

Non-Governmental Organizations' Statements to the States Party to the Seventh Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons



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1. Abolition Is the Only Way: Introduction to the NGO presentations

Convenors: Xanthe Hall, IPPNW; John Loretz, IPPNW; Urs Cipolat, Tri-Valley CAREs; Diane Perlman, PsySR

Speaker: Xanthe Hall, International Physicians for the Prevention of Nuclear War

Why are we always here and what do we want?

Non-Governmental Organisations have an important role to play in international decision-making. The participation of civil society in shaping our world and guarding its most precious ideas and values is vital. While governments remain the ultimate decision-makers, it is NGOs that allow citizens across the globe to partake in the political process and make their voices heard. Together with the Mayors, from whom you have already heard, we represent millions of people worldwide. Opinion polls show that these people want to live without the scourge of nuclear weapons, in a world where governments are mature enough to resolve conflicts with more effective, non-lethal methods. This is why we endorse the Mayor's campaign "2020 Vision".

NGOs working for nuclear disarmament have, year after year, participated in the Nuclear Non-Proliferation Treaty Conferences in order to promote the transition to a nuclear weapon-free world with three obligations of non-proliferation, disarmament and the abolition of nuclear weapons. The treaty contains all three obligations and does not make a hierarchy of them. We consider them all equally important to the survival of our world.

Some say we should not admit that the NPT is in crisis for fear of undermining it. We disagree. In order to make the Treaty work as it was intended, we must recognise that it has long been in crisis. Secretary-General Annan's High-level Panel on Threats, Challenges and Change did just that. In its recent report, it stated that "the nuclear non-proliferation regime is now at risk because of lack of compliance with existing commitments, withdrawal or threats of withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons to escape those commitments, a changing international security environment and the diffusion of technology." The Panel's final conclusion is especially alarming: "We are approaching a point at which the erosion of the non-proliferation regime could become irreversible and result in a cascade of proliferation."

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

This opening statement is a collective product of all NGOs participating in this Conference. It sets out, simply, our reasons why we believe that nuclear weapons in today's world are of no use at all, to anyone, for any reason. Later you will hear our

main recommendations. We urge you to consider these reasons and recommendations in your deliberations about the future of the NPT.

A. Why Nuclear Weapons are Obsolete

1.) The finger is still on that button

The Cold War is over. Yet thousands of nuclear weapons remain on hair trigger alert in the US and Russia. These could go off by accident, as a result of human error, or through unauthorised use, killing millions.

2.) On offer: Nuclear Weapons for Everyone

Israel, India, Pakistan, North Korea. That makes nine nuclear weapon states, despite the NPT. Who will be the next nuclear weapon state? If the NPT falls apart, will we be forced to live in a world with dozens of countries armed with nuclear weapons and no controls? Already nuclear technology is being sold on the black market.

3.) A smoker cannot forbid others to smoke

No state wants other states to get hold of nuclear weapons. Neither do we. Mohammed El-Baradei, Director-General of the IAEA, said: "As long as you continue to have countries dangling a cigarette from their mouth, you cannot tell everybody not to smoke with a high degree of credibility". And yet the nuclear weapon states are modernising their own arsenals. The US is even planning new types of nuclear weapons. The Nuclear Posture Review and one budget request after another make this undeniable. New and existing nuclear weapons (for example Mininukes and Bunker Busters) might be used in "preventive" warfighting against hardened underground targets. The suggestion that the collateral damage could thereby be minimised, reduces the threshold for the use of such weapons. Expert studies have shown that, however small, these weapons would still produce high levels of fallout and remain weapons of mass destruction that kill and contaminate with radiation. Moreover, our information indicates that the nuclear earth penetrator would not be have a small yield at all.

4.) Nuclear weapons don't stop people from dying

The big threats that our world is facing today cannot be averted through possession of nuclear weapons. Mass destruction takes place daily without any bombs going off at all. There can be no military protection for the victims of respiratory diseases, diarrhoea, malaria, hepatitis, measles, and AIDS. Or of environmental degradation, starvation, poverty, or climate change. Or civil war, using small arms and machetes. These are the real killers. Security against these threats cannot be provided by nuclear weapons. What we need is clean water, nutrition, health, education and a safe place to live. The tsunami in South Asia showed us that spending money on a tsunami warning system could have saved many lives. So why are we spending billions on missile defence and nuclear weapons instead of investing in technology to promote human security? On the other hand, every single disarmament measure is a step towards confidence and trust-building and frees more resources for real security measures.

5.) You are the nuclear target

If you point nuclear weapons at anyone, then they are pointed at you. The possession of

nuclear weapons is an invitation for others to acquire them and threaten you with them.

6.) After the fact: There is no medical aid

Once the worst has happened – whether an all-out nuclear war caused by accident or a “limited” nuclear war – health services will break down. The number of burns alone would overwhelm the most well-equipped burns unit. Assuming there are any burns units. Or people to staff them. Radiation sickness will follow. Many people will die a terrible death without any medical relief at all. In a “conventional” war or a major disaster, such as the December tsunami, health services are barely able to cope and often break down. In a nuclear war there would be no chance at all.

7.) Nuclear weapons cannot deter terrorists

A suicide bomber or an attacker armed with a carpet knife who is prepared to give his life for his cause cannot be deterred by any kind of threat, including a nuclear threat. On the contrary, the very existence of nuclear weapons and fissile materials from which to make them leaves the world more vulnerable to attack from non-state actors.

Radioactive materials - whether legally or illicitly acquired - can be used either for making a nuclear weapon or for use in a radiological weapon.

Abolition is the only way

The goal of this opening statement is to show you why we believe that nuclear weapons in the 21st century are obsolete. At the end of these presentations, we intend to also provide you with a set of carefully deliberated recommendations on how to move forward toward the elimination of nuclear weapons worldwide.

More collectively prepared NGO presentations will now follow. These include NGO expert analyses of topics you will be discussing over the next few weeks. Many NGOs will present additional events and briefings on these topics during the Conference. These are interspersed with the "voices" of the people, including those of indigenous peoples, youth, and the hibakusha. Even though numerous, all of our interventions today underscore the centrality of the NPT and the categorical imperative of achieving a nuclear weapon free world.

At the end of this session, we will have the opportunity for a direct exchange - there will be time set aside for “interactivity” between you - the States parties - and us, the citizens of the world who have dedicated our lives to the abolition of nuclear weapons. We thank you for attending this session, and we appreciate your rapt attention. For the information, perspectives and analysis you are about to hear will not only inform your debate, but it will enable you to use this Review Conference to get us that much closer to a nuclear weapon-free world.

From where you are now, the global abolition of nuclear weapons may seem a long way off. But it is the only way. And the sooner you start, the sooner you’ll get there. As NGOs, we are here not only as a voice of civil society reminding you to get on with the job, but also a source of technical, scientific and medical knowledge at your disposal. The closer we are able to work together toward our common goals of peace, security and sustainability, the more likely it is that we will achieve them. And achieve them we

must.

Thank you, Mr. Chairman.

2. Transparency

Convenors: Sarah Estabrooks, Project Ploughshares; Rhianna Tyson, WILPF

Speaker: Alexandra Sundberg, WILPF

At this Seventh Review Conference, all States parties and non-governmental organizations are primarily concerned with one aspect of the Treaty: compliance. Whether prioritizing compliance to Article VI, I, II or IV, in order to strengthen the Treaty - as you are mandated here to do - we must seek ways to build confidence in universal compliance to the Treaty.

Without doubt, the best way to build confidence is to strengthen and enhance transparency measures within the NPT process. This is a responsibility of States parties under the Practical Steps¹; we believe that some of the easiest, most effective methods to strengthen transparency can be found through reporting and increased access by and participation of civil society in the review process.

We'll start first with the issue of reporting.

All states have a responsibility to build transparency in the Treaty through their obligations under the 13 Steps, but even more importantly, they have an interest in contributing to the transparent flow of information, testifying to demonstrable steps taken to further the goals of the Treaty.

Critics have complained that reports offer little substance, in that they duplicate general statements. In fact, experience has shown the opposite; reports that have been submitted provided substantive and reasonably detailed information, contributing to increased transparency and demonstrating States' serious undertaking of their obligations to the NPT.

Since reporting was adopted as an obligation in 2000², the past three PrepComs have facilitated a much greater degree of transparency than previously attained. Although institutionalization of reporting is progressing slowly, of the 188 NPT states parties, 39 reported at least once in the preparatory cycle, 6 at all three PrepComs. A total of 67 official reports were submitted in three PrepComs, at most 28 in a single year (in 2003 and 2004). Perhaps more importantly, 25 of the 40 NPT states parties listed in Annex 2 of the CTBT have submitted at least one report.

¹ Step 9b calls for "Increased transparency by the Nuclear Weapon States with regard to their nuclear capabilities and the implementation of agreements pursuant to Article VI and as a voluntary confidence-building measure to support further progress on nuclear disarmament."

² Step 12 calls for "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.

To date, however, none of the Nuclear Weapon States have submitted an official 'report', though all of them offer some sort of information exchange, whether through statements, non-papers or "informational papers," such as the US has submitted. While these types of information are useful, the submission of an official report is important in that it ensures its translation and inclusion into the meeting record, a much more effective way of increasing transparency.

To strengthen the reporting practice and its capacity to enhance transparency, we call for:

- All states parties to submit reports, in that as more states take part, transparency within the Treaty framework will only increase
- States parties to carry forward the commitment made in 2000, and endorse the reporting requirement at this Review Conference;
- States parties to submit reports which are substantive and which detail measurable steps taken to implement the Treaty, rather than declaratory statements;
- The NWS and Annex II States in particular to submit formal reports, insofar as participation in this practice grows, so will transparency;
- NWS, in particular, to report on national holdings of warheads – both within national borders and without, delivery vehicles and fissile materials; operational status of nuclear weapons; disarmament initiatives and reductions strategies; strategic doctrine; and security assurances.

Transparency of the NPT process would also be greatly enhanced through greater access by and interaction with non-governmental organizations.

Providing a critical link between governments and the general public, civil society translates what happens within these halls for the people of the world. As the 2003 Canadian working paper on NGO participation in the review process noted, "Nuclear disarmament NGOs make key contributions to building and nurturing public concern and thus political will, advancing global norms, enhancing transparency, monitoring compliance, framing public understanding, and providing expert analysis."

The 2004 report of the Cordoso panel on UN-Civil Society Relations concluded that: "The most powerful case for [the UN] reaching out beyond its constituency of central Governments and enhancing dialogue and cooperation with civil society is that doing so will make the United Nations more effective." NGOs make the NPT more effective by strengthening transparency while monitoring proceedings; providing expert input in statements, documents, and events on the perimeter of the meeting; and by interchanging with the public before, during, and after the official meetings.

