challenged; though the Report (with the Annex) was adopted without a vote, the U.S., the U.K. and France made a point of insisting that the Factual Summary was only the Chairman’s “personal” statement.

1. Background

1.1 Following the Indefinite Extension of the NPT in 1995, annual Preparatory Committee meetings were established for each subsequent five-year review. The 2000 Review strengthened the process by providing continuity from one PrepComm to the next. The PrepComm was instructed to factually summarize the discussions at its first and second sessions and transmit it forward. Only at the third (and fourth, if held) sessions, would the PrepComm attempt to produce a consensus report containing recommendations to the 2005 Review Conference.

1.2 Each session of the PrepComm was instructed to consider principles, objectives and ways to promote the full implementation of the Treaty as well as its universality. To this end, each session is to consider specific matters of substance, with particular reference to the Principles and Objectives for Nuclear Disarmament agreed to in 1995, including this central passage:

“The determined pursuit by the nuclear-weapons States of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goals of eliminating those weapons, and by all States of general and complete disarmament under strict and effective international control.”

1.3 The PrepComm was also instructed to take into account the Resolution on the Middle East adopted at the 1995 NPT Review and Extension Conference. This resolution, aimed at Israel, calls upon all states of the Middle East that have not yet done so, without exception, to accede to the NPT as soon as possible and to place their nuclear facilities under full-scope International Atomic Energy Agency safeguards.

1.4 The PrepComm was further instructed to consider outcomes of Review Conferences, including developments affecting the operation and purpose of the Treaty. At the 2000 Review, a big step forward was taken through securing from the NWS “an unequivocal undertaking to accomplish the total elimination of their nuclear arsenals.” This commitment was embodied in a program of 13 Practical Steps which all States Parties agreed to to manifest their systematic and progressive efforts to implement Article VI of the NPT.

1.5 The first session of the PrepComm met at the United Nations in New York April 8-19, 2002 under the chairmanship of Ambassador Henrik Salander of Sweden; 137 States Parties (of the 187 total) attended. The second session will be held April 28-May 9, 2003 in Geneva (the Chairman will be Ambassador Laszlo Molnar of Hungary); the third April 26-May 7, 2004 in New York; the Seventh Review will be held May 2-27, 2005 in New York.

2. Under-Secretary-General Dhanapala: ‘A Shadow’

2.1 Jayantha Dhanapala, Under-Secretary-General for Disarmament Affairs opened the meeting by underscoring the urgency, following the terrorist attacks of September 11, 2001, of effective measures to eliminate the risk of weapons of mass destruction proliferation and falling into the hands of terrorists. He recalled the words of Secretary-General Kofi Annan:

“...we must now strengthen the global norm against the use or proliferation of weapons of mass destruction. This means, among other actions, redoubling the efforts to ensure universality, verification and full implementation of key treaties related to weapons of mass destruction...”

Despite these calls, Mr. Dhanapala said that a “shadow” was cast over prospects for progress; and this had caused the advance of the Bulletin of Atomic Scientists’ “Doomsday Clock” – a barometer of nuclear danger for the past 55 years – to seven minutes to midnight, two minutes closer to the midnight hour symbolizing nuclear conflict.

2.2 A week after his opening address, Mr. Dhanapala stepped up his warning when he addressed a noon-hour meeting convened by the Global Security Institute in the same conference room used by the NPT PrepComm. The Under-Secretary-General received the first Alan Cranston Peace Award and gave a major address (text, Appendix “A”)

More than a decade after the end of the Cold War, there are 30,000 nuclear weapons still in existence he said, many of them on alert launch-on-warning status. As well as a blocked CTBT process, the world is facing:

- the prospect of the demise of the Anti-Ballistic Missile Treaty(ABM);
- the fear that nuclear tests may be conducted in the future;
- plans for the use of nuclear weapons even against non-nuclear weapons states;
- the development of improved nuclear weapons.

He excoriated the maintenance of nuclear weapons. In his personal view, he said, they are “totally illegitimate and immoral.”

“No one seriously expects total disarmament or unilateral disarmament overnight. Incremental progress in nuclear disarmament with verification is a pragmatic necessity so that nations can be assured of their security. But there has been no serious implementation of the nuclear disarmament commitments made in the NPT, the Preamble of the CTBT, the Final Declaration of the 2000 NPT Review Conference and the Millennium Declaration. The disarmament community must therefore rekindle the public campaign for nuclear disarmament.”

3. The New Agenda vs. NWS

3.1 While the PrepComm generally operated in a low-key atmosphere, the tension between the New Agenda countries (Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa and Sweden) and the NWS (the U.S., Russia, the U.K., France and China) surfaced early. The N.A., coordinated at this time by Egypt, held out for a timetable that would focus on reviewing progress made in the implementation of the 13 Practical Steps. The U.S. in particular resisted such a concentrated approach. The dispute, revolving around whether actual “reports” would be considered, overflowed into the 1995 Middle East resolution, which itself was stepped up in the 2000 Final Document, which named Israel (as well as Iraq and North Korea). Egypt wanted a concentrated debate on the Middle East problem. In the end, the PrepComm agreed to a timetable that allowed, without particular concentration, a debate on all these topics. Chairman Salander inserted into the PrepComm Report this statement to ensure there would be no backsliding from 2000: “Nothing in the indicative timetable of which we have just taken note alters the status of the Final Document of the 2000 NPT Review Conference.” However, while the status of the Final Document is not in doubt, the continuing agreement to it by the NWS is.

3.2 Of the 66 statements made in the general debate, the sharpest counterpointing was between the N.A. and the U.S.

3.3 The N.A. speeches, given by Ambassador Mahmoud Mubarak, Assistant Minister of Foreign Affairs, Egypt, expressed disappointment at the lack of advance in implementing the 13 Steps.

“This lack of progress is inconsistent with the unequivocal undertaking by the nuclear-weapons States to achieve the total elimination of their nuclear arsenals. Furthermore, we are deeply concerned about emerging approaches to the future role of nuclear weapons as a part of new security strategies.

Moreover, there is no sign of efforts involving all the five nuclear-weapons States in the process leading to the total elimination of nuclear weapons. On the contrary, there are worrying signs of the development of new generations of nuclear weapons.

We reaffirm that any presumption of the indefinite possession of nuclear weapons by the nuclear-weapon States is incompatible with the integrity and sustainability of the nuclear non-proliferation regime and with the broader goal of the maintenance of international peace and security.”

3.4 The N.A. focused sharply on the reporting it seeks concerning the implementation of Article VI:

“These reports should be submitted to each session of the Preparatory Committee. The reports on Article VI should cover issues and principles

addressed by the thirteen steps and include specific and complete information on each of these steps (inter alia, the number and specifications of warheads and delivery systems in service and number and specifications of reductions, dealing measures, existing holdings of fissile materials as well as reduction and control of such materials, achievements in the areas of irreversibility, transparency and verifiability). These reports should address current policies and intentions, as well as developments in these areas.”

3.5 The N.A. submitted a detailed Working paper, which pointed to a number of areas for “The Way Ahead.”

- “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.
- Multilaterally negotiated legally binding security assurances must be given by the nuclear-weapon States to all non-nuclear weapon States parties. The Preparatory Committee should make recommendations to the 2005 Review Conference on the modalities for immediate negotiations on this issue. Pending the conclusion of such negotiations, the nuclear-weapon States should fully respect their existing commitment in this regard.
- The nuclear-weapon States must increase their transparency and accountability with regard to their nuclear weapons arsenals and their implementation of disarmament measures.
- Further efforts by nuclear-weapons States to effectively reduce their nuclear arsenals unilaterally are required. Formalization by nuclear-weapon States of their unilateral declaration in a legally binding agreement including provisions ensuring transparency, verification and irreversibility is essential. Nuclear-weapon States should bear in mind that reductions of deployments are a positive signal but no replacement for the actual elimination of nuclear weapons.
- Nuclear-weapon States should implement the NPT commitments to apply the principles of irreversibility by destroying the nuclear warheads in the context of strategic nuclear reductions and avoid keeping them in a state that lends itself to their possible redeployment. While deployment reduction, and reduction of operational status, give a positive signal, it cannot be a substitute for irreversible cuts and the total elimination of nuclear weapons.

- Further reduction of non-strategic nuclear weapons should be a priority.

Nuclear-weapons States must live up to their commitments. Reductions of non-strategic nuclear weapons should be carried out in a transparent and irreversible manner to include reduction and elimination of non-strategic nuclear weapons in the overall arms reductions negotiations. In this context, urgent action should be taken to achieve:

Further reduction of non-strategic nuclear weapons, based on unilateral initiatives and as an integral part of the nuclear arms reductions and disarmament process;

- a) further confidence-building and transparency measures to reduce the threats posed by non-strategic nuclear weapons;
- b) concrete agreed measures to reduce further the operational status of nuclear weapons systems, and to
- c) formalizing existing informal bilateral arrangements regarding non-strategic nuclear reductions, such as the Bush-Gorbachev declarations of 1991, into legally binding agreements.”

4. The United States: ‘Nuclear Offensive Systems’

4.1 Through several interventions by Ambassador Norman Wulf, the chief U.S. representative at the PrepComm, Ambassador Eric M. Javits, U.S. representative at the Conference on Disarmament, and an Information Paper on Article VI, the United States tried to reassure the PrepComm that it is proceeding down the nuclear disarmament path. The U.S. pointed to its dismantling of more than 13,000 nuclear weapons since 1988, and further reductions of operationally deployed strategic nuclear warheads to a level between 1,800 and 2,200 warheads over the next decade.

“President Bush is committed to cooperation with Russia and the other states of the former Soviet Union to reduce the threat from nuclear and other weapons of mass destruction. The United States has allocated \$6.5 billion for all nonproliferation and threat reduction assistance to former Soviet states since 1992, with about \$1 billion requested for FY 2003. These programs have helped to rid nuclear weapons from Ukraine, Belarus and Kazakhstan. They also have assisted in the elimination of strategic offensive delivery vehicles and enhanced the safety and security of nuclear materials and nuclear weapons.

The United States is not developing new nuclear weapons. President Bush has not directed the U.S. Departments of Defense or Energy to undertake

such action. The United States has not produced new nuclear warheads in a decade. While the Bush Administration has no plans to pursue ratification of the Comprehensive Test Ban Treaty, it continues to observe the moratorium on nuclear explosive testing and has no plans to resume such testing. Secretary of State Powell and Secretary of Energy Abraham recently confirmed these policies in Congressional testimony. We also encourage other states to honor this moratorium. The U.S. stockpile stewardship program is designed to provide the tools necessary to ensure safety, security, and reliability without nuclear explosive testing. We also continue to participate in and fund activities related to establishment of the international monitoring system to detect nuclear explosive testing.”

4.2 Ambassador Wulf said that the U.S. “generally agrees” with what he termed “the conclusions” of the 2000 NPT Review Conference. Ambassador Javits elaborated this point, insisting that “engaging in technical or legal interpretation of the steps individually or collectively would not, in our judgment, be a useful exercise.” The proper question, he said, was not whether any given measure was being fulfilled but whether a nuclear weapon state is moving forward the overall goal. “For the United States, the answer is an emphatic yes.”

4.3 He went on to say that the U.S. “no longer supports” two of the 13 Steps: the ABM Treaty and the CTBT. Regarding the ABM Treaty, he said:

“The ABM Treaty is from an era when different assumptions guided the strategic relationship between the United States and the Soviet Union. Today, Presidents Bush and Putin are embarked on a new relationship. Moreover, we find it anomalous that those who profess the greatest interest in nuclear disarmament would criticize the United States for seeking to develop missile defenses that would in part reduce U.S. dependence on nuclear weapons.”