NGOs which focus on disarmament and non-proliferation issues have less access to and participation in international meetings as compared to those focused on other issues, such as human rights, disabilities or humanitarian affairs, and this Review Conference has seen an even greater restriction of NGO access. In the NPT process, NGOs are permitted to address the delegates only in the General Debate in one, three-hour session throughout a four-week-long conference. Meeting in the General Assembly has further

limited interaction between NGOs and delegates, as NGOs are prevented from meeting officials outside the hall. Although tables are located outside the room for NGO documentation, NGO representatives cannot access the tables to leave their materials. Last year, for the first time in NPT history, NGOs were allowed access to the cluster debates, which were held in open meetings following the correct interpretation of rule 44.4 and we look forward to greater access to the proceedings and delegates when this Review Conference breaks into committee proceedings.

To strengthen NGO access, and therefore the contributions NGOs can make in the NPT review process, we call for:

- All meetings not designated to negotiations to be held in open session.
- NGOs to be provided with appropriate seating within the conference hall and access to all documentation during open sessions;
- In addition to the one session designated for NGO presentations to the delegates, additional opportunities to intervene within the thematic discussions.
- Increased government-NGO dialogue within the official process, including opportunities for informal interaction.
- The participation of NGOs from underrepresented regions with financial and logistical support by the Conference Secretariat and/or States parties.

These practices should be codified in the Final Document of this Review Conference, affirming the value of NGO participation to the health of the Treaty.

Global support and understanding of disarmament and non-proliferation is the key to ensuring compliance to the NPT. This critical component cannot be achieved without increased transparency of the treaty process. States must be held accountable for the full implementation of all obligations under the Treaty. Who better to hold governments accountable for their actions than those whom they are purported to represent? Therefore, it is in the interests of all States parties to increase NGO access and participation in the NPT Review process in order to obtain the permanence and accountability of the Treaty upon which our global security depends.

3. Statement on behalf of Mordechai Vanunu

Speaker: Daniel Ellsberg, Nuclear Age Peace Foundation

Nineteen years ago, Mordechai Vanunu, a technician at the secret nuclear weapons production facility at Dimona in Israel, did something that he was right to do, something that others with his knowledge of Israel's nuclear activities and their implications for Israeli security and democracy and for world order should have done earlier, or later. He revealed to his fellow citizens and to the world truths about these activities that had long been wrongly concealed and denied by his government.

What he revealed was not merely that Israel was a nuclear weapons state; that had been known for more than a decade on the basis of widely-publicized leaks in the US about official American intelligence estimates to this effect. Vanunu's photographs and

interviews with the London Sunday Times revealed that Americans and all others had substantially underestimated the pace and scale of the Israel's secret and un-inspected production of nuclear materials and warheads, especially since the early '70s. New estimates on the basis of his revelations put the Israeli arsenal in 1986 at some 200 warheads (rather than 20) – making it the fifth and possibly fourth largest nuclear power, ahead of Britain, and possibly ahead of France. After nineteen more years of production, that ranking probably remains valid.

Did not Israelis, citizens of a democracy, and other nations of the world deserve to know this? Was not his example of truth-telling, at great personal risk, to be thanked and emulated? For a generation, the nuclear scientist Joseph Rotblat, a founder of the Pugwash Movement for which he was awarded the Nobel Peace Prize, has argued that the confidence required in the inspection and enforcement agreements on nuclear disarmament could and must rest in part on “societal verification:” the courage and conscience of scientists, technicians and officials who could reveal to inspectors activities violating those agreements. Unhappily, the last 35 years since the NPT went into effect have not seen many examples of such initiative, other than that of Mordechai Vanunu. Yet the potential value of such revelations by someone willing, like Vanunu, to risk the heaviest personal costs, is ever more clear.

Imagine, for example, if an Indian citizen aware of India's secret preparations for nuclear testing, and of the disastrous impact this would foreseeably have on regional and world security, had made this knowledge unequivocally public in time for world opinion to come to bear to avert that tragic error and the Pakistani testing it was sure to provoke. The result for that person could well have been a long prison sentence, as it was for Vanunu; yet surely such an act would deserve a Nobel Peace Prize, for which Rotblat – using his prerogative as a Nobel Laureate – has nominated Mordechai Vanunu repeatedly.

Now, a year after serving his full sentence of eighteen years – nearly twelve of them spent in solitary confinement in a two-by-three meter cell – Vanunu is under indictment and faces a return to prison for violating restrictions on his freedom of speech that clearly violate his fundamental human rights. He has and will continue to speak out in favor of a nuclear-free-zone in the Middle East and the global abolition of nuclear weapons, telling whatever he knows that supports these objectives. It is absurd to maintain, as the head of Israel's security system does, that revelation of any further details Vanunu learned from his access in Dimona nineteen years ago could undermine Israeli national security, when no one has been able to identify any damage whatever to Israeli security in the years since his revelations in 1986. Rather, the prohibitions against his speaking to foreigners and to foreign journalists on any matters, or to his fellow citizens on nuclear matters, are clearly intended to extend his punishment in prison for unauthorized truth-telling for an indefinite period.

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

verification, there should be international protest of Vanunu's new indictment and of the restrictions on his speech and travel.

It is time for the rest of the world to join Mordechai Vanunu in demanding that Israel acknowledge its status as a nuclear weapons state with a large and growing arsenal, and in demanding that ALL the nuclear weapons states – including Israel, India and Pakistan, but above all the US and Russia – negotiate concrete steps on a definite timetable toward the global, inspected abolition of nuclear weapons.

4. COMPLIANCE ASSESSMENT: THE NPT DECLARED NUCLEAR WEAPON STATES*

Conveners: John Burroughs and Michael Spies, Lawyers' Committee on Nuclear Policy, New York, New York, USA; Jacqueline Cabasso and Andrew Lichterman, Western States Legal Foundation Oakland California, USA

A. PART ONE: Cessation of the Nuclear Arms Race

Speaker: Jacqueline Cabasso, Western States Legal Foundation, Oakland, California, USA

NPT delegates and NGO colleagues:

We will present our assessment of the nuclear weapon states' compliance with Article VI of the NPT in three parts, corresponding to the three elements of that article: cessation of the nuclear arms race, nuclear disarmament, and a treaty on general and complete disarmament.

The first element and its time qualification are too often overlooked: "negotiation in good faith of effective measures relating to cessation of the nuclear arms race *at an early date.*"

In 1995, we were told that "the nuclear arms race has ceased," in a declaration issued at the Conference on Disarmament by France, Russia, Britain and the United States in anticipation of the 1995 Review and Extension Conference.³

Unfortunately, this optimistic claim is not true.

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

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

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

³ CD 1308, April 6, 1995, later issued as a document of the 1995 Review and Extension Conference (NPT/CONF.1995/20).

Moreover, in some cases modernization unmistakably amounts to arms racing.

It must also be noted that both the Comprehensive Test Ban Treaty and the Fissile Materials Cut-Off Treaty have yet to be achieved. Both measures were envisioned at the time of the NPT's negotiation as means of capping the arms race. Indeed, they would have done so if they had been agreed as intended "at an early date." Still, even today, they could contribute to preventing arms racing.

Nor have the NPT nuclear weapon states undertaken any initiatives to stop modernization of nuclear forces - no initiatives of any kind, formal or informal, discussions or negotiations, among themselves or in a wider setting. Nor have there been efforts to achieve related objectives like increasing transparency and lowering the readiness of forces. Those are tasks that could and should be taken up by those countries - Britain, France and China - which tend to shelter behind the argument that global elimination must await deep reductions in US and Russian forces.

Now for a quick snapshot of modernization programs:

Britain: The submarine-launched Trident missile, equipped with three to four warheads, is Britain's remaining operational nuclear weapon system.⁴ At its Aldermaston complex, the Atomic Weapons Establishment is continuing its plans for the development of new facilities to be used for laser-based plasma physics studies, hydrodynamic testing, and supercomputer simulations.⁵ The Establishment states that its mission in part is to "maintain a capability to provide warheads for a successor system" to the Trident without "recourse to nuclear testing."⁶ A decision on whether or not to replace the Trident system will likely be made in the just elected parliament⁷. A replacement system might not be deployed for another two decades.

If in accordance with the unequivocal undertaking, and with the fundamental illegitimacy and illegality of threat or use of nuclear weapons, Britain should decide not

⁴ Ministry of Defence, July 1998, Strategic Defence Review: White Paper, Presented to Parliament by The Secretary of State for Defence. www.mod.uk/issues/sdr/index.htm. The British Navy maintains a fleet of four Trident submarines, each equipped with 12-16 missiles carrying three to four warheads, which makes for a total operational nuclear arsenal of less than 200 warheads. The British Navy maintains only one Trident submarine on patrol at any one time, with its missiles "normally" kept "at several days 'notice to fire.'" MOD, 1998. By reducing its arsenal to a single nuclear weapon system, the UK views itself as "the most forward-leaning of the Nuclear Weapon States."⁴ Ambassador David Broucher, Statement before the 2004 NPT Preparatory Committee, 3 May 2004, www.fco.gov.uk/ukdis. Reductions included the withdrawal and dismantling of its maritime tactical nuclear capability, the withdrawal and dismantling of the WE177 nuclear bomb, the termination of the Lance missile, and most recently the dismantling in 2002 of the Chevaline warheads formerly deployed on Polaris missiles. However, the dismantled weapons systems had reached the end of their service lives, and were replaced by the Trident system. In 1994, a government committee stated that "Trident's accuracy and sophistication in other respects does, and was always intended to, represent a significant enhancement of the UK's nuclear capability." Defense Select Committee, HC 297 of Session 1993-94, p.xiv.

⁵ Atomic Weapons Establishment, 2003, AWE Public Information Leaflet: The AWE Sites Development Strategic Plan, August 2003 Update.

⁶ Atomic Weapons Establishment, Enduring Excellence, AWE Annual Report 2003/4.

⁷ Ambassador David Broucher, 2004.

to replace the Trident system, it would earn a special place in history as the first of the original declared NPT nuclear weapon states to renounce its arsenal.

France: France continues to design and build new weapon systems, for use through 2040.⁸ For its submarine fleet, France is developing the M-51 missile, which will eventually be equipped with a new warhead, the Tête nucléaire océanique.⁹ Modernization also continues for the air-to-surface stocks, with the current cruise missile set to be replaced with a longer ranged variant, also equipped with a new warhead, the Tête nucléaire aéroportée.¹⁰ France has a highly advanced program to develop the capability to design and manufacture modified or new nuclear weapons without explosive nuclear testing. Notably, with the Laser Megajoule now under construction France and the United States are the only states seeking to induce miniature thermonuclear explosions in contained vessels in giant laser facilities.

China: China is currently replacing its force of 20 silo-based long-range missiles with a longer ranged variant.¹¹ China is also developing a new mobile intermediate-ranged solid-fueled ICBM, which may begin to be deployed by the end of the decade.¹² A longer-ranged variant is also under development.¹³ For its ballistic missile submarine force, China is currently working to replace the experimental missile with a more reliable, medium-range missile, and is developing a new submarine.¹⁴ The Chinese program could be characterized as a slow-motion effort to counterbalance long-standing and still evolving US and Russian capabilities, but nonetheless is a form of arms racing.