4.4 Regarding the CTBT, he said:

“We continue to maintain a moratorium on nuclear testing. And last month, several senior Administration officials made clear that the United States is committed to this moratorium. The Stockpile Stewardship Program is designed to ensure the continued safety and reliability of U.S. nuclear weapons. The United States has no plans for a resumption of nuclear testing.”

4.5 The pull-back from two of the 13 Steps is the tip of an iceberg now in the way of the nuclear disarmament course. The iceberg was revealed in Ambassador Javit’s comment, stemming from the U.S. Nuclear Posture Review, which reemphasized the continuing importance of nuclear weapons. Whatever the precise political status of the Nuclear Posture Review, Ambassador Javits made plain U.S. policy when he said:

“The new U.S. approach will consist of nuclear and non-nuclear offensive systems, active and passive defenses, and a revitalized defense infrastructure. These elements are interrelated, but have one thread in common – a reduced reliance on nuclear weapons.”

4.6 Reduced reliance on nuclear weapons goes forward hand-in-hand with the threat to use nuclear weapons for offensive purposes. It is clear, Ambassador Javits said, “that no timetable can be set for the ultimate fulfillment of Article VI or for the achievement of whatever steps may be involved in reaching that goal.”

4.7 There the issue is joined. Does the U.S. believe it has made an “unequivocal undertaking” to the total elimination of nuclear weapons? Is the U.S. operating in the “good faith” requirement of Article VI?

5. Other NWS: ‘Reductions and Criticism’

5.1 The following are excerpts from the speeches by the other NWS, dealing with Article VI:

a) Russia

“We are convinced that under present conditions it is necessary to conclude a new legally binding treaty regarding further SOW reductions, where not only a new level of reduction down to 1700-2200 reentry vehicles will be specified, to which Russia and the United States will come during 10 year period. I will remind here that Russia has been prepared to agree to a lower level of reductions – down to 1500 reentry vehicles. It will also be necessary to underscore there an interrelation between strategic offensive weapons and defensive weapons. We think it is important that such reductions were real and reliably monitored. At present Russia and the United States are engaged in intensive negotiations on the elaboration of such a treaty, as well as declaration on new strategic relations between both nations.

All are very well familiar with the fact that Russia qualified unilateral U.S. decision to withdraw from the ABM Treaty as a wrong step. Besides anything else, it is not in line with either recommendations of the Final Document of the 2000 NPT Review Conference, or the opinion of the world community, reflected in U.N. General Assembly resolutions, which have been adopted during previous three years in a row on preservation and compliance with the ABM Treaty. We are also concerned because of the fact that the withdrawal from the ABM Treaty may bring along such a dangerous development of events as “weaponization” of space.”

b) China (Ambassador Huxiaodi)

“We note not without regret that the provisions of the Final Document of the 2000 NPT Review Conference have not been fully materialized and that new negative developments which have an impact on the NPT review process and detriment to international security environment have occurred. The ABM Treaty, which is widely recognized by the international community as a cornerstone of strategic stability, is becoming history. The BWC Protocol, which had been under negotiation for seven years, was rejected. The CTBT is seeing a grimmer prospect of entry into force due to a negative attitude towards it. The bloodshed in the Middle East is continuing. And more recently, even more disturbing developments have been observed in the nuclear field. All of these have added to the uncertain and destabilizing factors in the international security field. Their adverse effects on the NPT review and implementation process must not be neglected....

As a nuclear weapons State, China has never shied away from her responsibility in nuclear disarmament. China has, with her own action, made unique contributions to international nuclear disarmament. China consistently advocates a complete prohibition and thorough destruction of nuclear weapons. China has, ever since coming into possession of nuclear weapons, undertaken unconditionally not to be the first to use nuclear weapons and not to use or threaten to use nuclear weapons against non-nuclear weapon States or nuclear-weapon-free zones. China has never been in any nuclear arms race, nor has it deployed any nuclear weapons outside of China. China firmly believes that comprehensively banning nuclear test explosions is an important step in the process towards the complete prohibition and thorough destruction of nuclear weapons. China supports an early entry into force of the Comprehensive Nuclear Test Ban Treaty, is committed to its ratification at an early date, and supports and participates in the preparatory work for the CTBT with concrete actions. China supports the Conference on Disarmament in reaching a program of work agreed by all parties and begin to negotiate, according to the mandate of the “Shannon Report,” a multilateral, non-discriminative and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons.”

c) United Kingdom (Ambassador Peter Jenkins)

“The U.K. has led the way in taking measures to reduce its reliance on nuclear weapons to the minimum level necessary consistent with national security. In the last few years:

- we have unilaterally reduced our operationally available stockpile to few than 200 warheads, which represents a reduction of more than 70%

in the potential explosive power of our deterrent since the end of the Cold War.

- We have reduced the readiness of our nuclear forces. Only a single Trident submarine is now on deterrent patrol, carrying 48 warheads. The submarine on patrol is normally on several days “notice to fire” and its missiles are de-targeted.
- And we have withdrawn from UK’s freefall nuclear bomb, leaving Trident as our only nuclear system.

I am pleased to be able to announce today that the UK’s last Chevaline warhead will be dismantled by the end of this month – part of our commitment to irreversibility in reductions in the UK’s nuclear weapons.

We have ratified the CTBT and have not carried out a nuclear explosion since 1991.

In 1995 we announced that we had stopped the production of fissile material for nuclear weapons and other nuclear explosive devices. We call upon those who have not yet done so to follow our example. Having reduced our nuclear weapons to a single system at the minimum level necessary for the UK’s national security, further unilateral steps we can take now without compromising that security are limited. We continue to encourage mutual, balanced and verifiable reductions in the numbers of nuclear weapons world-wide. When we are satisfied that sufficient progress has been made to allow us to include British nuclear weapons in multilateral negotiations without endangering our security interests, we will do so.”

d) France (Ambassador Hubert de la Fortelle)

“France has agreed, under Article VI, to pursue good-faith negotiations on nuclear disarmament measures. What it undertook to do it has in fact done, and continues to do, in particular by basing its policy of nuclear deterrence on the principle of strict sufficiency and by reducing its nuclear arsenal in an exemplary manner, despite an international strategic context now marked by increasing uncertainties in the area of security....

France has made clear its determination to contribute to systematically and progressively moving to reduce globally the level of nuclear weapons with the ultimate goal of eliminating them altogether. France is aware of the importance of taking a pro-active stance to maintain momentum. The “practical steps” included in the Final Document of the 2000 Review Conference indicate the direction in which we must go. There is, we must

realize, not one single path, but there is a general direction to which these concrete measures point.

True to its commitments, France has resolutely implemented Article VI and the relevant provisions of Decision 2 of 1995. It has put these commitments into practice, in particular through exemplary unilateral measures....

If it is to have a profound effect, the pro-active stance must be based on a principle of reality. In this instance, the objective of general and complete disarmament illustrates this principle. It is enshrined in the Treaty and in the 1995 Decision on Principles and Objectives. It is one of the concrete measures in the 2000 Final Document, which it helps to clarify. It is in fact inseparable from nuclear disarmament. Far from constituting an obstacle to achieving a world without nuclear weapons, the prospect of general and complete disarmament must underpin the nuclear disarmament process to ensure that the latter is carried out in compliance with the principle of undiminished security for all....

The measures taken by France over the last ten years are milestones in the process of effective and thorough nuclear disarmament in accordance with the Final Document of 2000. France calls for a systematic and progressive process to ensure that what has been done will not be undone.”

6. The European Union: More Eastern Countries

6.1 The European Union (E.U.), originally composed of the States of Western Europe, is increasingly speaking at international gatherings for more nations. The E.U. speeches at the PrepComm, given by Spain, spoke also for the Central and Eastern European countries associated with the E.U., Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia, as well as new associated countries, Cyprus, Malta, Turkey. Also, Iceland, Liechtenstein and Norway, members of the European Economic Area, aligned themselves with the statements.

On Article VI issues, the E.U. said:

“We welcome the ongoing bilateral negotiations between the Russian Federation and the U.S.A. on strategic nuclear arms reduction. These negotiations constitute a very important step and any disarmament measures agreed should be swiftly embodied into a legally binding instrument with provisions ensuring irreversibility, verification and transparency.

For the first time in the NPT process, the issue of non-strategic nuclear weapons was included in a final document. We deem it an integral part of

the nuclear arms reduction and disarmament process and look forward to the fulfillment of the commitments taken by the relevant states during the VI Review Conference. We encourage them swiftly to start negotiations on an effectively verifiable agreement on drastic reductions of these weapons.

The EU is convinced that the application of the principle of irreversibility to nuclear disarmament, nuclear and other related arms control and reduction measure, contributes to the maintenance and reinforcement of international peace, security and stability.

Furthermore, the EU fully endorses the NPT 2000 Final Document call for increased transparency by the nuclear weapon states with regard to the nuclear weapon capabilities and the implementation of agreements pursuant to Article VI and, as a voluntary confidence building measures, to support further progress in disarmament. Regular reporting, in the framework of the strengthened review process, by all States Parties will further promote international stability.

The EU takes note of the US decision to withdraw from the ABM Treaty and welcomes the ensuing bilateral negotiations with the Russian Federation to create a new strategic framework. We also expect that the above mentioned negotiations will further promote international stability.”

7. The Non-Aligned Movement: ‘An International Conference’

7.1 Indonesia, speaking on behalf of the 115-member Non-Aligned Movement, reiterated the NAM’s long-standing call for the complete elimination of nuclear weapons.

7.2 The NAM expressed its concern about:

- “The continued inflexible postures of the Nuclear Weapon States that continue to prevent the Conference on Disarmament, the sole multilateral negotiating body on disarmament, from establishing an Ad Hoc Committee on nuclear disarmament. We continue to believe in the need for negotiations on a phased programme for the complete elimination of nuclear weapons with a specified framework of time, including a Nuclear Weapons Convention, and in this regard reiterate our call for the establishment as soon as possible and as the highest priority of an Ad Hoc Committee on Nuclear Disarmament. In this context, we underline 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. We regret that no progress

has been made in the fulfillment of this obligation despite the lapse of five years;

- The continued inability of the Conference on Disarmament to resume its negotiations on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other explosive devices taking into account both nuclear disarmament and nuclear non-proliferation objectives; and
- The lack of progress in diminishing the role for nuclear weapons in security policies to minimize the risk that these weapons will ever be used and to facilitate the process of their total elimination.

We reiterate once again our support for the convening of the Fourth Special Session of the United Nations General Assembly devoted to Disarmament. We continue to call for further steps leading to the Convening of the Fourth Special Session with the participation of all Member States of the United Nations as well as the need for SSOD-IV to review and assess the implementation of SSOD-1, while reaffirming its principles and priorities.

Furthermore, we are concerned that no progress has been achieved towards the realization of the United Nations Millennium Declaration in which Heads of State and Government resolved to strive for the elimination of weapons of mass destruction, in particular nuclear weapons, and to keep all options open for achieving this aim, including the possibility of convening an international conference to identify ways and means of eliminating nuclear dangers. We again call for an international conference, at the earliest possible date, with the objective of arriving at an agreement on a phased programme for the complete elimination of nuclear weapons with a specified framework of time to eliminate all nuclear weapons, to prohibit their development, production, acquisition, testing, stockpile, transfer, or threat of use, and to provide for their destruction. We are also deeply concerned about the progressive erosion of multilateralism, and emphasize the importance of collective international efforts to enhance and maintain international peace and security.”