Russia: Top Russian officials have touted development of a new maneuverable warhead able to avoid missile defenses.¹⁵ President Putin described it as a “new hypersonic, high-precision new weapons system that can hit targets at international distance

⁸ Assemblée Nationale, Au Nom de la Commission de la Défense Nationale et des Forces Armées, sur le projet de loi de finances pour 2005 (no. 1800), Tome II, Défense, 'Dissuasion Nucléaire', M. Antoine Carre (Député), 13 Oct. 2004. The backbone of the French nuclear force now consists of its fleet of four nuclear-powered ballistic missile submarines, with three operational. The submarines carry loads of 16 missiles, each equipped with six warheads. Robert S. Norris, William M. Arkin, Hans M. Kristensen, Joshua Handler, French Nuclear Forces 2001 from NRDC: Nuclear Notebook, in Bulletin of the Atomic Scientist, July/August 2001, volume 57(4), pp 70-71. France also maintains a force of about 60 single warhead air-to-surface supersonic missiles, the Air-Sol-Moyenne Porté (ASMP), which are carried by land and carrier-based fighter/bomber aircraft. Bruno Tertrais, "Nuclear policy: France stands alone," Bulletin of the Atomic Scientists, July/August 2004 pp. 48-55 (vol. 60, no. 04), www.thebulletin.org/article.php?art_ofn=ja04tertrais. The total of warheads is estimated at about 350. In five years the size of the arsenal will be same as in the mid 1990s, but France will have completely replaced every aspect of its force, from delivery systems to warheads.

⁹ Kristensen, H.M. and Kile, S., 'World nuclear forces', *SIPRI Yearbook 2003: Armaments, Disarmament and International Security*, (Oxford University Press: Oxford, 2003).

¹⁰ Assemblée Nationale, 2004. The TNA and TNO are so-called "robust" warheads; they are less sensitive, for example, to the aging of components. The concept for these warheads was tested during France's 1995-1996 final nuclear testing campaign. Tertrais, 2004.

¹¹ Department of Defense, FY04 Report To Congress On Military Power in the People's Republic of China.

¹² DoD, 2004.

¹³ Robert S. Norris and Hans M. Kristensen, "Chinese Nuclear Forces, 2003," NRDC: Nuclear Notebook, in Bulletin of the Atomic Scientists, November/December 2003, vol. 59(6), pp 77-80. China currently deploys a variety of nuclear weapon systems, all of which carry a single warhead, with a total arsenal of 400 warheads.

¹⁴ Norris and Kristensen, "Chinese Nuclear Forces, 2003."

¹⁵ Norris and Kristensen, "Russian Nuclear Forces, 2005."

and can adjust their altitude and course as they travel.”¹⁶ Manufacture of single warhead, silo-based missiles continues.¹⁷ The deployment of a road-mobile, multi-warhead variant is scheduled to begin in 2006. Russia has announced it will eventually field several divisions of these missiles, likely totaling about 200 missiles, of which 40 have already been completed and deployed.¹⁸ Russia continues to slowly retire multi-warhead, land-based nuclear missiles, but may deploy some number of recent variants while the numbers of single warhead missiles are slowly built up. Reportedly, development of a new generation ICBM, able to carry up to 10 warheads, is underway.¹⁹ A nuclear variant of a new bomber-carried cruise missile may be deployed in 2005.²⁰ When ready and flight-tested, a new submarine-launched missile will be deployed on two submarines under construction.²¹

In part Russia is engaged in restructuring its deployed strategic force as Russia and the United States reduce toward 2200 deployed strategic warheads in 2012 per the Moscow Treaty. The partial move from multi-warhead to single-warhead missiles can be viewed as stabilizing. However, there are also ample signs of innovation. In any case, it is clear that Russia is engaged in modernization and replacement of existing systems in accordance with an intention to rely on nuclear forces indefinitely. As President Putin stated in 2003, “the nuclear deterrence forces remain and will remain for a long time yet the foundation of the national security of Russia.”²²

United States: The United States spends about \$40 billion annually on nuclear forces,²³ more than the total military budget for almost every other country. We cannot here give a comprehensive picture of US modernization activities, but rather just highlight some.

Regarding delivery systems:

¹⁶ President Vladimir Putin, February 18, 2004, Press statement and answers to questions, Ministry of Foreign Affairs, Daily News Bulletin.

¹⁷ Robert S. Norris and Hans M. Kristensen, "Russian nuclear forces, 2005," NRDC: Nuclear Notebook, Bulletin of the Atomic Scientists, March/April 2005, vol. 61(2), pp. 70-72. NRDC estimates that Russia currently has about 7,200 operational nuclear warheads, 3,800 strategic and 3,400 tactical. The total arsenal of intact warheads, according to NRDC, is around 16,000.

¹⁸ Robert S. Norris and Hans M. Kristensen, "Russian nuclear forces, 2005," NRDC: Nuclear Notebook, Bulletin of the Atomic Scientists, March/April 2005, vol. 61(2), pp. 70-72.

¹⁹ "Russia deploys new missile batch," AP, December 22, 2003; Norris and Kristensen, "Russian nuclear forces, 2005."

²⁰ Norris and Kristensen, "Russian Nuclear Forces, 2005."

²¹ Norris and Kristensen, "Russian Nuclear Forces, 2005."

²² President Vladimir Putin, October 3, 2003, Concluding Remarks at a Meeting with Russian Armed Forces Commanders, Ministry of Foreign Affairs, Daily News Bulletin, www.ln.mid.ru/Bl.nsf/arh/CF00EFB5C420B88E43256DB4003E827F?OpenDocument.

²³ Robert S. Norris, Hans M. Kristensen, Christopher E. Paine, Natural Resources Defense Council, *Nuclear Insecurity: A Critique of the Bush Administration's Nuclear Weapons Policies*, September 2004, p. 10. The current US nuclear stockpile is estimated at 10,350 warheads. Of these, approximately 5,300 are operational, including 4,350 strategic and 780 non-strategic warheads. Almost 5,000 additional warheads are retained in the “responsive reserve force” or on inactive status, with their tritium removed. It is believed that 480 operational US B61 bombs are deployed at eight bases in six NATO countries, for delivery by US and NATO bombers. When the Moscow Treaty expires in 2012, it is estimated that the US will retain about 6,000 nuclear warheads. Robert S. Norris and Hans M. Kristensen, "US nuclear forces, 2005," NRDC: Nuclear Notebook, Bulletin of the Atomic Scientists, January/February 2005, vol. 61(1), pp. 73-75.

- Existing Minuteman land-based missiles are being modernized, to improve accuracy and reliability and to extend their service life. Supporting infrastructure also is being upgraded to allow for more rapid re-targeting.²⁴ The Minuteman refurbishment is so extensive that the retired commander of US ICBM forces, Major General Thomas H. Neary, likened the process to “jacking up the radiator cap and driving a new car under it.”²⁵
- Trident submarine launched ballistic missiles are being modernized. Improvements include guidance system upgrades and changes in the W76 warhead arming, fusing and firing system to allow ground burst use more effective for preemptive strikes.²⁶
- Nuclear-capable long-range bombers are being upgraded,²⁷ and the current budget proposes over \$1.25 billion in spending for “next generation bomber” research through FY2011.²⁸
- Research is underway on new delivery systems. For example, the Air Force has begun analyzing alternatives for replacement of its land-based intercontinental ballistic missiles, asking contractors to consider approaches that will provide new capabilities such as improved reentry vehicle maneuverability, trajectory shaping, and greater accuracy. The goal of the program is “maintaining US qualitative superiority in nuclear warfighting capabilities in the 2020-2040 time frame.”²⁹ The Air Force also is beginning concept studies for a nuclear enhanced cruise missile, examining potential improved capabilities such as increased range, accuracy, and survivability in difficult “anti-access” environments.³⁰ Research on ballistic missile propulsion, guidance and reentry vehicle technologies is ongoing.

Regarding warheads:

²⁴ Amy Wolf, *US Nuclear Weapons: Changes in Policy and Force Structure*, Congressional Research Service Report to Congress, Updated January 13, 2005, p.CRS-28.

²⁵ Air Force Major General Thomas H. Neary, ret., remarks at Air Force Space Command "Guardian Challenge 2004" competition, quoted in Scott R. Gourley, "ICBM Transformation," *Military Aerospace Technology Online*, Jun 25, 2004, v.3 #2.

²⁶ Robert S. Norris and Hans M. Kristensen, "US nuclear forces, 2005," *Bulletin of Atomic Scientists*, January/February 2005, pp. 73-75; see also Department of the Navy, Fiscal Year (FY) 2006/FY 2007 Budget Estimates, RDT&E Project Justification, January 2005, Program Element 0101221N, Strategic Sub & Wpns Sys Spt, Technology Applications 2228.

²⁷ See, for example, Department of the Air Force, Fiscal Year (Fy) 2006/2007 Budget Estimates, Research, Development, Test and Evaluation (RDT&E), Descriptive Summaries, Volume II, February 2005, Program Element 0604240F, B-2 Advanced Technology Bomber, requesting funds for various electronics upgrades including a "Secure, survivable communication systems upgrade" that "reserves the critical ability to guarantee communication through a nuclear event, while providing a dramatic increase in the data flow into and out of the B-2." Another example is a "stand-off jammer" in development for the B-52, "for reactive jamming suppression of enemy integrated air defense systems (IADS) and IADS component radars from stand-off distance." Department of the Air Force, Fiscal Year (Fy) 2006/2007 Budget Estimates, Research, Development, Test and Evaluation (RDT&E), Descriptive Summaries, Volume II, February 2005, Program Element 0604429F, Airborne Electronic Attack.

²⁸ Department of the Air Force, Fiscal Year (Fy) 2006/2007 Budget Estimates, Research, Development, Test and Evaluation (RDT&E), Descriptive Summaries, Volume II, February 2005, Program Element 0604015F Next Generation Bomber.

²⁹ US Air Force Space Command, Final Mission Need Statement, Land Based Strategic Nuclear Deterrent, AFSPC 001-00, January, 2002, p. 1.

³⁰ Department of the Air Force, Air Force Materiel Command, AFRL, Space Vehicles Directorate, "Concepts and Technologies Study for Enhance [sic] Cruise Missile (ECM), Sources Sought Notice, Reference-Number-AFNWCA-002, December 7, 2004 (modified December 9, 2004).