8. IAEA and Safeguards: Combating Terrorism

8.1 The International Atomic Energy Agency (IAEA) described its plan of action to improve protection against acts of terrorism involving nuclear material and other radioactive materials. The eight areas are:

“1) physical protection of nuclear material and nuclear facilities; 2) detection of malicious activities (such as illicit trafficking) involving nuclear and other radioactive materials; 3) strengthening of State systems for nuclear material accountancy and control; 4) security of radioactive sources, 5) the assessment of safety and security related vulnerabilities at nuclear facilities; 6) response to malicious acts or threats thereof; 7) the adherence to international agreements and guidelines, and 8) enhancement of programme co-ordination and information management for nuclear security related matters.”

8.2 These measures, costing \$12 million annually, will be funded through voluntary means. The Agency currently safeguards more than 900 facilities in 70 countries on a regular safeguards budget of \$80 million per year. “It is clear that if the Agency is to continue to provide credible verification assurances, and strengthen its safeguards system, the verification mission must be matched by the required resources.”

8.3 The IAEA reported on two contentious areas:

“Democratic People 's Republic Korea

The Agency continues to be unable to verify the correctness and completeness of the initial declaration by the Democratic People's Republic of Korea (DPRK) of nuclear material subject to safeguards in accordance with its NPT safeguards agreement with the Agency. At the request of the UN Security Council, however, the Agency since November 1994 has been monitoring the "freeze" of DPRK's graphite moderated reactor and related facilities in accordance with the "Agreed Framework" between the United States and the DPRK, and has also maintained a continuous inspector presence at the Nyongbyong site. Although DPRK's safeguards agreement with the Agency remains binding and in force, the DPRK continues to link this verification to progress in the implementation of the light-water reactor project as provided for in the US-DPRK "Agreed Framework". As the Agency has mentioned earlier, the work required to verify that all nuclear materials subject to safeguards in the DPRK have been declared and placed under safeguards could take 3-4 years, with full co-operation on the part of the DPRK.

Iraq

The Director General has reiterated that the Agency continues to stand ready to resume its Security Council mandated verification activities in Iraq at short notice. The IAEA's objective should it return to Iraq, is clear: but to provide assurances through verification measures that the situation with regard to nuclear activities in Iraq has not changed since the Agency verification ceased in December 1998, and, provided that the status quo ante could be re-established, it could be possible to move to the

implementation of the Agency's ongoing monitoring and verification plan.”

8.4 The IAEA made the point that 51 states have still not concluded required comprehensive safeguards agreements, and the strengthened safeguards system (known as Additional Protocols) still lacks full support; 24 states are still to sign on.

9. Comprehensive Test Ban Treaty: Blocked

9.1 The Preparatory Commission of the Comprehensive Test Ban Treaty Organization (CTBTO) reported that the CTBT has been signed by 165 states, of whom 90 have ratified it. But 13 of the 44 states required to ratify it (because they have nuclear reactors) have not done so. Only the U.S., of the five NWS, has not done so. Since the U.S. has withdrawn its support of the CTBT, entry-into-force is presently blocked.

9.2 Of the 321 stations in the International Monitoring Systems, site surveys have been completed for 270; 122 stations have been incorporated into the verification system and 104 are under construction.

9.3 The Commission is holding a series of workshops around the world to deepen understanding of the Treaty significance and to explore possible benefits of the application of verification technologies for scientific and civil purposes.

10. ‘No Moral Acceptance’

10.1 The Holy See, a State Party to the NPT, said it was “alarming” that prospects for implementation of the 13 Steps are so discouraging. “Even more serious than the lack of progress is the overt determination of some nuclear weapon states to maintain nuclear weapons in a critical role in their military doctrines.”

10.2 In a speech delivered by Msgr. Francis Chullikatt, Deputy Head of the Delegation, the Holy See said that new strategies contemplating the use of nuclear weapons “must be stoutly resisted.” It warned that the rule of law “cannot countenance the continuation of doctrines that hold nuclear weapons as essential.”

“There can be no moral acceptance of military doctrines that embody the permanence of nuclear weapons. That is why Pope John Paul II has called for the banishment of all nuclear weapons through "a workable system for negotiation, even of arbitration." Those nuclear weapon states resisting negotiations should therefore be strongly urged to finally come to the negotiating table.

In fact, in clinging to their outmoded rationales for nuclear deterrence, they are denying the most ardent aspirations of humanity as well as the

opinion of the highest legal authority in the world. In this regard, my Delegation wishes to reaffirm its well-known position: nuclear weapons are incompatible with the peace we seek for the 21st century; they cannot be justified. These weapons are instruments of death and destruction. The preservation of the Non-Proliferation Treaty demands unequivocal action towards their elimination. Only when such a noble goal is attained can the international community be assured that nations are acting in "good faith"....

To keep developing weapon systems that can jeopardize the natural structure upon which all civilization rests seriously undermines the genuine quest of the family of nations to build a culture of peace for the present and future generations.”

11. Tactical Nuclear Weapons: Germany’s Approach

11.1 In 2000, the 13 Practical Steps included a passage on tactical nuclear weapons. Under the category of steps based on the principle of undiminished security for all was put:

“The further reduction of non-strategic nuclear weapons, based on unilateral initiatives and as an integral part of the nuclear arms reduction and disarmament process.”

In addition to Russia’ supply, tactical nuclear weapons are store in six non-nuclear weapons states in Europe.

11.2 While no action in implementing this step is apparent, Germany (breaking out of E.U. solidarity) submitted a Working paper. It said, in part:

“There are significantly more nuclear warheads for tactical delivery systems than for strategic ones. The exact numbers are unknown; during the Cold War tens of thousands of warheads and nuclear mines were produced; and we have to assume that there are still thousands of them left today. The sheer numbers in some arsenals give rise to concerns. Non-strategic nuclear weapons are seen to pose particular risks also for other reasons: many of the warheads are presumably old and might have already exceeded their original lifespan; there are perceptions that the barriers against their use are lower compared with strategic systems; storage and deployment patterns and possible additional transportation risks as well as the often smaller size foster concerns about enhanced proliferation risks and the danger that terrorists might gain access to them.... Recognizing that their elimination will not be possible in one leap, a gradual approach is suggested, which could include the following elements:

- a) Reporting by Russia and the United States on the implementation of the 1991/92 Presidential Nuclear Initiatives;
- b) Formalization of the Presidential Nuclear Initiatives including an agreement on appropriate verification measures which would give assurance of compliance with them;
- c) In line with the December 2000 NATO Report on Options for Confidence and Security Building Measures, Verification, Non-Proliferation, Arms Control and Disarmament: agreement on reciprocal exchanges of information regarding readiness status, safety provisions and safety features, and an exchange of data on US and Russian sub-strategic nuclear forces. The adoption of the four CSBMs, which are the subject of discussions in the context of the Nato-Russia relationship, should be encouraged;
- d) Following a successful conclusion of the current bilateral negotiations on strategic offensive arms Russia and the United States should be encouraged to start negotiations on non-strategic nuclear weapons in order to close the existing loophole in the nuclear disarmament process;
- e) The NPT Review Conference and its Preparatory Commission should be regularly informed about the progress made on the issue of non-strategic nuclear weapons;
- f) In line with the requirement of reducing nuclear dangers nuclear-weapon States, which have not yet done so, should also take particular security precautions (i.e. physical protection measures for transport and storage) regarding their non-strategic nuclear arsenals. The NPT Review Conference and its Preparatory Committee should be kept duly informed about this.”

11.3 Germany backed up the above paper with another Working Paper, “Attaining a Nuclear-Weapon-Free World.” It specified the following matters of “key importance... at this juncture”:

- a) efforts to ensure the full compliance with and universal adherence to the NPT;
- b) the early entry into force and implementation of the CTBT;
- c) the start and early conclusion of negotiations on an FMCT;
- d) the achievement of a binding agreement between the US and Russia on the verifiable and irreversible reduction of their strategic offensive arms;
- e) the start of negotiations on non-strategic nuclear weapons.

11.4 Delegates had available a Report, “Time to Control Tactical Nuclear Weapons,” produced by the United Nations Institute for Disarmament Research (UNIDIR). It pointed out that while the current situation does not seem to lend itself to the negotiation of a legally

binding instrument on tactical nuclear weapons, transparency and confidence-building measures could be taken. It called for the inclusion of tactical nuclear weapons in the planned reductions of the 1997 Helsinki Agreement.

11.5 In her contribution to the seminar which produced the report, Rebecca Johnson, Executive Director of the Acronym Institute, summed up three central points that run through this discussion:

“1. There is an increasingly blurred distinction between tactical, sub-strategic, non-strategic and strategic nuclear weapons. During the Cold War, demarcations were made in terms of yield or range, but that will not work now, and we have to consider the questions of definition and function again.

2. While advocating the implementation of the 1991-92 declarations, we need to be clear that as long as new nuclear weapons – especially TNWs – are still being researched, developed or even just discussed as possible future developments, particularly by the United States, addressing the security and elimination of Russia’s existing TNWs will be very much harder.

3. The fate of the CTBT and the NPT have, from their inception, been inextricably intertwined. Playing fast and loose with the CTBT, as the United States is now doing, could lead to the collapse of that treaty and a resumption of nuclear testing. That in turn could lead to a further erosion of confidence in the NPT, with negative consequences for United States and international security.”

12. Reporting Requirements: Canada’s Effort

12.1 Step 12 of the 13 Practical Steps states:

“Regular reports, within the framework of the NPT strengthened review process, by all States parties on the implementation of Article VI and paragraph 4 (c) of the 1995 Decision on ‘Principles and Objectives for Nuclear Non-Proliferation and Disarmament’, and recalling the Advisory Opinion of the International Court of Justice of 8 July 1996.”

12.2 Also, the 2000 Final Document requested reports from countries “on the steps they have taken to promote the realization of the goals and objectives of the 1995 Resolution on the Middle East.”

12.2 While this reporting was agreed to in 2000, the scope, frequency and format of reporting was not specified. Thus states brought different views to the PrepComm.

12.3 The New Agenda countries wanted specific, detailed reports on the implementation of Article VI (see 3.4 above). The Western NWS, led by the U.S., held out for only the most general “submissions.”

12.4 Among the few states that submitted reports, Canada, Ireland, Sweden, Poland, Indonesia, New Zealand and Germany all used different formats. Most put Article VI (the reason for the reporting requirement in the first place) within other elements of the Treaty.

12.5 Canada took a leading role in trying to advance some standardization. First, it submitted a Working paper, suggesting reports on the implementation of the whole Treaty be submitted by each country to each PrepComm. Canada followed this up by submitting a report on the Treaty, article by article. Under Article VI, Canada stated, that, in addition to codifying U.S.-Russian reductions in strategic weapons, tactical nuclear weapons should now be focused on as well. “Canada, as a member of NATO, continues to advocate that the Alliance play a positive role in advancing disarmament objectives, through a continuous step-by-step approach.”

12.6 In an attempt to broker a compromise formula, Canada offered to hold, before the 2003 PrepComm, informal open-ended consultations in Geneva. Several Western States supported this proposal, although Switzerland noted that, so weak is the NPT implementation system, there are no funds and no services available for the holding of such important consultations. South Africa commented that the kind of consultations Canada was proposing went outside the NPT review process, another example of a process that is far from strengthened. The U.K. and France expressed skepticism about the exercise, and the U.S. said that any attempt by states “to dictate the format and timing of reports is doomed to failure.”

12.7 A 113-page NGO document, “NGO Shadow Report on Nuclear Disarmament: Accountability is Democracy, Transparency is Security,” prepared by Reaching Critical Will, provides technical detail and compliance analyses of 37 countries. It provides far more details concerning weapons, policies and implementation than any government report. But delegations for the most part ignored this kind of detailed reporting.