- The program to extend the lifetime of one warhead (the W-87) by 30 years was completed in 2004, and lifetime extension is planned for five other warheads and bombs (B61-7/-11, W76, W88, B83, and W88). Some of the planned programs are significant enough to change the warheads' modification designations.³¹
- Research is funded for 2005 on a "reliable replacement warhead." This program will explore ways to design and produce long-lasting nuclear warheads with capabilities comparable to the current arsenal without underground nuclear testing.³²
- Despite a Congressional refusal to fund the program for this year, the Bush administration is requesting funding for 2006 for research, including design studies and impact tests, on a Robust Nuclear Earth Penetrator intended to be more effective than the B-61-11 deployed in 1997.³³ The administration is also requesting funding for studies of integration of the penetrator with the B-2 stealth bomber.³⁴

Regarding command and control, work is going forward on a variety of technology upgrades intended to increase US capabilities to plan and execute nuclear strikes, ranging from research on nuclear weapons effects on underground bunkers and chemical and biological warfare facilities to extensive upgrades in the computer software and hardware used to plan and execute nuclear strikes, including software to assess likely "collateral damage."³⁵

³¹ Norris and Kristensen, "US nuclear forces, 2005."

³² US Department of Energy, National Nuclear Security Administration, FY 2006 Budget Request, Directed Stockpile Work, "Reliable Replacement Warhead," p.82; Statement of Ambassador Linton F. Brooks, Administrator, National Nuclear Security Administration US Department of Energy, before The Senate Armed

Services Committee Subcommittee on Strategic Forces, April 4, 2005, pp.5-6; Dwight Jaeger and John Pedicini,

"The Evolving Deterrent," *Los Alamos Science*, Number 29, 2005, p.4. If the RRW approach can provide new warheads approximating the range of sophisticated capabilities in the current US stockpile, it is possible that it could provide additional capabilities as well. The Defense Science Board, in its 2004 *Report of the Defense Science Board Task Force on Future Strategic Strike Forces*, noted that a variety of additional capabilities likely could be obtained by modifying existing nuclear warhead designs without underground testing, ranging from reduced yields and improved earth penetrating ability to enhanced radiation with reduced heat and blast. (At pp.7-10-7-11).

³³ US Department of Energy, National Nuclear Security Administration, Budget Request, "Directed Stockpile Work," pp.82-83. Regarding the hypothetical use of a penetrator version of a B83 or B61 nuclear bomb with primary yield only, see Christopher E. Paine, Thomas B. Cochran, Matthew G. McKinzie, and Robert S. Norris,

Countering Proliferation, or Compounding It? The Bush Administration's Quest for Earth-Penetrating and Low-Yield Nuclear Weapons, Natural Resources Defense Council, 2003, p.v. The Defense Science Board (DSB) noted that "Current warheads could be modified for lower yields with high confidence," and noted that one way of doing so would be "replacement of a warhead secondary with inert material." The DSB noted that "Further reductions in yield are also possible without nuclear testing." Report of the Defense Science Board Task Force on Future Strategic Strike Forces, 2004, p. 7-11.

³⁴ Department of the Air Force, Fiscal Year (Fy) 2006/2007 Budget Estimates, Research, Development, Test and Evaluation (RDT&E), Descriptive Summaries, Volume II, Program Element 0604222F, Nuclear Weapons Support, Project 4807 Nuclear Weapons & CP Technologies, "Other program funding summary."

³⁵ For example, upgrades to the Strategic War Planning System are to "produce preplanned and adaptively planned options for Theater CINC-nominated Weapons of Mass Destruction (WMD) and Nuclear, Chemical and Biological (NBC) targets using nuclear and/or conventional weapons." The objective is to "automate the current manual processes, required to produce decision documents [Theater Nuclear Planning Document (TNPD) and Theater Planning Support Document (TPSD)] for the theater Commanders-in-Chief

Regarding research and production capabilities, according to the 2004 National Nuclear Security Agency *Strategic Plan*, the United States intends to maintain indefinitely sufficient “responsive infrastructure” to “enable timely reconstitution to larger force levels, if needed; field new or modified nuclear warheads either to respond to a stockpile ‘surprise’ or to meet new military requirements; and, ensure readiness to conduct an underground nuclear test, if necessary.”³⁶ Among the programs:

- To maintain and expand their ability to maintain existing weapons and design new ones, the US nuclear weapons laboratories are spending billions of dollars on sophisticated research facilities. These range from new hydrodynamic facilities for explosive tests using substitute materials that will not produce a nuclear explosion to inertial confinement fusion facilities that can create conditions similar to those in a thermonuclear blast.³⁷
- To assure its ability to “augment” its nuclear forces, the United States plans to build a new factory to produce plutonium pits – the baseball-sized spheres at the core of hydrogen bombs. Current plans call for a facility that could produce at least 125 pits per year,³⁸ with the capacity both for a larger “surge” capability and for “modular expansion” to increase base capacity without costly modifications.³⁹
- While dismantlement has effectively ceased for the time being, more than 12,000 pits from dismantled US nuclear weapons are stored at the Pantex facility in Texas. The 7,000 of them declared by President Clinton as “excess” sit next to 5,000 “strategic reserve” pits in igloos, ready for use in new nuclear weapons if it were decided to produce new types.⁴⁰

(CINCs).” One aspect of the project will be “Earth Penetration Weapon Targeting.” [US Air Force, RDT&E Budget Item Justification Sheet (R-2 Exhibit) February 2002, Program Element 0101313F, Project 5059, Strategic War Planning System.] A “Tunnel Target Defeat Advanced Concept and Technology Demonstration” is scheduled that “will develop a planning tool that will improve the warfighter’s confidence in selecting the smallest nuclear yield necessary to destroy underground facilities while minimizing collateral damage.” [US Defense Threat Reduction Agency, RDT&E Budget Item Justification Sheet (R-2 Exhibit) February 2005, Project #0603160BR, Project BK- Counterforce.] For an overview of current US research and development aimed at making nuclear weapons more useable, see *Sliding Towards the Brink: More Useable Nuclear Weapons and the Dangerous Illusions of High-Tech War*, WSLF Information Bulletin, March 2003, www.wslfweb.org/docs/nucpreppdf.pdf.

³⁶ US Department of Energy, National Nuclear Security Administration, *Strategic Plan*, November 2004, p. 7.

³⁷ See generally, e.g., US Department of Energy, *Final Programmatic Environmental Impact Statement for Stockpile Stewardship and Management*, 1996; US Department of Energy, National Nuclear Security Administration, *Stockpile Stewardship Plan, Fiscal Year 2001 (“Green Book”)*, 2000.

³⁸ Environmental studies for the pit production facility have considered capacities up to 450 per year in normal single shift operation, and considerably more if the government chose to operate a second shift. See generally US Department of Energy, *Draft Supplemental Programmatic Environmental Impact Statement on Stockpile Stewardship and Management for a Modern Pit Facility*, 2003. Recent Congressional testimony by National Nuclear Security Agency Administrator Linton Brooks estimated the MPF would have a capacity between 125 pits and “the low 200s.” Testimony of Linton F. Brooks, Administrator, National Nuclear Security Administration, Before the Strategic Forces Subcommittee of the House Armed Services Committee, March 2, 2005.

³⁹ US Department of Energy, National Nuclear Security Administration, “Requirements for a Modern Pit Facility: Summary,” Report to Congressional Defense Committees Requested by the United States Congress in Public Law 108-375, Ronald W. Reagan National Defense Authorization Act, January 2005, p. 4.

⁴⁰ Robert S. Norris and Hans M. Kristensen, “Dismantling US nuclear warheads,” NRDC: Nuclear Notebook in Bulletin of the Atomic Scientists, January/February 2004 pp. 72-74 (vol. 60, no. 01)

- Radioactive hydrogen - tritium, the “H” in H-bomb, is being newly produced at the Watts Bar commercial nuclear power plant in Tennessee, tearing down a historic US firewall between military and civilian nuclear production.⁴¹

US goals include the capability to modify existing weapons within eighteen months, and to develop and begin production of new designs within three to four years of a decision to do so.⁴²

Surveying this vast array of activities, it is safe to conclude that led by the United States, the nuclear weapons states are engaged in nuclear modernization amounting to arms racing, and in planning for, and building the infrastructure for, the retention of large nuclear forces for many decades to come.

B. PART TWO: Nuclear Disarmament

Speaker: Michael Spies, Lawyers' Committee on Nuclear Policy

In assessing compliance with the Article VI requirement of good-faith negotiations on effective measures relating to nuclear disarmament, the practical steps adopted in 2000 are an indispensable guide. The principles animating those steps of verification, transparency, and irreversibility are essential to states' participation in reduction of nuclear forces to low levels and undoubtedly to their elimination.

While the 2000 references to the ABM Treaty and to the START process have been mooted by US actions, on the whole - and certainly with respect to the principles - the practical steps remain as relevant today as they were five years ago. They should not be devalued by calling them "only political."

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

Second, under Article 31 of the Vienna Convention on the Law of Treaties, subsequent agreements as well as practice have a crucial role in interpretation. Here the practical steps are a consensus agreement on the application of Article VI. Indeed, the 2000 Final Document states that "the Conference *agrees* on the following practical steps for the systematic and progressive efforts to implement Article VI [and the 1995 Principles and Objectives]." The practical steps are thus an essential guide to interpretation of Article VI. They identify criteria and principles that are so tightly connected to the core meaning of Article VI as to constitute requirements for compliance with the NPT.⁴³

⁴¹ Alliance for Nuclear Accountability, "Top Ten Department of Energy Radioactive Pork Projects in the 2005 Budget," September 2004, p. 13, www.ananuclear.org/topten.html

⁴² US Department of Energy, National Nuclear Security Administration, *Strategic Plan*, November 2004, p.20

⁴³ See Lawyers' Committee on Nuclear Policy, "The Thirteen Practical Steps: Legal or Political?," May 2005, online at lcnp.org/disarmament/npt/13stepspaper.htm. The paper identifies the following criteria and principles as among those stating requirements of Article VI:

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

We do not propose now to do a comprehensive analysis of how the nuclear weapon states are failing to meet the 2000 commitments. It does bear mention that probably the most important instance of backsliding is the absence of provisions for transparency, verification, and irreversibility in the US-Russian Moscow Treaty. While monitoring mechanisms under START I may provide a means of verification, they would not fulfill the principle of irreversibility. Also, START I is set to expire in 2009. It also must be noted that the nuclear weapon states have failed to agree on the establishment of a body to deal with nuclear disarmament in the Conference on Disarmament. And it is worth dwelling on two of the commitments whose implementation is essential to progress towards elimination of nuclear arsenals.

First is the commitment to *concrete agreed measures to further reduce the operational status of nuclear weapons systems*: This commitment goes to the core of the nuclear dilemma. In particular, so long as the United States and Russia maintain many hundreds of nuclear warheads ready for immediate use and contend that this posture is essential to their security, implementation of the entire nuclear arms control/disarmament program is fraught with difficulty.

It is sometimes said that problems are solved when they are no longer problems. In that vein, massive nuclear arsenals will not be reduced and eliminated until the nuclear weapons states stop relying on them in an operational sense.