13. NGO Statements: 14 Presentations

13.1 The PrepComm devoted the whole of Wednesday morning of the first week to hearing 14 NGO Statements. The exercise was convened by Reaching Critical Will, a project of the Women’s International League for Peace and Freedom, U.N. Office, and the NGO Committee for Disarmament. The following are brief excerpts from the speeches, which make up a 59-page document at www.reachingcriticalwill.org

13.2 Political Overview. Speaker, Emily Schroeder (WILFF).

“While we use, and feel deeply that it is necessary to use, the language of crisis we understand that in the comfortable surroundings of this UN conference room it is difficult to connect with the nuclear dangers that

face us. This is a significant problem, as the daily reality that thousands of nuclear weapons remain a hair-trigger's length from global catastrophe is so immense that instinctively we refuse to confront it. You do not have the luxury of denying the reality of the threat, burying it under layers of diplomatic language. The failure to address the continued high political value given to nuclear weapons possession and the stimulus that provides to proliferation is perilous to us all in the long run. Is it responsible to remain silent knowing full well the extent of the dangers we face?...

Western Europe, for the first time ever, faces no external or internal military threats, and yet NATO clings, without coherent justification, to the security blanket of the US nuclear umbrella. Germany, the Netherlands, Belgium, Italy, Greece and Turkey claim non-nuclear status while receiving nuclear weapons, and training in their use from the United States under NATO nuclear sharing policies. Such hypocrisy damages the NPT, and stimulates nations, and worse, sub-state actors, to ask why, if these countries that face no threats continue to cling to these weapons, must we foreswear them?...

Without modification, current US policies will destroy the basis of global trust in the NPT, and in arms control that is essential to their success."

13.3 Rule of Law, the NPT, and Global Security. Speaker, Nicole Deller, Lawyers' Committee for Nuclear Policy.

"This is an age fraught with the risk of use of nuclear weapons. It is a time when the world faces climate change whose consequences could range from severe to catastrophic. There is a global economy in which a few hundred of the world's richest people have combined wealth greater than the poorest two billion, and there are vast and growing differences between haves and have-nots within and between countries. Technology makes information about these gaps easily available, as it does data about weapons of mass destruction. To take on these and other problems, coordinated local, national, regional and global actions and cooperation are necessary.

Treaties like all other tools in this toolbox are imperfect instruments. But without a framework of multilateral agreements, the alternative is for states to decide for themselves when action is warranted in their own interests, and to proceed to act unilaterally against others when they feel aggrieved. This is a recipe for the powerful to be police, prosecutor, judge, jury, and executioner all rolled into one. It is a path that cannot but lead to the arbitrary application and enforcement of law. The consequences of such a course for security will be disastrous. To marginalize the system of treaty-based international law rather than build on its many strengths is not only unwise, it is extremely dangerous. It is

urgent that the world's states, including the most powerful, reject this path and make global treaties crucial instruments in meeting the security challenges of the 21st century.”

13.4 Inter-Religious Representatives' Statement. Speaker, Arun Elhance, World Conference of Religion for Peace.

“As representatives of religions and faiths, we are appalled at the spiritual and moral corruption and bankruptcy that are implied by and reflected in the efforts by some states to develop constituencies that would accept the use of nuclear weapons. We find it abhorring that while life on earth is already threatened with extinction by thousands of existing nuclear weapons and missiles, many on “hair trigger alert”, new weapons are still being developed or are proposed to be developed and deployed. Such developments are particularly unacceptable in a world where billions of men, women and children have yet to taste any fruits of economic development and where a majority of the world's population struggles to survive day-by-day under inhumane conditions. We want to see all resources currently being wasted and planned to be spent on nuclear weapons to be diverted to address the urgent social, economic, environmental, and human security and human rights problems that we are confronted with as a world community....

From our side, we renew our commitment to devote the spiritual, moral, material and infrastructure resources of our organizations and communities to the service of NPT and the efforts of states and the United Nations to eliminate the threats posed by nuclear weapons, now and in the future. We commit ourselves to help materialize the positive powers of all religions and faiths to advocate for total nuclear disarmament at all levels, from local to global, at the earliest date. We pledge that through peace education and advocacy we will inform our constituencies of the dangers posed by nuclear weapons as well as the benefits to be derived humanity from their elimination. We urge the United Nations and all specialized agencies, the member states and all concerned world citizens to work with us and to call upon us for support in realizing the dream of a nuclear-free world.”

13.5 Indigenous Perspective. Speaker, Richard Salvador, Pacific Islands Association of NGOs.

“While the NPT seeks to address the threat posed by nuclear weapons in the world while making provision for the peaceful uses of nuclear technology in Article IV, it fails to recognize or address the disproportionate impact of these activities on indigenous people and lands. The nuclear industry continues to perpetuate on-going and systematic invasion of Indigenous People's countries and the destruction of Indigenous lands and cultures. While the threat of use of nuclear weapons by the eight nations who hold these weapons of mass destruction serves to create a real fear in the world, in indigenous communities the existence of

uranium mines, nuclear waste dumps and nuclear test sites are a daily threat to life and to the continued existence of culture.

All of these lead us to question the very notion of right to “peaceful use” described in Article IV of the NPT. Only a narrow reading, even a denial, of the real life, non-peaceful situation Indigenous communities face as they struggle to survive with the leftover poison of the Nuclear Age allows NPT States Parties to deliberate year after year about the proper “safeguarding” practices with little notice of the actual impacts of nuclear weapons production and technology on entire nations of peoples.

As previous Indigenous speakers have raised to your attention in this forum, the uses or applications or purposes or activities are only one segment within the cycle of the nuclear industry. The negotiation and decision-making processes that take place in the context of mineral exploration and commercial mining, the storage of nuclear waste, and the conducting of atomic tests which mostly take place on Indigenous lands are far from peaceful. Article IV’s reference to the “peaceful” uses, development, research and production of nuclear energy which are considered to be an inalienable right of all Member States of the Treaty need to be considered in the context of a more fundamental God-given inalienable right of human beings to life, liberty, and security.”

13.6 Comprehensive Test Ban Treaty. Speaker, Dominique Lalanne, Stop-Essai/Abolition of Nuclear Weapons.

“Although the Nuclear Posture Review notes that the US supports continued observation of the testing moratorium, ‘this may not be possible for the indefinite future’ and ‘objective judgments about capability in a non-testing environment will become more difficult.’

These disclosures underscore the link between nuclear testing and continued reliance on nuclear weapons for security. They also reveal an appalling disregard of the NPT commitment to stop nuclear testing permanently. NPT member states that support nuclear disarmament and a CTBT should use every opportunity and every means at their disposal to express their concern and demand adherence to a permanent, verifiable test ban....

The Democratic People’s Republic of Korea, India, and Pakistan must sign and ratify the CTBT for the treaty to enter into force. Algeria, China, Colombia, the Democratic Republic of the Congo, Egypt, Indonesia, Iran, Israel, the United States, and Viet Nam must now ratify, without further procrastination. The longer these states wait to join the Treaty, the greater the chance that some nation may begin testing and set off a dangerous international action-reaction cycle of military and nuclear confrontation.

It is vital to international security that the moratorium on nuclear testing be maintained.”

13.7 Nuclear Arsenals, Missiles, and Missile Defense and Space Weaponization.
Speaker, Regina Hagen, International Network of Engineers and Scientist against Proliferation.

“We propose the following steps:

- A declaration by all nuclear states of No First-Use against other nuclear weapons states and a commitment to No Use against non-nuclear weapons states.
- Ratification of the Comprehensive Test Ban Treaty, preserving and strengthening the Anti-Ballistic Missile Treaty and completing START III negotiations as necessary measures for nuclear states to fulfill their nuclear disarmament obligations in accordance to the Non-Proliferation Treaty.
- Drastic reduction in nuclear weapons leading to their total elimination, including the prompt elimination of tactical nuclear weapons, an end to reliance on nuclear weapons in military planning and negotiations on a Nuclear Weapons Convention....

Instead of an expensive and futile arms race between missiles, missile defense systems and space weapons, the international community should start negotiating formal arrangements to prevent a missile race by controlling these weapons and creating an international norm against them. The negotiation process needs to identify the fundamental political and scientific issues involved in meeting the goals and provides a mechanism to tackle the problems in a systematic step-by-step manner. To resolve the problems before they become urgent, it is important to recognize the emerging dangers and risks by confidence-building measures and improved information exchange among key players. This would provide a basis for a comprehensive missile monitoring and verification system that could be extended for international control and common security in outer space.

To reduce the dangers we call for the following immediate steps:

1. Stop testing of missiles, missile defense systems and space weapons.
2. Initiate negotiations for an international treaty banning missiles and space weapons.”

13.8 Consequences of Middle East Nuclear Weapons and Proliferation and Deployment. Speaker, Bahig Nassar, Arab Coordination Committee for NGOs.

“In the Middle East, Israel has acquired a nuclear arsenal of around 200 weapons, a fact which prompts other states of the region to seek weapons of mass destruction in order to counter the deadly threat of Israeli weapons. In addition, efforts are under way to equip the three Dolphin-class submarines provided to Israel by Germany with missiles which can carry nuclear weapons to undertake operations from the deep waters of the Mediterranean, the Red Sea and the Indian Ocean. Thus, a second strike nuclear capability will be available to Israel....

Middle East countries are facing at present two grave threats: Israeli nuclear threats and US nuclear threats and military operations with conventional and non-conventional weapons, while Israeli nuclear weapons are left intact. The impending US wars against Iraq and possibly Iran and the plans to target four Middle East countries testify to this fact. Therefore this PrepCom should resolve to establish a mechanism to monitor the implementation of the 1995 Resolution on the Middle East in the period leading to the 2005 Review Conference.”

13.9 Challenges and Opportunities for Nuclear Disarmament in South Asia. Speaker, Admiral L. Ramdas, Former Chief of the Indian Navy.

“Nuclear deterrence is not likely to work in South Asia. In the case of the United States and Russia, the competition was mostly ideological and there existed ample geographic distance between the two nations. India and Pakistan, however, share a long but bitterly disputed border with a much longer and deeply seeded history of direct military confrontation with each other. In fact, recent events indicate that the possession of nuclear weapons has hardly taught caution to the two sides. The May 1999 war in the Kargil region and the massive mobilization of troops and continued clashes along the LOC early this year demonstrate that nuclear weapons have not deterred conflict between the two rivals.

In this situation, what can be done to help our world, and especially South Asia, become a safer place? This question can be divided into two sections - action at the national and regional levels and action at the local level. There are active platforms, forums and individuals in the region who continue to address these concerns within the regional and national contexts. However, the nature of the issues is such that, without continuous and active involvement with International elements, there is little hope of achieving concrete progress within any one country or region. It is within this context that we would suggest through this important organ of the United Nations the following set of actions for the international community:

- Apply appropriate pressure to de-escalate the current face-off between India and Pakistan.
- Persuade India and Pakistan to withdraw their armies to their normal peacetime locations.
- Ensure a ceasefire along the Line of Control.
- Pressurize the two nations to commence a dialogue.
- Facilitate the conclusion of a Nuclear Protocol to include risk reduction measures.
- Implement the ‘unequivocal’ commitment made in 2000 to convene an International Convention on Global Nuclear Disarmament in accordance with Article VI of the NPT.
- Encourage India and Pakistan to sign the CTBT and also to participate in FMCT.
- Prevail upon the USA to rescind from its policies with respect to the ABM treaty, missile defense, and the Nuclear Posture Review all of which run counter to the overall objective of nuclear disarmament and non-proliferation.”

13.10 Nuclear Proliferation Problems and Dangers in Northeast Asia. Speaker, Randall Caroline Forsberg, Institute for Defense and Disarmament Studies. Opportunity for Arms Control and Nonproliferation.

“Never has there been a more clear-cut case for international arms control agreements to prevent the proliferation of weapons of mass destruction than there is in Northeast Asia today. By reinstating the ABM Treaty, or at least indefinitely postponing the planned deployment of interceptor missiles in Alaska, the United States could prevent a near-term build-up of China’s nuclear forces. In the meantime, deeper cuts in US and Russian nuclear arms could create an environment in which that build up would never occur and in which all of the current Nuclear Weapons States could make a good faith effort to move toward zero, as they have repeatedly promised to do.

Equally important, by agreeing with North Korea to a nationally-verified ban on the testing and export of missiles with a range over 200 miles — which North Korea has already accepted — the United States could completely eliminate the most imminent threat of a new state with an ICBM, which is at least a decade off; and it could further delay the more distant prospect of acquisition of an ICBM by Iran or Iraq. In other words, a missile agreement with North Korea would completely eliminate the alleged reason for developing a national missile defense for a decade and possibly much longer.

Instead of working for such an agreement, the United States is rushing to abrogate the ABM Treaty and build a national missile defense, even though there is no near-future threat of a hostile state’s ICBM; even

though the country closest to posing such a threat has offered to end its missile program; and even though missile defense deployment is likely to lead to a new arms race and perhaps a new Cold War, with China replacing Russia as the designated enemy.

Rather than pursue diplomacy, confidence-building, and arms control measures to forestall potential threats and prevent proliferation, the Bush administration has thrown up new obstacles to progress in nonproliferation, first by antagonizing North Korea with the harsh rhetoric of “axis of evil” and then by releasing a “Nuclear Posture Review” which calls for further development of mini-nukes and threatens a preemptive use of such weapons against North Korea in any future outbreak of war. This threat is a truly alarming development and one which betrays the US commitments made under both the NPT and the 1994 Framework Agreement.

Recently CIA Director George Tenet testified in a Senate hearing that North Korea is in compliance under the 1994 Agreement. It is incumbent on the United States to do its best to reverse the harm done recently and to comply with the 1994 Agreement by giving “formal assurances to the DPRK, against the threat or use of nuclear weapons” in order to avoid another nuclear crisis on the Korean peninsula.

Surely the international community should not and will not sit by while the United States, piece by piece, dismantles all of the work of the global system of arms control and nonproliferation regimes built up with tremendous international effort over the past 30 years. Nowhere is the devastating impact on nonproliferation efforts likely to be greater than in Northeast Asia. We certainly cannot allow another nuclear holocaust in this region. The time has come for the international community to take a stand, to hold the United States accountable, and put its feet to the fire.”

13.11 Reporting by States Parties to the Nuclear Non-Proliferation Treaty. Speaker, Carol Naughton, Campaign for Nuclear Disarmament.

“The content of reporting would be expected to incorporate two general kinds of information:

- a) Statements of policy, descriptions of implementation-related activities, and updates on the progress of treaty negotiations and implementation.
- b) Declarations concerning concrete data, such as data on nuclear weapons holdings, delivery vehicles holdings, special fissionable materials stocks and nuclear technology exports.

The fact that much of this is already available would not remove the value of having it formally reported by States parties in the NPT forum.

The greater level of detail likely to be provided by some states should encourage openness in all States. Therefore, those States willing to supply additional information should be accommodated and encouraged.

The format for NPT reporting should be standardised for all States parties and would need to be worked out by those States willing to take a lead. There are several international reporting models already in existence but the criteria must be that it is simple, clear and easy to use.

It could be broken down into topics related to each of the Treaty articles and into time periods, providing a backwards-looking component and a forwards-looking component, projecting planned future developments.

However the most important consideration is in getting the process effectively underway with flexibility to add subsequent items from future Review Conferences. To aid transparency the reports should be available as official conference documents. The UN Department for Disarmament Affairs (DDA) would be the most appropriate institution to receive and compile reports submitted by States, having the experience of servicing other international bodies on arms controls. This is consistent with the 2000 Final document request.”

13.12 Irreversibility and Verification. Speaker, Jacqueline Cabasso, Western States Legal Foundation.

“According to Webster’s Dictionary, a principle is “[a] fundamental truth, law, or postulate.” Irreversible means, simply, “[i]mpossible to reverse.” While the principle of irreversibility obviously applies to the dismantlement of warheads, the long-term disposition of fissile materials including those removed from dismantled warheads, and the physical destruction of delivery systems, it applies equally to retention of large “responsive” forces and expanding laboratory capabilities including research, development, testing and production of both new and improved warheads and delivery systems. More fundamentally, the principle of irreversibility is a commitment not to backtrack on the Article VI obligation itself. Are the nuclear weapon States adhering to the “fundamental truth” of irreversibility? Judge for yourselves. The January 2002 U.S. Nuclear Posture Review (NPR), amounts to an unequivocal rejection of most of the 13 steps agreed to just two years ago in this forum, as well as of nuclear disarmament itself. The NPR is virtually a blueprint to ensure that any and all nuclear and related arms control and reduction measures undertaken by the United States are fully reversible for the foreseeable future...

Nuclear disarmament, nuclear and other related arms control and reduction measures will only be effective if they can be adequately verified, both in political and technical terms. Verification policies that will assure early detection and interpretation of information necessary for preventing prohibited activities or permitting timely response must be put in place. It is essential, in this regard, that the closure and monitoring of the nuclear weapons infrastructure in all nuclear weapons states must begin early in the process of disarmament. Nuclear weapons research, testing, and component production should be halted while reductions are in progress, not after, with nuclear weapons production and research facilities subject to intrusive verification regimes at the earliest possible time. Fissile materials accounting, for example, already a challenging task, is rendered more so by the continued fabrication and testing of weapons components in classified facilities. Early cessation of both research and production activities also makes evasion of emerging verification regimes and covert production of components or manufacturing equipment substantially more difficult. The continued pursuit of increased nuclear weapons knowledge by one state – including everything from systematization of fissile materials understanding to more rapid, flexible, and easily scaled production techniques – will be matched to a greater or lesser degree by others. The longer such activity continues prior to achievement of an abolition regime, the greater and more widespread the technical capability for breakout and the concomitant proliferation of nuclear weapons is likely to be.”

13.13 Tactical Nukes: Old and New. Speaker, Alistair Millar, Fourth Freedom Forum.

“Thousands of substrategic, or tactical, nuclear weapons remain in the US, some NATO nations and in Russia, unmonitored and uncontrolled by any existing treaties or codified agreements. Hundreds more are deployed in China, Israel and South Asia. Basic information about these weapons is shrouded in secrecy. Transparency and disarmament measures of all nations’ tactical weapons have to be addressed in the context of future disarmament measures and codified treaties including the nonproliferation treaty. In this way, the need for further reaching U.S.-Russian initiatives to address the safeguarding of tactical nuclear weapons arsenals goes well beyond the U.S.-Russian context and should serve as a starting point for addressing multilateral reductions. U.S./Russian cooperation on arms control, especially with the NPT, will deeply affect the global strategic outlook in the post-cold war security environment by influencing the weapons policies of other nuclear states. To reduce risks within these states, and to prevent others from attaining these weapons, the U.S., Russia and all other relevant nations must actively reduce the political status they attach to possessing nuclear weapons...

Government officials in the United States and Russia are calling for the development of new models of “low-yield” and more robust nuclear weapons. In the US they are being pressured from nuclear weapons laboratories. The US Congress has now received multi-million dollar FY2003 federal budget requests to begin development of a “Robust Nuclear Earth Penetrator” and according to classified excerpts of the US Nuclear Posture Review leaked to the US media, there are demands for the development of comparatively low-yield battlefield weapons designed to increase the penetration capability of the B-61 Model II nuclear bomb configured as earth-penetrating bombs or as missiles to target deeply buried or hardened underground targets, such as bunkers and bomb shelters. There is debate among proponents of these weapons about whether the efficacy of such new tactical nuclear weapons would have to be tested. If testing such weapons would result as part their development, this would clearly undermine the objectives of the Comprehensive Test Ban Treaty (CTBT) that the United States has signed but not ratified. Regardless, of whether the development of the weapons requires testing, deployment and plans to use these weapons will lower the threshold by making nuclear weapons usable military options. For obvious reasons, the development and intent to use such weapons run contrary to the core goals the NPT, by providing, rather than reducing, incentives to other countries to develop their own nuclear weapons, and by condoning the use of nuclear weapons.”

13.14 Fissile Materials, Health and the Environment: The Hidden Costs of Military and Civilian Nuclear Programs. Speaker, Biplav Yadav, Physicians for Social Responsibility.

“A wide-ranging public discourse is needed within every nuclear-weapon state about the health and environmental harm that they have inflicted upon their own people. A global debate is needed about harm outside the borders of those states. Much of that harm was knowingly inflicted.

It is time for the United Nations General Assembly to establish an independent and open Truth Commission on the ravages that have been inflicted upon the world by nuclear weapons production and testing. That commission should not only examine the nature and extent of that harm, and whether and how deliberately it was inflicted; it should recommend ways in which the world’s people can hold nuclear weapons establishments accountable. It should also examine whether and to what extent the security arguments that have been claimed for nuclear weapons have been constructed with the aim of keeping people ignorant and fearful so that the weapons bureaucracies might perpetuate themselves. Such an examination would be of some considerable relevance today, given that nuclear weapons establishments are still refusing to meet their nuclear disarmament commitments under the Nuclear Non-Proliferation Treaty

and that people are still getting ill and dying from the harm that nuclear weapons establishments have inflicted upon them.”

13.15 NGO Recommendations to the 2002 Non-Proliferation Treaty Preparatory Committee. Speaker, Merav Datan, International Physicians for the Prevention of Nuclear War/Physicians for Social Responsibility.

“1) Negative Security Assurances should be made legally binding.

Negative security assurances – that is, pledges by nuclear weapon states not to use nuclear weapons against non-nuclear weapon states – have featured prominently in the NPT review process and helped to secure the support of non-nuclear weapon states for the indefinite extension of the NPT in 1995. It is surprising and disturbing, therefore, that officials in the United States and the United Kingdom have recently cast doubt on the validity of their own negative security assurances by making statements that seem to undermine these assurances...

The way to resolve this ambiguity and secure the confidence of non-nuclear weapon states is by making negative security assurances legally binding. The way to deal with chemical and biological weapons is through joint Security Council commitment and action, building on Security Council Resolution 984 of 1995, which affirmed the nuclear weapon states’ negative security assurances.

2) The Security Council should address nuclear disarmament.

The status and responsibility inherent in being a permanent member of the Security Council should work in favor of, not against, nuclear disarmament. China, France, Russia, the UK, and the US already enjoy political influence and prestige as a function of their Security Council membership. We call on them to put this political power to work by implementing their obligation under Article 26 and applying it to nuclear weapons. The Council is 57 years behind on a crucial element of its job description.

3) Establish a permanent secretariat for the NPT.

The NPT could be supported by a permanent secretariat based at the United Nations. At present there is no centralised mechanism where ongoing compliance with Treaty commitments can be monitored, grievances lodged, inquiries regarding compliance made, and guidance sought. As a result, progress on meeting the goals of the NPT is slowed, formal negotiations at the Review Conferences and PrepComs are delayed by disagreements over compliance issues, and efficiency in the important

work of advancing the non-proliferation and disarmament commitments embodied in the NPT is hindered.

NPT states parties should consider the creation of a permanent secretariat that could serve as a repository of information and as a focal point to receive, review, verify for accuracy, and properly direct complaints about non-compliance and other difficulties States parties may have with the NPT process...

4) Implement “Global Zero Alert” of nuclear weapons.

At a time when there is talk of “usable” nuclear weapons it is imperative to remember that nuclear missiles on hair-trigger alert – poised to be launched in minutes – are the front line of usability. At the 2000 Review Conference, governments signed to the NPT agreed “concrete measures” were needed to “reduce the operational status of nuclear weapons systems.” But the U.S. and Russia, despite being strategic partners, still keep thousands of weapons in a quick “launch-on-warning” mode. We are still one false alarm away from accidental nuclear war. And current nuclear reductions discussed by the U.S. and Russia will do little to change this dangerous situation.