Since 2000 there has been little progress in this area. One could point to the Moscow Treaty. However, the achievement of levels of less than 2200 deployed strategic warheads in or before 2012 will not fundamentally alter the preparedness of each state to initiate immediately a large-scale nuclear attack.

1) The Article VI obligation is to achieve the complete elimination of nuclear weapons, as the "unequivocal undertaking" in step 6 specifies, without any precondition of comprehensive demilitarization.

2) The reduction and elimination of nuclear arsenals are to be accomplished pursuant to principles of verification (employed in the START process, and referred to in step 13), transparency, and irreversibility.

3) Cessation of the nuclear arms race at an early date and nuclear disarmament pursuant to Article VI require a diminishing role of nuclear weapons in security policies and a reduction of their operational status.

4) The process of nuclear disarmament must involve all NPT nuclear weapon states (which are to be engaged as soon as appropriate) and multilateral negotiations involving non-nuclear weapon states (as in Conference on Disarmament negotiations on a fissile materials treaty and a CD body to deal with nuclear disarmament).

Non-governmental expert analysis of the mechanics of a stand-down of nuclear forces, often referred to as "dealerting," is ongoing. There are two dimensions: increasing assurance that no attack is underway; and decreasing the capability to immediately launch an attack.⁴⁴ This Review Conference should commit the nuclear weapon states to planning and implementation of a program to stand down nuclear forces, culminating in a global stand-down by the 2010 conference.

The second commitment we highlight is a *diminishing role for nuclear weapons in security policies to minimize the risk that these weapons ever be used and to facilitate the process of their total elimination*: The importance of this brilliantly framed and succinctly put commitment is self-evident. China's long-standing policy of no first use, predating 2000, is consistent. Unfortunately, China aside, since 2000 the commitment has been thoroughly ignored, as a brief review of doctrines illustrates all too convincingly:

Britain continues to retain the option of first use to defend "vital interests," as announced in 1998 and reaffirmed since then.⁴⁵

France similarly retains the option of first use in defense of vital interests that include the "free exercise of our sovereignty."⁴⁶

Russia's stance remains that set forth in its 2000 Security Concept, which states that nuclear weapons can be used "to repulse armed aggression, if all other means of resolving the crisis have been exhausted." The 2000 Concept itself regresses from the 1997 policy, which identified as the scenario for possible use of nuclear weapons "a threat to the very existence of the Russian Federation as an independent sovereign state." In 1993, Russia had abandoned its policy of renouncing first use.

The *United States* has enlarged the range of circumstances in which nuclear weapons might be used. The 2002 National Security Strategy to Combat Weapons of Mass Destruction, carrying the imprimatur of President Bush, removed ambiguity from previous US policy. It states that the United States will respond with "overwhelming force" - a phrase invoking a nuclear option - to chemical and biological attacks. The Defense Department's classified 2001 Nuclear Posture Review states that nuclear weapons "could be employed against targets able to withstand non-nuclear attack, (for

⁴⁴ Possible steps are illustrated by a 2004 Rand Corporation study, *Beyond the Nuclear Shadow*, supported by the Nuclear Threat Initiative: assistance to Russia for its early-warning radars or satellites; creation of a US-Russian early-warning system using sensors placed outside missile silos; standing down nuclear forces to be reduced under the Moscow Treaty; restrictions on the operating area of nuclear-armed submarines; removal of counterforce capable warheads (e.g., Trident W-88 warheads); reduction of launch readiness of ICBMs; reduction of launch readiness of all nuclear forces; installation of destruct-after-launch mechanisms on ballistic missiles; and elimination of doctrines of launch on warning and rapid counterforce strikes.

⁴⁵ Ministry of Defence, July 1998, Strategic Defence Review: White Paper, www.mod.uk/issues/sdr/index.htm; Ministry of Defence, July 2002, Strategic Defence Review: A New Chapter, www.mod.uk/issues/sdr/newchapter.htm ("The UK's nuclear weapons have a continuing use as a means of deterring major strategic military threats, and they have a continuing role in guaranteeing the ultimate security of the UK."); Ministry of Defence, December 2003, Delivering Security in a Changing World: Defence White Paper, www.mod.uk/linked_files/publications/whitepaper2003/volume1.pdf ("The Government's policy on nuclear weapons remains as set out in the SDR.")

⁴⁶ Tertrais, 2004.

example, deep underground bunkers or bio-weapon facilities)," and refers to use of nuclear weapons in response to "surprising military developments" and "unexpected contingencies."⁴⁷

Lest anyone think that the leaked Defense Department document is exceptional in its identification of a pervasive role for nuclear weapons, whether actually detonated or not, in US military operations, consider these excerpts from the Defense Department's February 2004 *Strategic Deterrence Joint Operating Concept*:

. . . US nuclear forces contribute uniquely and fundamentally to strategic deterrence--through their ability to impose costs and deny benefits to an adversary in an exceedingly rapid and devastating manner no adversary can counter.

Nuclear weapons provide the President with the ultimate means to terminate conflict promptly on terms favorable to the United States. They cast a lengthy shadow over a rational adversary's decision calculus when considering coercion, aggression, WMD employment, and escalatory courses of action. Nuclear weapons threaten destruction of an adversary's most highly valued assets, including adversary WMD/E [weapons of mass destruction/effect] capabilities, critical industries, key resources, and means of political organization and control (including the adversary leadership itself). This includes destruction of targets otherwise invulnerable to conventional attack, e.g., hard and deeply buried facilities, "location uncertainty" targets, etc. Nuclear weapons reduce an adversary's confidence in their ability to control wartime escalation.

* * *

The use (or threatened use) of nuclear weapons can also reestablish deterrence of further adversary WMD employment. Alternatively, nuclear weapons can constrain an adversary's WMD employment through US counterforce strikes aimed at destroying adversary escalatory options....

Although advances in conventional kinetic and non-kinetic means [e.g., computer network attack (CAN), High Energy Radio Frequency (HERF), directed energy (DE), etc.] by 2015 will undoubtedly supplement US nuclear capabilities to achieve these effects, nuclear weapons that are reliable, accurate, and flexible will retain a qualitative advantage in their ability to demonstrate US resolve on the world stage. These capabilities should be further enhanced by improving our capability to integrate nuclear and non-nuclear strike operations. Providing the President an enhanced range of options for both limiting collateral damage and

⁴⁷ "Nuclear Posture Review [Excerpts] Submitted to Congress on 31 December 2001. 8 January 2002, Nuclear Posture Review Report." Online at www.globalsecurity.org/wmd/library/policy/dod/npr.htm.

denying adversaries sanctuary from attack will increase the credibility of US nuclear threats, thus enhancing deterrence and making the actual use of nuclear weapons less likely. Additionally, nuclear weapons allow the US to rapidly accomplish the wholesale disruption of an adversary nation-state with limited US national resources. While the legacy force was well suited for successful deterrence throughout the Cold War, an enhanced nuclear arsenal will remain a vital component of strategic deterrence in the foreseeable security environment.⁴⁸

A pithier explanation was provided by the commander of the US Air Force Space Command in October 2004, who stated:

The legacy of our ICBMs is strategic deterrence, but today, they also provide operational deterrence...Gen Jumper calls it "Top cover for the AEFs [Air Expeditionary Forces]." Our ICBMs deter our enemies from unacceptable escalation of combat...providing an "incentive" against regimes that may consider using weapons of mass destruction...such as chemical weapons...against US or allied forces. To put a bumper sticker on it, "our ICBMs make our adversaries think twice!"⁴⁹

Relying on the history of non-use in war since the US atomic bombings of Japanese cities, the optimist thinks that the risk is vanishingly small that political leaders, in the United States or other nuclear-armed states, will act on these doctrines of use of nuclear weapons. The pessimist thinks that circumstances change, and that, as the stock market warning says, past performance is no guarantee of future results. But the point of a "diminishing role for nuclear weapons in security policies," and more largely of the unequivocal undertaking and Article VI, is that the peoples of the world do not wish to run the risk, whatever its magnitude. Nor do they wish to live in a world in which supposed security is made dependent on a morally repugnant nuclear balance of terror.

C. PART THREE: General and Complete Disarmament

Speaker: John Burroughs, Lawyers' Committee on Nuclear Policy

In addition to effective measures relating to cessation of the nuclear arms race and to nuclear disarmament, Article VI requires good-faith negotiations "on a Treaty on general and complete disarmament under strict and effective international control." What is the nature of the envisaged treaty?

⁴⁸ US Department of Defense, *Strategic Deterrence Joint Operating Concept*, February 2004, pp. 32-33, www.dtic.mil/jointvision/sd_joc_v1.doc. "Joint Operating Concepts" are part of a set of planning documents intended "to assist in the development of enhanced joint military capabilities needed to protect and advance US interests." The goal is "to realize the Chairman's vision of achieving Full Spectrum Dominance by the Joint Force." *Id.* at p. 1.

⁴⁹ "Our people ... Generating Combat Effects from and through space," a speech prepared for General Lance W. Lord, Commander, US Air Force Space Command, Strategic Space Conference, Qwest Center, Omaha, NE, October 7, 2004, www.peterson.af.mil/hqafspc/50th/speeches.asp?yearlist=20004&speechchoice=81.

The preamble would seem to answer this question, referring to "the elimination from national arsenals of nuclear weapons and the means of their delivery pursuant to a Treaty on general and complete disarmament." That is, the preamble seems to refer to a treaty on elimination of nuclear forces as an instance of a type of treaty, the type being treaties on general and complete disarmament.

Similarly, the Biological Weapons Convention and the Chemical Weapons Convention each is a treaty on general and complete disarmament. As the preamble to the CWC says, they represent "effective progress towards general and complete disarmament under strict and effective international control, including the prohibition and elimination of all types of weapons of mass destruction." Following this logic, a treaty on the prohibition and elimination of nuclear weapons would be *a* treaty that would represent progress towards the achievement of general and complete disarmament.⁵⁰

This is consistent with how the International Court of Justice read Article VI. The Court effectively combined the two clauses of the article. Its unanimous holding is that "there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control." The reference to "strict and effective international control" comes directly from the second clause on general and complete disarmament, and the phrase "in all its aspects" could refer to related matters like the delivery systems referred to in the preamble.

The 2000 commitments are to like effect. The unequivocal undertaking to eliminate nuclear arsenals is separated from the reaffirmation of the "ultimate objective" of "general and complete disarmament under effective international control."

Nonetheless, certain nuclear weapon states still insist on linking progress towards nuclear disarmament with progress on other disarmament and security fronts. After the ICJ opinion and the 2000 commitments, one would have thought this matter to be settled. But in February of this year, the US Assistant Secretary of State for Arms Control said that the "text and negotiating history of the NPT support the expectation that efforts toward complete nuclear disarmament would be linked with efforts towards general and complete disarmament.... It follows that if anyone wishes to argue that the nuclear weapons states are in default on their obligations relating to nuclear disarmament, they will have a difficult time explaining why all NPT states parties are not also in default on their obligations relating to general and complete disarmament."⁵¹

⁵⁰ For analysis of a issues raised by a nuclear weapons convention, and a revised version of a model convention circulated to UN member states by the Secretary-General, see Merav Datan and Alyn Ware, *Security and Survival: The Case for a Nuclear Weapons Convention*, International Physicians for the Prevention of Nuclear War, 1999, online at www.ippnw.org/IPPNWBooks.html#NWC. The 2000 New Agenda resolution (A/55/33C) acknowledges the logic of a convention or convention-like approach affirming "that a nuclear-weapon-free world will ultimately require the underpinnings of a universal and multilaterally negotiated legally binding instrument or a framework encompassing a mutually reinforcing set of instruments."

⁵¹ Stephen G. Rademaker, "US Compliance With Article VI of the Non-Proliferation Treaty (NPT)," Remarks at a Panel Discussion of the Arms Control Association, Carnegie Endowment for International Peace, Washington, D.C., February 3, 2005, armscontrol.org/events/20050203_rademaker_text.asp.

And in May 2004, France referred to the 1995 "action program" as including "the determination to move forward systematically and progressively in cutting nuclear weapons as a whole within the framework of general and complete disarmament."⁵²

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

It is also the case, however, that in certain respects there may be *practical* links between progress towards nuclear abolition and other disarmament measures. A verification regime for the ban on biological weapons and a regime preventing the weaponization of outer space both would give the nuclear-armed states greater confidence in proceeding towards elimination of nuclear arsenals.

Here the United States is in absolutely no position to lecture other states about meeting obligations of general and complete disarmament.⁵³ In 2001, the United States shattered seven-year old negotiations on a verification protocol for the BWC. It stands virtually alone in opposing commencement of negotiations on a PAROS treaty. And its withdrawal from the ABM Treaty and pursuit of missile defenses makes reduction of nuclear forces more difficult, as other major states make calculations about what capabilities they would wish to retain for a second-strike option.

Nor can we overlook trends in high-tech, conventional armament. For example, the US Navy is converting four ballistic missile submarines to carry conventionally-armed cruise missiles and Special Forces units.⁵⁴ Contractors have been asked to submit concepts for new intermediate-range submarine-launched missiles, capable of carrying conventional or nuclear payloads.⁵⁵ Military planners are looking at potential conventional "global strike" missions for deactivated Peacekeeper missiles.⁵⁶ The US Air Force is planning for a new ICBM to be deployed in 2018, some of which could be

⁵² Statement by H.E. Mr. François Rivasseau, Permanent Representative of France to the Conference on Disarmament," April 26, 2004, New York, Third Session of the Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

⁵³ General and complete disarmament also refers to measures on such weapons as landmines and small arms, not addressed here because, unlike biological weapons and missiles, they generally are not considered "strategic weapons."

⁵⁴ Norris and Kristensen, "US Nuclear Forces, 2005."

⁵⁵ Norris and Kristensen, "US Nuclear Forces, 2005"; Department of the Navy, Strategic Systems Programs, Special Notice, Submarine Launched Intermediate Range Ballistic Missile Technical Exchange, Reference-Number-08252003-0358, August 25, 2003; Department of the Navy, Strategic Systems Programs, "Request for Information (RFI) from Industry for a Submarine Launched Intermediate Range Ballistic Missile (SLIRBM) Launcher Subsystem (SLS)," March 7, 2005, solicitation #GPO381249. The latter announcement solicited concepts and information from contractors for technologies that would allow launch of several SLIRBM's from a single launch tube on a converted ballistic missile submarine.

⁵⁶ In 2004, the Defense Science Board recommended that "The Air Force should preserve 50 Peacekeeper ICBMs currently being deactivated, and redeploy them to Vandenberg and Cape Canaveral for use with conventional warheads," noting that "[t]hese weapons would give the United States a 30-minute response capability for strategic strike worldwide." *Report of the Defense Science Board Task Force on Future Strategic Strike Forces*, 2004, p.1-8; Norris and Kristensen, "US Nuclear Forces, 2005."

conventionally armed.⁵⁷ In addition to exploring conventional payloads for existing ICBMs, under the label of non-weapons research the military is pursuing a variety of technologies that could allow accurate weapons delivery at global distances.⁵⁸ Further, upgrades to computer software and hardware used to plan and execute nuclear strikes and new military communication satellites will improve capabilities for non-nuclear as well as nuclear war-fighting.

While the United States contends that development of conventional forces demonstrates decreased reliance on nuclear forces, the effects nonetheless can be counterproductive in the nuclear sphere. Use of conventionally-armed missiles would run the risk of causing other states to believe they are under nuclear attack. More generally, other major states may be reluctant to agree to nuclear arms control/disarmament measures if they view their nuclear forces as a necessary deterrent to dramatically improved US non-nuclear capabilities. That is all the more true should the United States eventually execute schemes for placing weapons in space.

In short, if the United States wishes to insist on the importance of progress towards general and complete disarmament for the achievement of nuclear abolition, it should look first of all to itself.

Conclusion

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

5. Indigenous Presentation

Convenors: Carah Ong, NAPF; Tony de Brum, Lolelplap Trust

Speaker: Tony de Brum, Lolelplap Trust

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

⁵⁷ Robert S. Norris, Hans M. Kristensen, Christopher E. Paine, Natural Resources Defense Council, *Nuclear Insecurity: A Critique of the Bush Administration's Nuclear Weapons Policies*, September 2004, p. 11.

⁵⁸ See *War is Peace, Arms Racing is Disarmament: The Non-Proliferation Treaty and the US Quest for Global Military Dominance*, Western States Legal Foundation Special Report, May 2005, at 14-15, online at www.wslfweb.org/docs/warispeace.pdf.

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

While BRAVO was by far the most dramatic test, all 67 of the shots detonated in the Marshall Islands contributed one way or another to the nuclear legacy that haunts us to this day. As one of our legal advisors has described it, if one were to take the total yield of the nuclear weapons tested in the Marshall Islands and spread them out over time, we would have the equivalent of 1.6 Hiroshima shots, every day for twelve years.

But the Marshall Islands' encounter with the bomb did not end with the detonations themselves. In recent years, documents released by the United States government have uncovered even more horrific aspects of the Marshallese burden borne in the name of international peace and security. US government documents clearly demonstrate that its scientists conducted human radiation experiments with Marshallese citizens. Some of our people were injected with or coerced to drink fluids laced with radiation. Other experimentation involved the purposeful and premature resettlement of people on islands highly contaminated by the weapons tests to study how human beings absorb radiation from their foods and environment. Much of this human experimentation occurred in populations either exposed to near lethal amounts of radiation, or to "control" populations who were told they would receive medical "care" for participating in these studies to help their fellow citizens. At the conclusion of all these studies, the United States still maintained that no positive linkage can be established between the tests and the health status of the Marshallese. Just in the past few weeks, a new US government study has predicted higher than 50% higher than expected incidence of cancer in the Marshall Islands resulting from the atomic tests.

Although the testing of the atomic and thermonuclear weapons ended 48 years ago, we still have entire populations living in social disarray. The people of Rongelap Atoll, the inhabited island closest to the ground zero locations, remain in exile in their own country. I might also add that although the people of Rongelap were evacuated by the US government for earlier smaller weapons tests, the US government purposefully decided not to evacuate them prior to the detonation of the BRAVO event - a thermonuclear weapon designed to be the largest device ever detonated by the United States. The people of Rongelap were known to be in harms way but were not warned about BRAVO in advance and had no ability or knowledge of how to protect themselves or reduce their exposure.

Throughout the years, America's nuclear history in the Marshall Islands has been colored with official denial, self-serving control of information, and abrogation of commitment to redress the shameful wrongs done to the Marshallese people. The scientists and military officials involved in the testing program picked and chose their study subjects, recognized certain communities as exposed when it served their interests, and denied monitoring and medical attention to subgroups within the Marshall Islands. I remember well their visits to my village in Likiep where they subjected every one of us to tests and invasive physical examinations which, as late as 1978, they denied every carrying out. In later years when I was a public servant for the RMI I raised the issue requesting that raw data gathered during these visits be made available to us. United States

representatives responded by saying that our recollections were juvenile and did not consider the public health missions of the time.

For decades, the US government has utilized slick mathematical and statistical representations to dismiss the occurrence of exotic anomalies, including malformed fetuses, and abnormal appearances of diseases in so called “unexposed areas,” as coincidental and not attributable to radiation exposure. We have been told repeatedly, for example, that our birthing anomalies are the result of incest or a gene pool that is too small – anything but the radiation. These explanations are offensive, and obviously wrong since these abnormalities certainly did not occur before we became the proving ground for US nuclear weapons. Selective referral of Marshallese patients to different military hospitals in the United States and its territories also made it easier for the US government to dismiss linkages between medical problems and radiation exposure. The several unexplained fires that led to the destruction of numerous records and medical charts for the patients with the most acute radiation illnesses further underscores this point. In spite of all these studies and findings, we were told that positive linkage was still impossible because of what they called “statistical insignificance.”

I have been a student of the horrific impacts of the nuclear weapons testing program for most of my life. I served as interpreter for American officials who proclaimed Bikini safe for resettlement and commenced a program to repatriate the Bikini people who for decades barely survived on the secluded island of Kili. I accompanied the American High Commissioner of the Trust Territory just a few years later to once again remove the repatriated residents from Bikini because their exposure had become too high for the US government’s comfort. I was also personally involved in the translation of the Enewetak Environmental Impact Statement that declared Enewetak safe for resettlement. I voiced my doubts in a television interview at the time by describing the US public relations efforts associated with the Enewetak clean-up as a dog-and-pony show. Later, during negotiations to end the trust territory arrangement with the United States, we discovered that certain scientific information regarding Enewetak was being withheld from us because, as the official US government memorandum stated, “the Marshallese negotiators might make overreaching demands” on the United States if the facts about the extent of damage in the islands were known to us.

The outcome of our negotiations was the end of the United Nations Trusteeship and a treaty, which, among other things, provided for the ongoing responsibilities of our former trustee for the communities impacted by the nuclear weapons tests. This assistance provided by the US government for radiation damages and injuries is based on a US government study that purports to be the best and most accurate knowledge about the effects of radiation in the Marshall Islands. Our agreement to terminate our United Nations trusteeship that the US government administered was based largely on those assurances. We have since discovered that even that covenant by the United States was false. Today, not only is the US government backpedaling on this issue but its official position as enunciated by the current administration is to flee its responsibilities to the Marshall Islands for the severe nuclear damages and injuries perpetrated upon them.

After spending decades of my life trying to persuade the US government to take responsibility for the full range of damages and injuries caused by the testing of 67 atmospheric atomic and thermonuclear weapons in the Marshall Islands, a new global arms system arrived at the door of the Marshall Islands. After years of ICBM testing, the Marshall Islands now has the dubious distinction of hosting the US government’s missile shield testing program. The US government

shoots Intercontinental Ballistic Missiles (ICBMs) at the Marshall Islands. From an area leased by the US Army on Kwajalein Atoll, the Ronald Reagan Missile Defense Test Site, the US launches interceptor missiles at the incoming ICBMs to test the ability of these interceptors to track and destroy incoming missiles. These tests impact every aspect of our lives... from the local people who are relocated from their homes, to the whales, sea turtles, and birds that have lived in harmony with human beings in our region of the world for centuries.