What needs to be done to move us back from the brink of nuclear war? By most accounts, the U.S and Russia are the only two nuclear powers who keep missiles primed for immediate launch. Presidents Bush and Putin should follow through on their declarations of friendship by ordering their respective militaries to abandon launch-on-warning policy – to take their nuclear weapons off line – to extend decision making time for both Presidents. This will create a critical margin of safety and set a standard for every nuclear nation: No nuclear weapons should be on high alert.

5) Explore concepts of security without nuclear weapons.

Why are nuclear weapons still with us? What alternative security concepts could persuade the Nuclear Weapons States to depart from their reliance on nuclear weapons? These questions are the subject of fourteen reports from Peace Research Institutes world-wide who met recently in Moscow at the invitation of IPPNW Sweden. The main conclusions are available in a report being distributed at this meeting. (See also <www.slmk.org>.)

The report concluded that although the Cold War is over, the nuclear weapon states still cling to their nuclear weapons, and that this addiction must be overcome. Alternative security programmes introduced in this report can facilitate such a process. In this regard the report recommends the following:

- The establishment of new defence doctrines that do not rely on nuclear weapons for deterrence or for actual warfighting.
- New co-operative and comprehensive security measures that focus primarily on the security of human beings rather than on the security of states.
- The creation of arrangements and policies that promote trust and confidence rather than fear, transparency rather than secrecy, and security “together with” rather than security “against.”
- The consideration of unilateral disarmament. Any nuclear weapon state, given the political impetus, can disarm its nuclear arsenal unilaterally. The argument demanding “balanced nuclear weapons disarmament” must be challenged.

6) Use the goal of a nuclear weapons convention to further nuclear disarmament now.

Despite the current hostile political environment regarding treaties and verification-based regimes, it is important to maintain the knowledge, expertise, and training relevant to disarmament, and to continue to develop these as well. It is also important to continue to develop and voice arguments in support of co-operative, verifiable, and irreversible approaches to security, with a view to the goal of complete nuclear disarmament despite current obstacles.

A model nuclear weapons convention was released in April 1997 as a tool to encourage debate on the political, legal, and technical requirements for complete nuclear disarmament. This debate has been followed through the Nuclear Weapons Convention Monitor, the latest issue of which contains a summary of the discussion that took place in January of this year during a Track II roundtable in Ottawa on the legal and technical aspects of complete nuclear disarmament. We encourage governments to explore the ideas presented there as a way to think past the current situation, which is characterized by acute failure of imagination.

7) Improve gender balance to further nuclear disarmament.

The gender of power and decision-making, when contrasted to the gender of poverty and the experience of violence is evidence of an unhealthy, undemocratic and unnecessarily exclusionary world. The exclusion of women from policy discourse and decision-making is almost total. The gender imbalance in this room, and the division of decision-making labour in the weaponised security environment on the intergovernmental and

national levels speak volumes. Numerous consensus documents, as well as Security Council Resolution 1325, binding on all states, urge all member states to increase the representation of women in all decision-making levels in national, regional and international institutions. We suggest it is time for bodies like the NPT to comply.

8) Consider collective sanctions by non-nuclear weapon states.

Together, the non-nuclear weapons states are a super power. NGOs believe that to some extent the power of NNWS solidarity has been untested beyond words on paper. As NGOs we are not required to be diplomatic, that is one of our strengths and luxuries, so if we offend when we say it is clear that a handful of nuclear weapon states have compromised the sovereignty of a great many non-nuclear weapon states, please forgive us. Threats of economic or political consequences would inevitably come from the nuclear weapon states were the non-nuclear weapon states to unite in a concrete action that would increase pressure for compliance with Article VI. Still we continue to hope for a world in which democracy, the will of the majority of people and states, can prevail. The fact that so many governments self-censor due to fear of political reprisals or are inhibited due to economic dependence, in this forum and others, is a sorry comment on the state of the world, and also on democracy and sovereignty. We salute the courage of some states who stand up and say no, despite the potential risks. We wish more of you would simultaneously demonstrate such courage, and believe that if all non-nuclear weapon states imposed an informal sanctions regime against nuclear weapon states, or perhaps a focused campaign of simply refusing to cooperate on trade, transport or visa issuance, whatever the action, the unity would provide safety and could generate that rare substance, political will.”

13.16 Though the above statements were praised by several delegates, the participatory role of NGOs in the PrepComm process is still below the role of NGOs in other U.N. fora. Whereas NGOs attending meetings of the Sustainable Development Commission and various human rights meetings have access to the ongoing processes, NGOs at the PrepComm are limited to attending only the plenary meetings and not the detailed discussions. The 2000 Review did regularize a time in the program for NGOs to make presentations, but the ability of the representatives of the 62 organizations accredited to speak to delegates or even to hear them on the specific points was severely constrained.

13.17 Thus Canada urged that the “current arrangements be built upon.” In a formal statement, Dr. Jennifer Simons, President of the Simons Foundation and, with Ernie Regehr, attached to the Canadian delegation as an NGO representative, called for more access by NGOs. She favoured “spontaneous exchanges” with NGOs to permit a wider engagement on issues. While a number of states supported the proposal, the U.S. and France threw cold water on it, announcing that they were “quite satisfied with present arrangements.”

14. Reducing Nuclear Danger: Priority Points

14.1 A number of delegations referred to a recent report, “Reducing Nuclear Danger,” published by the U.N.’s Advisory Board on Disarmament Matters <<http://www.un.org/documents/ga/docs/56/a56400.pdf>>. Germany suggested that the summary of ideas be the “subject of further substantive discussion in the review process leading to the 2005 Review Conference.”

14.2 The Advisory Board’s summary states that “emphasis should be given to the following measures for reducing nuclear dangers”:

- “(a) Promoting a wide-ranging international dialogue on cooperative security;
- (b) Preliminary political and technical measures in preparation for the possibility of convening, at the appropriate time, a major international conference that would help to identify ways of eliminating nuclear dangers;
- (c) De-alerting of nuclear weapons;
- (d) Review of nuclear doctrines;
- (e) Further reduction of tactical nuclear weapons as an integral part of the nuclear arms reduction and disarmament process;
- (f) Enhancing security at a global and a regional level by promoting increased transparency of all nuclear weapons programmes;
- (g) Creating a climate for implementing nuclear disarmament measures. Programmes of education and training on the dangers of nuclear weapons would foster an informed world public opinion that would be able to exercise a positive influence on the political will to eliminate nuclear weapons.”

The following specific measures and broad approaches received varying degrees of support from the Board:

- “(a) Preventing the further proliferation of nuclear weapons;
- (b) Banning the use of nuclear weapons;
- (c) Changing military doctrines to no first use of nuclear weapons;
- (d) Withdrawing all nuclear weapons deployed abroad back to their owner’s territory;

- (e) Eliminating all but a very small stock of reserve warheads;
- (f) Creating additional nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned;
- (g) Providing unconditional negative security assurances to all non-nuclear-weapon States;
- (h) Abolishing the policy and practice of nuclear sharing and a nuclear umbrella;
- (i) Reducing the number of nuclear-weapon systems, including eliminating multiple independently targetable re-entry vehicles;
- (j) Enhancing nuclear transparency at the global and regional levels, particularly with respect to facilities and nuclear postures;
- (k) Keeping nuclear submarines deployed in a mode that would make the firing of nuclear ballistic missiles from close range on depressed trajectories more difficult;
- (l) De-targeting;
- (m) Shaping communication practices so as to make immediate strikes difficult or impossible;
- (n) Keeping nuclear forces in a low status of alert;
- (o) De-mating nuclear warheads from launchers;
- (p) Removing essential parts from launchers or nuclear warheads (such as batteries, fuel, connection cables and computers);
- (q) Promoting confidence-building measures between neighbouring States in territorial conflict, including the disengagement of forces, stationing of neutral (peacekeeping) forces on either side of the demarcation line, and refraining from supporting armed non-State actors within the contested territory.”

15. Chairman's Factual Summary

15.1 The mandate of the PrepComm reads: "The consideration of the issues at each session ... should be factually summarized, and its results transmitted in a report to the next session for further discussion." No mention is made about whether there should be agreement on the factual summary or how the agreement would be arrived at. Chairman Salander, sensing that it would be virtually impossible to get agreement on any meaningful summary, informed the PrepComm that his draft summary would not be open for negotiation and would not be amended. He simply annexed it to the Report of the PrepComm and the Report was adopted.

15.2 The Chairman's Factual Summary follows:

"States parties reaffirmed the NPT is the cornerstone of the global non-proliferation regime and the essential foundation for the pursuit of nuclear disarmament. In the current international climate, where security and stability continue to be challenged, both globally and regionally, by the proliferation of weapons of mass destruction and of their means of delivery, preserving and strengthening the NPT is vital to peace and security.

States parties stressed their commitment to the effective implementation of the objectives of the Treaty, the decisions and the resolution of the 1995 Review and Extension Conferences and the Final Document of the 2000 NPT Review Conference, adopted by consensus.

States parties further stressed that continued support to achieve universality of the Treaty was essential. They called on the four States remaining outside the Treaty - Cuba, India, Israel and Pakistan - to accede unconditionally to the NPT as non-nuclear-weapon States, particularly those three States that operate unsafeguarded nuclear facilities. Concern was expressed about the ongoing development of nuclear weapons and missile programs in different regions, including those of States not parties to the Treaty.

It was stressed that the best way to strengthen the non-proliferation regime was through full compliance by all States parties with the provisions of the Treaty.

It was generally felt that the terrorist attacks of 11 September 2001 have given an even greater sense of urgency to the common efforts of all States in the field of disarmament and nonproliferation. The view was held that further strengthening and reinforcing the non-proliferation regime was imperative to prevent the use of nuclear materials and technologies for criminal/terrorist purposes. The enhancement of the non-proliferation regimes covering all weapons of mass destruction, including efforts by the IAEA, was considered to be the most important integral part of combating terrorism.

There was emphasis on multilateralism as a core principle in the area of disarmament and non-proliferation with a view to maintaining and strengthening universal norms and enlarging their scope. Strong support was expressed for the enforcement of existing multilateral treaties. The need to seek treaties and other international agreements that meet today's threats to peace and stability was underlined.

The view was expressed that the Treaty should be seen in its larger context of coherent commitments and credible progress toward nuclear disarmament. Without the fulfillment of Article VI over time, the Treaty, in which non-proliferation and disarmament are mutually interdependent and reinforcing, will lose its true value.

The importance of increased transparency with regard to the nuclear weapons capabilities and the implementation of agreements pursuant to article VI and as a voluntary confidence-building measure to support further progress on nuclear disarmament was stressed. It was emphasized that accountability and transparency of nuclear disarmament measures by all States parties remained the main criteria with which to evaluate the Treaty's operation.

States parties remained committed to implementing article VI of the NPT and paragraphs 3 and 4 (c) of the 1995 Decision on "Principles and Objectives of Nuclear Non-Proliferation and Disarmament" and the Final Document of the 2000 NPT Review Conference. Disappointment was expressed in the progress made in implementing the practical steps for the systematic and progressive efforts to implement article VI of the NPT and paragraphs 3 and 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament", as agreed at the 2000 NPT Review Conference. It was also noted that the goal of nuclear disarmament can best be achieved through a series of balanced, incremental and reinforcing steps.

The nuclear-weapon States informed the States parties of their respective measures taken in accordance with Article VI of the NPT, for example reductions of nuclear weapons arsenals, reduced reliance on nuclear weapons, and that new nuclear weapons are not being developed. Concern and uncertainty was expressed about existing nuclear arsenals, new approaches to the future role of nuclear weapons, and possible development of new generations of nuclear weapons.