As history repeats itself in the Marshall Islands, the people of Kwajalein have been removed from their homelands, crowded into unbearable living squalor on a 56-acre island with 18,000 residents called Ebeye. This is the equivalent of taking everyone here in Manhattan and forcing them to live on the ground floor – can you imagine the density of Manhattan if there were no skyscrapers? The US Army base depends on Ebeye for housing its indigenous labor force, but the US Army has also erected impenetrable boundaries keeping the Marshallese at an arm's length; Marshallese on the island adjacent to the US base are unable to use the world-class hospital in emergencies, to fill water bottles during times of drought, or to purchase basic food supplies when cargo ships are delayed. One does not have to be a rocket scientist to suspect that the lands, lagoon, and surrounding seas of Kwajalein, are being damaged from depleted uranium and other substances. Unfortunately, our efforts to seek a clear understanding of the consequences of the missile testing program – data we need to make informed decisions regarding our future or the prerequisite rehabilitation of our lands before repatriation -- have been spurned by the United States government. Perchlorate additives in the missiles fired from Kwajalein have been detected in the soil and the water lenses but to date no real data has become available for meaningful, independent study. The lands leased by the United States military are compensated far below market. Efforts by the Kwajalein leadership to deal with the realities which face them when the current agreement expires in 2016 have been largely ignored as the US openly and callously discusses the uses of our lands beyond 2016 and into 2086...all without our consent. Our Constitution specifically prohibits the taking of land without consent or proper compensation.

We call upon the international community to extend its hands to assist the people of the Marshall Islands to extricate themselves from the legacy of the nuclear age and the burden of providing testing grounds for weapons of mass destruction. In the countries that produce these weapons we have come together to protest, if a person's land or resources become contaminated, persons so affected have the option to buy another house and move elsewhere. For indigenous people it is not that simple. Our land and waters are sacred to us. Our land and waters embody our culture, our traditions, our kinship ties, our social structures, and our ability to take care of ourselves. Our lands are irreplaceable.

When we talk about the importance of non-proliferation of weapons we also must include in our discourse the essential non-proliferation of illness, forced relocation, and social and cultural ills in the indigenous communities that pay disproportionately for the adverse consequences resulting from the process, deployment, and storage of weapons. A relatively few number of world leaders and decision-makers do not have the right to destroy the well-being and livelihood of any society, whether large or small, in the name of global security. Security for indigenous people means healthy land, resources and body – not the presence of weapons and the dangers they engender. Global leaders do not have, nor should they be allowed to assume the right, to take my security away so that they may feel more secure themselves.

MAY PEACE BE WITH YOU.

Thank you.

6. Prevent the Reprocessing of Military Plutonium Wastes into Fuel

Convenors: Louis Zeller, Vladimir Sliviyak, Konstantin Kozlov, Masa Takubo, Natalia Mironova;

Speaker: Louis Zeller, Blue Ridge Environmental Defense League

Preamble

Today, the United States of America and the Russian Federation hold a toxic legacy of plutonium waste from nuclear warheads. While citizens of many nations applaud the dismantling of strategic nuclear weapons, we are deeply troubled by the provisions of the US/Russian bilateral plutonium disposition agreement that allows each nation to use 34,000 kilograms of this military waste in civilian nuclear electric power plants. ^[1]

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

The authors of this presentation appreciate this opportunity to expand upon these concerns and to propose alternatives to the 2005 Review Conference of the Parties to the Nuclear Non-Proliferation Treaty.

Human Health Problems at Two of the Most Polluted Places on Earth

The Savannah River Site in South Carolina is an 802 square kilometer complex polluted by five decades of atomic weapons manufacturing. Up to 100 million curies of tritium were released over the decades, contaminating the region's drinking water. And 490 million curies of liquid high level radioactive waste are stored in underground tanks. ^[7] Near the Savannah River Site, the death rate is 19.8% above normal, largely from heart disease and cancer; ^[8] both are associated with ionizing radiation. ^[9]

The industrial complex at Mayak produced plutonium for the first Soviet atomic bomb. For over 40 years the Siberian Chemical Combine pumped more than 1 billion Curies of radioactive poisons into underground aquifers. Today there are about 200 million Curies of radionuclides including plutonium in open basins, pulp repositories, and burial grounds. ^[10] The Techa River passes through many villages before discharging radioactive waste into the Arctic Ocean. Many residents have been evacuated, but one village remains inhabited: Muslumovo. The people of this town, which is closer to Mayak than many of the evacuated villages, have been left behind; they believe they have been singled out as Muslim "guinea pigs" in a horrible radioactive experiment. ^[11] At the request of NGOs, on April 11, 2005 the General Prosecutor of Russia started a

criminal investigation of liquid waste dumping into the Techa River by plutonium manufacturing enterprises in the Chelyabinsk oblast of Russia.

Now Minatom wants to build a new plutonium fuel factory on the site of the Siberian Chemical Combine. The technology of the French firm COGEMA was adopted for Russian plant. ^[10] This year, the US Nuclear Regulatory Commission granted a license to construct a similar factory at the Savannah River Site in South Carolina.

Plutonium fuel production would create enormous amounts of radioactive waste. Official estimates are that 82,000 liters of high activity radioactive waste containing 84,000 Curies of americium, 174,000 liters of plutonium- and uranium-bearing wastes, and 1.4 million liters of low-level radioactive waste would be produced *annually*. ^[12]

Security and Safety Problems

Plutonium fuel requires transportation of weapons grade plutonium and fresh fuel across thousands of miles of open country. According to the only independent study on nuclear transportation produced in Russia, there is a serious risk of accident on railroads that may lead to plutonium contamination of the environment. ^[13] In the US, Duke Energy got an exemption from post-9/11 security measures for its plutonium fuel test reactor. ^[14]

Plutonium utilization in aging Russian VVER-1000 reactors is dangerous and may lead to proliferation from civil reactor sites. ^[15] American plants are no better. Duke Energy reactors depend on unreliable baskets of ice for cooling during an emergency. Plutonium makes a poor fuel because it is difficult to handle, store, and transport. ^[16]

Alternatives

There is an alternative to plutonium fuel: immobilization. Mixing the plutonium with liquid glass and radioactive waste, would avoid the risks to human health caused by plutonium reactors. It would save hundreds of millions of dollars. And, it would return us to a more sensible non-proliferation policy.

American and Russian environmental groups strongly oppose the plutonium fuel program. In the US, citizens called upon the Governor of South Carolina to stop plutonium fuel shipments. ^[5] In Russia 83% of the residents of Tomsk are opposed to a plutonium facility. ^[6]

Our united view is:

1. Plutonium must not be used as fuel in civil reactors.
2. Plutonium must be kept at well-protected sites.
3. Plutonium must be immobilized in the future to prevent smuggling and re-use in nuclear weapons.

Basis for Action by the Review Committee

The Thirteen Steps provides a foundation for opposing plutonium reprocessing. Step 10 calls upon nuclear weapons states to place fissile material no longer required for military purposes under international verification. ^[2] But the Surplus Plutonium Disposition program now underway in the US and Russia would transfer fissile material from public, governmental management to private, commercial control. We believe that plutonium would no longer be subject to effective international verification if it is turned over to Duke Energy, an investor-owned American utility, and COGEMA, a French reprocessing corporation.

Further, we agree with those who advocate expanding the scope of a Fissile Materials Cutoff Treaty to include a ban on civilian plutonium production. ^[3] Paul Leventhal, President of the Nuclear Control Institute, described the birth of the plutonium reprocessing chimera when he said,

There is a long and troubling history that has brought us to this present state of affairs. The original assumptions about the scarcity of uranium and the inevitability of the plutonium-breeder reactor have proven false, but the original dream of plutonium as the key to limitless energy has not faded. It is nurtured by a handful of powerful, government-run companies that seek to impose a plutonium-fuel economy on the world.

The nightmare of plutonium energy is not limited to the nuclear weapons states. In this context it is vital that the Rokkasho reprocessing plant in Japan, planned to open in 2007 as the first commercial-scale plant in a non-nuclear-weapon state, should be abandoned.

And regarding the dangerous example of how the superpowers are disposing of their warhead plutonium, we pray this body heeds the words of John D. Holum, former Director of the US Arms Control and Disarmament Agency, who warned that other countries “would hear only one message for the next 25 years: that plutonium use for generating commercial power is now being blessed by the United States.” ^[4]

Conclusion

The plutonium fuel program undermines international agreements for nuclear non-proliferation. The circulation of plutonium fuel in the commercial sector would increase the risk of diversion. There is no way to ensure that plutonium reprocessing facilities for electric power will not be turned to military use.

Natalia I. Mironova, President of the Movement for Nuclear Safety in Chelyabinsk, said that nuclear technology companies are driven by a profit motive which conflicts with the nuclear non-proliferation system. We submit that a global movement for a world without nuclear weapons must also halt the drive for plutonium power. □

End Note

Commercial nuclear fuel typically contains the oxide form of uranium. The nuclear industry's term for this fuel is "MOX" because it is a mixed oxide containing both uranium and plutonium. But the *primary fissile isotope* of the fuel is plutonium, so I use the more accurate term "plutonium fuel."

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7. Youth Statement

*Convenors: Wolfgang Schlupp-Hauck International Law Campaign; Kathleen Sullivan, Educators for Social Responsibility; Felix Grädler, International Law Campaign
Speakers: Natalie Wasley, International Peace Walk and Tina Keim, International Law Campaign*

Ambassador Duarte, distinguished delegates, ladies and gentlemen,

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

We speak to you as representatives of a group of young people from many nations who are themselves representatives of the generations that will inherit the consequences of the decisions you make this month. We tend to disregard the politics of war, religion and economic interests, but we are intelligent, articulate and far-sighted. We have been taught to think critically and defend our rights to free speech, free thought, and the right to protest. We speak to you today of that which **must** happen to ensure a safe, clean environment for generations to come. We are interested primarily in protecting the common future of humanity.

Why? Because we ARE the future. We will inherit the legacy of your generation, and because you are discussing matters that may be more important to us than to you, as we will continue to live on this earth after you are gone, we want to communicate our concerns to you, the representatives of the States parties to the NPT. We want you to know our wishes and demands for the future, our future, and the world of today's youth.

Whatever you discuss during the following weeks, whatever fine points you may argue or agree about, please keep in mind the first goal stated in the preamble to the UN Charter. According to that document, your primary obligation is to save future generations from the scourge of war. In this light, we tell you frankly that we do not understand how you can ensure peace and protect us without eliminating the most dangerous weapons ever created by humankind.