Strong support was expressed for the CTBT, as reflected in the Final Declaration adopted at the Conference on Facilitating the Entry into Force of the CTBT held on 11-13 November 2001 . The importance and urgency of the early entry into force of the CTBT was underscored. States which have not ratified the Treaty, especially those remaining 13 States whose ratification is necessary, and in particular those two remaining nuclear-weapon States whose ratification is a prerequisite, for its entry-into-force, were urged to do so without delay. States reaffirmed the importance of maintaining a moratorium on nuclear-weapon-test explosions or any other nuclear explosions. States parties noted the progress made by the CTBTO PrepCom in establishing the international monitoring system.

Concern was expressed that the decision by the United States to withdraw from the ABM Treaty, and the development of missile defense systems, could lead to a new arms race, including in outer space, and negatively affect strategic stability and international security. Hope was expressed that the US-Russia bilateral negotiations to create a new strategic framework will further promote international stability.

States parties welcomed the announcement in December 2001 that the United States and the Russian Federation had completed reductions in their nuclear arsenals required under START I.

They further welcomed the continuing US-Russia bilateral negotiations on strategic nuclear arms reductions, and many expressed the hope that such efforts would result in a legally binding instrument with provisions ensuring irreversibility, verification and transparency.

The importance of further reductions in non-strategic nuclear weapons, based on unilateral initiatives and as an integral part of the nuclear arms reduction and disarmament process, was emphasized. There were calls for the formalization of the Presidential Nuclear Initiatives of 1991 and 1992 on reducing non-strategic nuclear weapons. It was stressed that non-strategic weapons must be further reduced in a verifiable and irreversible manner. Negotiations should begin on further reductions of these weapons as soon as possible.

States parties expressed regret at the inability of the Conference on Disarmament to start negotiations on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices and to establish a subsidiary body to deal with nuclear disarmament. The Conference was urged to agree on a programme of work. States that have not yet done so were called upon to declare a moratorium on the production of fissile material for nuclear weapons or other nuclear explosive devices.

The importance of arrangements by all nuclear-weapon States to place, as soon as practicable, fissile material designated by each of them as no longer required for military purposes, under IAEA or other relevant international verification and arrangements for the disposition of such material for peaceful purposes was stressed.

Several States parties endorsed the work being carried out under the Trilateral Initiative - involving the IAEA, the Russian Federation and the United States - in developing techniques and methodologies for placing excess nuclear materials from dismantled weapons permanently under IAEA safeguards. States parties were informed that the United States had already placed some of its fissile material under IAEA safeguards and that both the United States and the Russian Federation were working to develop practical measures for the monitoring and inspection of fissile material, including verification by the IAEA. Some States parties also noted the IAEA's safeguards experience in verifying nuclear materials and expressed the view that the IAEA could play an important role in verifying nuclear disarmament agreements.

The view was held that the attainment of a nuclear-weapon-free world should be accompanied by the pursuit of other effective arms control agreements at a global and also particularly at a regional level.

States parties recalled that regular reports should be submitted by all States parties on the implementation of Article VI as outlined in paragraph 15, subparagraph 12 of the 2000 Final Document. It was stressed that such reporting would promote increased confidence in the overall NPT regime through transparency. Views with regard to the scope and format of such reporting differed. Some States parties suggested that such reports should be submitted, particularly by the nuclear-weapon States, at each session of the Preparatory Committee, and should include detailed and comprehensive information, e.g. in a standardized format. Several States parties expressed interest in open-ended informal consultations on reporting to prepare

proposals for consideration for subsequent sessions of the Preparatory Committee. Other States parties advocated that the specifics of reporting, the format and frequency of reports, should be left to the determination of individual States parties.

States parties recalled the 2000 Final Document and the request that all States parties, particularly the nuclear-weapon States, the States of the Middle East and other interested States, report through the UN Secretariat to the President of the 2005 NPT Review Conference, as well as to the Chairperson of the Preparatory Committee meetings to be held in advance of that Conference, on the steps that they have taken to promote the achievement of a nuclear-weapon-free zone in the Middle East and the realization of the goals and objectives of the 1995 resolution on the Middle East.

Support was expressed for the concept of internationally recognized nuclear-weapon-free zones (NWFZs) established on the basis of arrangements freely arrived at among States in the regions concerned. The contribution of such zones to enhancing global and regional peace and security, including the cause of global nuclear non-proliferation, was emphasized. It was noted that the number of States covered by the NWFZs has now exceeded 100. The establishment of NWFZs created by the Treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba was considered as a positive step towards attaining the objective of global nuclear disarmament. The importance of the entry into force of the existing NWFZ treaties was stressed. Efforts aimed at establishing new NWFZs in different regions of the world were welcomed. It was also stressed that assurances against the use or threat of use of nuclear weapons to all States of the zones should be provided by the nuclear-weapon States. Support was expressed for the efforts among the Central Asian countries to establish a NWFZ in their region. States parties noted that no progress had been achieved in the establishment of NWFZs in the Middle East, South Asia and other regions.

On the issue of universality, States parties reaffirmed the importance of the resolution on the Middle East adopted by the 1995 Review and Extension Conference and recognized that the resolution remains valid until its goals and objectives are achieved. The resolution is an essential element of the outcome of the 1995 Conference and of the basis on which the NPT was indefinitely extended without a vote in 1995. States parties reiterated their support for the establishment of a Middle East zone free of nuclear weapons as well as other weapons of mass destruction. States parties noted that all States of the region of the Middle East, with the exception of Israel, are States parties to the NPT. States Parties called upon Israel to accede to the Treaty as soon as possible and to place its nuclear facilities under comprehensive IAEA safeguards. Some States parties affirmed the importance of establishing a mechanism within the NPT review process to promote the implementation of the 1995 resolution on the Middle East.

States parties expressed concern at the increased tension in South Asia and the continuing retention of nuclear weapons programmes and options by India and Pakistan. States parties urged both States to accede to the NPT as non-nuclear-weapon States and to place all their nuclear facilities under comprehensive IAEA safeguards. States parties noted that both States have declared moratoriums on further testing and their willingness to enter into legal commitments not to conduct any further nuclear testing by signing and ratifying the CTBT. States parties called upon both States to sign the CTBT. States parties noted the willingness

expressed by both States to participate in negotiations on a treaty banning the production of fissile material for nuclear weapons and other nuclear explosive devices. Pending the conclusion of a legal instrument, States parties urged both States to commit to a moratorium on the production of such fissile material. The importance of the full implementation by both States of Security Council resolution 1172 (1998) was emphasized.

The importance of full compliance by all States parties with the provisions of the NPT was stressed. States parties remained concerned that the IAEA continues to be unable to verify the correctness and completeness of the initial declaration of nuclear material made by the DPRK. The DPRK was urged to come into full compliance with its safeguards agreement with the IAEA. States parties expressed concern over the lack of implementation of the 1994 Agreed Framework.

States parties noted that since the cessation of the IAEA inspections in Iraq in December 1998, the Agency has not been in a position to provide any assurance of Iraq's compliance with its obligations under Security Council Resolution 687 (1991). Many States parties expressed grave concern and called for the full implementation of relevant Security Council resolutions, including UNSC resolution 1284, and for the re-establishment of an effective disarmament, ongoing monitoring and verification regime in Iraq, and hoped that UN inspectors will be able as soon as possible to resume their work in Iraq. Iraq reiterated that it is in full compliance with its Treaty obligations and maintained that the IAEA successfully carried out inspections in 2000, 2001 and 2002 pursuant to Iraq's safeguards agreement with the IAEA.

It was recalled that both the 1995 NPT Review and Extension Conference and the 2000 NPT Review Conference underscored the importance of security assurances. It was emphasized that negative security assurances, a key basis of the 1995 extension decision, remained essential and should be reaffirmed. Many States parties reaffirmed that non-nuclear-weapon States parties should be effectively assured by nuclear-weapon States against the use or threat of use of nuclear weapons. Reaffirmations were expressed of commitments under UNSC resolution 984 (1995). Many States parties stressed that efforts to conclude a universal, unconditional and legally-binding instrument on security assurances to non-nuclear-weapon States should be pursued as a matter of priority. Some States parties were of the view that this could take the form of an additional protocol to the Treaty, without prejudice to the legally-binding security assurances already given by the five nuclear-weapon States in the framework of the treaties regarding nuclear-weapon-free zones. Pending the conclusion of such negotiations, the nuclear-weapon States were called upon to honour their commitments under the respective UNSC resolutions. Concern was expressed that recent developments might undermine commitments taken under the respective UNSC resolutions. A view was held that the issue of security assurances was linked with fulfillment of the Treaty obligations. Several States parties, including one nuclear-weapon State, emphasized the importance of a no-first use policy.

Education on disarmament and non-proliferation was considered important to strengthening disarmament and non-proliferation for future generations. In this connection, the ongoing work of the group of governmental experts which is expected to submit its report for consideration by the 57th session of the General Assembly later this fall was commended.

States parties recognized that IAEA safeguards are a fundamental pillar of the nuclear non-proliferation regime and commended the important work of the IAEA in implementing the safeguards system to verify compliance with the non-proliferation obligations of the Treaty.

States parties welcomed the efforts of the IAEA in strengthening safeguards and the Agency's completion of the conceptual framework for integrated safeguards. The importance of the Model Additional Protocol was underlined. Some drew attention to the fact that States parties must have both a comprehensive safeguards agreement and an additional protocol in place for the IAEA to be able to provide an assurance of both non-diversion of declared material and the absence of undeclared activities or material. The goal of universality was stressed. States that have not yet concluded comprehensive safeguards agreements with the IAEA were called upon to do so without delay. Many States parties called on those who have not yet signed or ratified the Additional Protocol to do so as soon as possible.

It was reiterated that export controls are a key element of the non-proliferation regime under the NPT. The important work of the existing export control regimes was noted, in particular their function in guiding States parties in setting up their national export control policies. The importance of transparency in export controls was widely recognized. It was reaffirmed that nothing in the Treaty should be interpreted as affecting the inalienable right of all parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes.

Many States parties noted both the importance of combating nuclear terrorism and the many instruments available for doing this, including the physical protection of nuclear material and export controls. The IAEA's action plan on the prevention of nuclear terrorism was widely noted and supported. The Agency's work in support of States' efforts to prevent illicit trafficking of nuclear and other radioactive material was also commended.

States parties called for the strengthening of the physical protection of nuclear material, inter alia through a well-defined amendment of the Convention on the Physical Protection of Nuclear Material. Many States parties called on States, that have not yet done so, to accede to the Convention on the Physical Protection of Nuclear Material. Support was expressed for the IAEA's International Physical Protection Service (IPPAS).

The importance of strengthening nuclear safety, radiation protection, safety of radioactive waste management and the safe transport of radioactive materials was stressed. The IAEA's efforts in the promotion of safety in all its aspects were welcomed. States parties that have not yet acceded to the Convention on Nuclear Safety, as well as the Joint Convention of Spent Fuel Management and the Safety of the Radioactive Waste Management, were encouraged to do so.

States parties emphasized that transportation of radioactive material, including maritime transportation, should be carried out in a safe and secure manner in strict conformity with international standards established by the relevant international organizations such as the IAEA and the IMO. Some States parties called for effective liability arrangements, prior notification and consultation. Some States parties noted the conclusions on safety in the IAEA General Conference resolution GC (45) RES/10. The holding of an IAEA conference on safe transport of radioactive materials in July 2003 was welcomed by many.

States parties reiterated their strong support for Article IV of the Treaty, which provides a framework for cooperation and confidence for the peaceful uses of nuclear energy. In this context, States parties expressed wide support for the Technical Cooperation activities of the IAEA. It was underlined that Technical Cooperation plays an important role in further developing the application of nuclear energy for peaceful purposes, including human health, pest eradication, food and agriculture, and the environment. The importance of aligning Technical Cooperation programs with development goals and needs of the country concerned was emphasized. Several States parties stressed the importance of providing the Agency with adequate resources for these activities.”

16. U.S. Objections to Summary

16.1 Among the States which took the floor following the adoption of the PrepComm Report, all five NWS entered reservations. Ambassador Norman Wulf of the United States offered the most incisive critique. A transcript of his comments follows.

16.2 “Amb. Norman Wulf: Thank you, Mr. Chairman. At the outset let me express the appreciation of my delegation to you for the many contributions you have made to our work as Chairman of this first session of the Preparatory Committee. We applaud the energy, patience and good humor that you have brought to this task.

Prior to next year's meeting I am sure that all nations will reflect on our experience at this session of the Preparatory Committee. We have tried a new approach, different from that taken in the run up to the last Review Conference. We think it deserves a fair opportunity to succeed. We believe that PrepComs 1 and 2 can serve a more useful purpose than debating consensus recommendations. We also think that the content of the factual summary and the process for producing it should be consistent with the two PrepComs to be more harmonious and less controversial. We are not sure that the approach taken at this PrepCom adequately addresses these concerns nor are we convinced that the proposal put forward in the last couple of days with respect to the organization of the second PrepCom will contribute towards this goal.

Mr. Chairman, on procedural matters we have a time and location for the second and third sessions and now for the review conference itself. We extend our congratulations to Ambassador Molnar (of Hungary, who will chair the second PrepCom) and pledge to him our complete cooperation. And we understand that the leadership of the third session and the Review Conference itself will come from the nations of the Non Aligned Movement.

Also there was a thorough discussion and exchange of views on a full range of substantive issues. The meetings were well attended, and delegations heard various perspectives on matters related to the implementation of the NPT and to its universality. The IAEA provided a useful and detailed briefing on its safeguards systems and many parties submitted reports to the Chairman related to the Middle East and shared information on all aspects of the Treaty, including Article VI.

Mr. Chairman, we thank you for the factual summary of these proceedings and for making clear that this is YOUR summary and not the product of negotiations among the participants. You have made a genuine effort to summarize factually what has transpired here. Understandably, like other delegations, there are several areas where we are not satisfied. This is to be expected, since the document is your personal effort to summarize the divergent views of many parties. Only the passage of time and careful reflection will allow each of us to evaluate thoroughly your factual summary. Meanwhile, Mr. Chairman, we offer the following preliminary comments. I stress these comments are illustrative, not exhaustive.

First, we are pleased that your summary recognizes the significance for our work that many delegates attach to the events of September 11. Second, the themes of universal adherence and compliance with the Treaty, support for IAEA safeguards, the additional protocol, nuclear export controls, the Fissile Material Cut-off Treaty, the physical protection convention and peaceful nuclear cooperation were recognized in the summary. We would have preferred more attention to the general topic of IAEA safeguards, which received only slightly more emphasis than education on disarmament and non-proliferation. While we recognize the latter issue is important, we do not believe that it is on the same par as the role of the IAEA. Moreover, peaceful nuclear cooperation, stressed in Article IV, received far too little attention, in our view.

We also would have preferred a fairer treatment of the balance between non-proliferation and disarmament. The two are mutually reinforcing. Nuclear disarmament is not, in our view, the main criteria by which to evaluate the treaty's operation.

We, as with our French colleague, were troubled by your use of the term "States Parties" in several paragraphs. Clearly it cannot be read as "All States Parties." For example, any inference in the factual summary that all States Parties at this PrepCom supported implementation of all the conclusions of the 2000 NPT Final Document is incorrect. I refer delegations to our statements both during the general debate and the special time on Article VI.

With regard to the 1995 decision on the indefinite extension, it is not correct to suggest that the legal effect of that decision is linked to political commitments on security assurances in the Middle East.

We are disappointed at the nature of the reference to the ABM Treaty. We think that many delegations now recognize that there is nothing destabilizing about the US decision to withdraw from that treaty and that the momentum towards further nuclear reductions is continuing. President Bush is determined to transform our relationship with Russia and to replace Mutual Assured Destruction with Mutual Cooperation. Success in missile defenses can indeed lead to reduced reliance on nuclear weapons, as can other measures.

Clearly some US policies related to Article VI differ from the conclusions of the 2000 Final Document. The Administration, for example, has no plans to seek ratification of the CTBT but continues to observe the moratorium on nuclear explosive testing. We ask that you not confuse media reports with US policies. During the first week of our session we offered a detailed information paper on Article VI. We again commend it to all delegates' attention.

On the issue of reporting I can only reinforce my earlier comments. The United States has a strong record of providing information throughout the review process. However, each Party should be able to decide for itself what information to provide, and how and when to do so. Increased transparency could improve the strengthened review process but only through a voluntary approach, and not with check lists and tables.

With regard to the proposal for consultations leading up to the 2003 PrepCom we have made clear for many years our strong opposition to expanding the NPT Review process beyond the PrepComs to include intercessional activities. We believe the 1995 decision on strengthening the review only contemplates establishing subsidiary bodies at review conferences, not for intercessional work. This position of ours holds regardless of the topic that is being addressed, whether that be reporting, security assurances or IAEA safeguards.

On regional issues, we think the identification of specific nations in the factual summary is not necessary. The United States has named countries in its statement, but believes the Chairman's factual summary should have been as non controversial as possible. We do not believe that all states thought it useful to name Israel in the context of the Middle East. In consultations prior to the PrepCom we consistently urged that no country should be named. We regret, specifically, the inclusion of Iraq's assertion that it is in compliance with its NPT obligations when it is so blatantly violating its obligation to permit IAEA inspections, as required by UN Security Council resolutions.

We reaffirm our strong opposition to the use of the NPT Review process to undertake negotiations on issues that should be addressed elsewhere. And our strong opposition to establishing new mechanisms such as that mentioned in the paragraph on the Middle East resolution.

Finally, on security assurances, Mr. Chairman, I want to reaffirm our opposition to the negotiation of a legally binding global assurances treaty, either as a separate treaty, or as a protocol to the NPT.

You may not think, after that statement, that I again wish to thank you for your efforts during this conference. You have conducted your task with great skill, great dedication and a sense of fair play, and we are very grateful to you for that. Thank you, Mr. Chairman.”

* * *

17. Assessment: A Challenging Moment

17.1 To say that the Non-Proliferation Treaty is in crisis is an understatement.

Thirty-two years after the Treaty came into force, there are still 31,000 nuclear weapons in existence. The reductions in operationally deployed strategic weapons mask the fact that there are thousands of remaining nuclear weapons in various forms. They remain central to the military doctrines of the NWS. The U.S. Nuclear Posture Review foresees a war-fighting role for nuclear weapons.

The promises made by the NWS at the 1995 Indefinite Extension of the NPT (“systematic and progressive efforts”) have been abandoned. The Advisory Opinion of the International Court of Justice, calling for the conclusion of negotiations to eliminate nuclear weapons, has been ignored. The “unequivocal undertaking” toward total elimination, given by the NWS at the NPT 2000 Review, has been pushed aside.

The entry-into-force of the Comprehensive Test Ban Treaty, a cornerstone of the non-proliferation regime, is blocked. The Anti-Ballistic Missile Treaty is about to be abandoned. The development of a National Missile Defence (NMD) system is proceeding. Space weapons are on the horizon. The U.S. Space Command has presented its 21st century vision: “dominating the space dimension of military operations to protect U.S. interests and investment; integrating Space Forces into warfighting capabilities across the full spectrum of conflict.”

U.S. planning has stated clearly:

“The proliferation of missiles and weapons of mass destruction (WMD) requires an NMD. NMD will evolve into a mix of ground and space sensors and weapons.

Existing land, sea, and air missions will be enhanced by space systems. Current sea and air strategic attack missions will be augmented by the deployment of space force application systems. Likewise, surface and air surveillance systems (e.g. AWACS and JSTARS) will be augmented by space-based surveillance systems.”

While the Outer Space Treaty, which prohibits the placing of nuclear weapons in space, has not been directly challenged, the intention to weaponize space, with a military system which integrates nuclear and non-nuclear offensive systems, augers ill for the NPT. Nuclear weapons are a declared component of U.S. plans for full-spectrum dominance. The Nuclear Posture Review states:

“Nuclear weapons play a critical role in the defense capabilities of the United States, its allies and friends. They provide credible military options to deter a wide range of threats, including WMD and large-scale conventional military force. These nuclear capabilities possess unique properties that give the United States options to hold at risk classes of targets [that are] important to achieve strategic and political objectives.”

There is now abundant evidence that the U.S. is proceeding in the NPT review process in bad faith, contrary to the “good faith” negotiations required by Article VI. The morality, legality and pragmatics of this situation require world attention. Yet little is being said. The U.S. has even been able to reject the demands of the New Agenda countries, which have emerged in recent years as the strongest voice for nuclear disarmament. The NATO countries and associated States (e.g., Australia, Japan) are virtually silent at the wreckage of the arms control and disarmament agreements carefully built up over the past three decades.

Faced with a constantly modernized U.S. nuclear arsenal and new high tech systems of which missile defences are only one part, existing nuclear weapons states are likely to retain their nuclear stocks. And more states, seeing that nuclear weapons are the currency of power, may follow India, Pakistan and Israel's recourse to the acquisition of nuclear weapons. The danger of a nuclear catastrophe grows.

The terrorist attacks of September 11, 2001 did bring more change than was realized at the time. The resulting "war against terrorism" has catalyzed military machinery everywhere. Political momentum is escalating the preparation for, and involvement in, wars. Immediately after September 11, U.N. Secretary-General Kofi Annan said efforts to implement fully the relevant treaties to stop the spread of nuclear and other weapons of mass destruction should be "redoubled." In the case of the Non-Proliferation Treaty, it is not multiplication of effort we are witnessing, but subtraction.

How can the NPT be saved from further erosion and eventual collapse? Under-Secretary-General Dhanapala has put the answer squarely: "The disarmament community must ... rekindle the public campaign for nuclear disarmament."

As the NGO presentations to the PrepComm, quoted in this report, show clearly, the advanced sections of civil society are highly informed and strongly motivated. Their presentations put to shame the government speeches. But the obstacles to "rekindling" are enormous. The general media ignore the issue, the public is uninformed, and the foundations that funded nuclear disarmament work for the past several years are cutting back their interest and funding in this area. Even other elements of the civil society movements (e.g. development, environment, human rights) seem oblivious to the nuclear danger (and its impact on their own work); thus there is little amalgamation of the totality of civil society strength to make a dramatic effect on the NWS.

The "culture of war" mentality of governments does not, of course, paralyze those who continue to work valiantly for a "culture of peace." Resistance to war and escalating military budgets is beginning to surface, and may gradually rise if there are no more terrorist attacks on the U.S. or its allies.

The original rationale for strengthening middle-power governments to press the NWS to fulfil their commitments is now more apparent than ever. The NWS, including the U.S., are not impervious to the opinion of important governments. Even though these middle power governments themselves are not feeling any heat from their electorates, they understand what is happening to the non-proliferation regime and several are, in fact, deeply concerned. The New Agenda statements have demonstrated this. Middle-power governments need to hear, at this challenging moment, from informed civil society leaders who have the ability to bring forward strong arguments for specific actions to save the NPT. Most importantly, these civil society groups can encourage and buttress the efforts of like-minded governments.

Such civil society action does not require (although it would be helped by) large amounts of money, media headlines, or street marches. But it does require immense will power and strategic planning.