Unfortunately, we are forced to discover over and over again that the moral values conveyed to us at school, at home, in books and in the media are not subscribed to by

those walking the corridors of power. It seems that democratic values, taught to us as sacrosanct, are meaningless in the international community.

The primary organ for the regulation of international conflict and the creation of peace is dominated by the fifteen members of the UN Security Council, five of which are permanent and have the right of veto. These five are the declared nuclear-weapon States. On this basis, – if the US, Russia, Britain, China and France continue to have a veto – it appears that the NPT bargain will never be fulfilled. We recommend that the Security Council be reformed to reflect the equality of all people and maintain a democratic process and commitment to justice.

Long-standing nuclear weapons States, such as the US, are adopting new doctrines that support proliferation. They are planning new nuclear weapons. Meanwhile, more countries are pursuing the nuclear option. Nuclear arsenals around the world are being developed in defiance of the disarmament obligations enshrined in the NPT. Recently, the UN Secretary General's High Level Panel on Threats, Challenges and Change warned that, "We are approaching a point at which the erosion of the nuclear regime could become irreversible and result in a cascade of proliferation".

Don't you see it is time to breakthrough the obvious deadlock the Conference on Disarmament has been in for years and to start negotiating a nuclear weapons convention?

We are sure that this step would open an enormous door to a much deeper and more peaceful understanding among our nations. As a first step, you could clearly demand the implementation of the 13 steps you agreed upon 5 years ago and set up a body mandated to control the implementation of nuclear disarmament.

Even better would be adoption of the only plan that includes a concrete timetable and a concrete date by which all nuclear weapons should be abolished – the 2020 Vision Campaign of the Mayors for Peace.

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

Can you explain to us how a tiny minority is able to completely block negotiations for a nuclear weapons convention? How can it be that this minority is made up of governments that claim to champion democratic values?

We are taught in school that the foundation of a functioning community is the acceptance of the rule of law by every member. In reality, we see how the mighty and powerful arbitrarily break international law in pursuit of their national interests. What

would happen to a citizen who refused to obey valid laws or interpreted them only to suit their own interest? What would you say if contracts you signed were not taken seriously? This is the behaviour we see continually at the international level.

The highest judicial institution on the international level, the International Court of Justice in The Hague, declared in 1996 that there IS a binding obligation to disarm and abolish nuclear weapons enshrined in international law, and that nuclear weapons ARE illegal!! How is it possible that you, the highest representatives of the world's population, are not following the laws and rules you made yourselves during the last 50 years with the intention of bringing order and justice to world politics?

If you fail to take concrete steps towards a nuclear-weapon free world, how will you answer for burdening us with such a horrifying menace? You are charged with making this decision. If you fail to act, how will you look into your own mirror?

We, the youth of this world, are willing to learn from the mistakes of the past. We want a future of strong nations bound by mutual respect and international law. And international law demands a nuclear-weapon free world! If you do not give us such a world, we may never have the chance to create it ourselves.

That is why we call on you here and now to tolerate no longer the most terrible and vicious human-made threat to the future of our world. You must do this now, before it is too late. You must begin the elimination of all nuclear weapons. Do it for us, for your children and for all following generations, as a vital step toward a more secure, and peaceful future.

We call on you: Remember again and again the preamble to the UN Charter, which all members of the UN have signed! The most important of your tasks, obligations and responsibilities is established there: to preserve future generations from the scourge of war. But this is not possible if you bequeath to us a world full of nuclear weapons.

We demand, in the name of all the children of our one world, the immediate, unqualified, total abolition of all nuclear weapons for the well-being of humankind and our common future.

We are ready to step forward to a more peaceful and secure world for the sake of our common future!

Are you ready to join us?

8. NATO: Nuclear Sharing or Proliferation?

Convenors: Nigel Chamberlain, Matt Martin and Carol Naughton, BASIC; Karel Koster, PNN-NL.

*Speaker: Carol Naughton, British-American Security Information Council
NATO Nuclear Policy*

Since its formation, NATO has argued that the collective security provided by its nuclear posture is shared among all members of the Alliance, providing reassurance to any

member that might otherwise feel vulnerable. The most recent NATO Nuclear Planning Group Final Communiqué reaffirmed this, stating “We emphasised again that nuclear forces based in Europe and committed to NATO continue to provide an essential political and military link between the European and North American members of the Alliance.”

NATO's Strategic Concept

“A credible Alliance nuclear posture and the demonstration of Alliance solidarity and common commitment to war prevention continue to require widespread participation by European Allies involved in collective defence planning in nuclear roles, in peacetime basing of nuclear forces on their territory and in command, control and consultation arrangements.”

NATO's Strategic Concept requires widespread participation by European Allies in collective defense planning in nuclear roles, the basing of nuclear forces on their territory and consultation in command and control arrangements. NATO nuclear forces include strategic weapons provided by the United States, France, and the United Kingdom, along with US 'sub-strategic' or 'tactical' nuclear weapons deployed in Europe. Within NATO these sub-strategic weapons are seen as symbolic of the transatlantic link between the United States and its European allies. We regard them as highly contentious and counterproductive.

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

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

Article I of the NPT states that:

Each nuclear weapons State Party to the Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly or indirectly.

Article II imposes a complementary obligation on NNWS not to “receive the transfer” of nuclear weapons. NATO nuclear sharing appears to breach these obligations. NATO argues that nuclear sharing is compatible with the NPT, based on a US interpretation that it does “not involve any transfer of nuclear weapons or control over them unless

and until a decision were made to go to war, at which time the treaty would no longer be in effect”.

In the past ten years, this interpretation has become increasingly controversial. At the 1995 NPT Review Conference, Mexico asked for clarification on whether nuclear sharing breached Articles I and II. Mexico's concerns were taken up by the Non-Aligned Movement. Several proposals questioning the US interpretation were put forward for inclusion in the Committee's final report, including:

The Conference notes that among States parties there are various interpretations of the implementation of certain aspects of Articles I and II which need clarification, especially regarding the obligations of nuclear weapon States parties...when acting in cooperation with groups of nuclear-weapon States parties under regional arrangements...

In 1998, Egypt proposed that “the 2000 Review Conference state in clear and unambiguous terms that Articles I and II of the Treaty on the Non-Proliferation of Nuclear Weapons allow for no exceptions and that the NPT is binding on States Parties at all times”.

In 1999, the New Agenda Coalition (NAC) proposed that, “all the articles of the NPT are binding on all States Parties and at all times and in all circumstances”.

The 2000 NPT Final Document contains a number of commitments relevant to NATO Member States:

- * the need for further unilateral reductions in nuclear arsenals;
- * increased transparency;
- * further reduction of non-strategic nuclear weapons;
- * measures to further reduce the operational status of nuclear weapons systems; and
- * a diminishing role for nuclear weapons in security policies.

NATO's Strategic Concept describes nuclear weapons as the “supreme guarantee” of Allied security. Recent figures published by the Natural Resources Defense Council indicate that the number of U.S. nuclear warheads based in Europe has remained static at about 480 since their 1994 U.S. Nuclear Posture Review. NATO does not publish any figures on the numbers of nuclear weapons based in Europe.

NATO's nuclear posture has also proved a major obstacle to progress in negative security assurances and any possibility of a Nuclear Weapon Free Zone in Europe. NATO's refusal to rule out first use of nuclear weapons is a major obstacle to further steps to strengthen NSAs as proposed by the 1995 Review Conference. It also effectively gives a green light to NATO military planners to prepare for the option of using nuclear weapons first.

In conclusion, there has been no significant change in nuclear posture based on the 2000 agreements. Indeed, the United States and the United Kingdom renewed without any scrutiny their bilateral Mutual Defense Agreement in 2004 for a further ten years. This

'special nuclear relationship' permits the exchange of information, personnel, technology, and materials in pursuit of ever-greater sophistication. The United States also has a Mutual Defense Agreement with France, albeit a less collaborative one.

Mr. Chairman,

These nuclear weapons sharing or 'pooling' arrangements are a major impediment to the fulfillment of the objectives of the NPT. We believe it is time for them to be openly and systematically challenged and for Nuclear Weapons States and Non-Nuclear Weapons States in Europe to abide by their respective obligations under the Treaty.

Removal of US nuclear weapons from Europe increases the credibility of non-nuclear weapons states calling for disarmament and non-proliferation and strengthens the NPT.

We urge that:

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

9. And Now For Something Completely Different...: Psychological Dimensions of the NPT Process

Convenors: Diane Perlman, PsySR and Xanthe Hall, IPPNW

Speaker: Diane Perlman, Psychologists for Social Responsibility

Have you ever, for a moment, thought to yourself: All this is totally absurd? If you have, it is because you have an awareness rising to the surface of the paradoxical nature of nuclear weapons.

Psychiatrist Robert Jay Lifton states that nuclear weapons are beyond psychology. The unprecedented power of nuclear weapons alters our relationship to life and death. It creates "staggering new problems for us and at the same time distorts our thinking and blunts our feeling about precisely these problems." It allows us to co-exist with the constant threat of annihilation while at the same time believing they somehow make us more safe.

The magnitude of the danger induces psychic numbing, denial, and fear. These, in combination with overconfidence and illusions of control, all interfere with optimal thought and action. While deliberating about nuclear weapons it is essential to be aware of our own psychology, the psychology of our enemies, and the dynamics of our interactions, lest we make psychological mistakes with irreversible unintended consequences. Nuclear weapons are not a necessary evil, they are an *unnecessary* evil.

There have been times in history when false assumptions, misperceptions, miscalculations, and exaggerated threats triggered undesired violence, or even brought us to the brink of annihilation, as in the Cuban missile crisis. There have also been times when courageous, imaginative people averted catastrophes, also in the Cuban Missile crisis. If we act consciously, aware of our own assumptions and of our enemies' assumptions we can reduce conflict and increase creative problem-solving.

The magnitude of the danger we face can understandably limit our responses in several ways.

1 - We may act impulsively, focusing on the immediacy of real or imagined threats thereby ignoring long term consequences that were not originally intended or desirable. The worst case of this is the situation of high alert, where the reaction to a perceived attack has to be so rapid and under such stress, conducive to poor judgment that could easily result in the launch of a full-scale and mistaken response.

2 - Absorbed by our own security needs, we may overlook the way that our actions provoke an opposite response. If we ignore the psychological meaning of our actions for others, we may play into their fears and fantasies. For instance: Some respond to US policies with fear, humiliation, and or by feeling inferior in some way. Some think: "If Israel and Pakistan have nukes, why can't we?" Some take US or NATO's refusal to renounce first use literally, believing that signals plans for attack. However much it is insisted that nuclear weapons are a political weapon, a high level of credibility in deterrence has to be retained by having real plans for attack. The declared targets therefore surmise that with their own nukes, they might prevent the US from threatening them. In this way, nuclear weapons states are providing incentives for other nations to develop weapons to deter a perceived threat of attack.

3 - We may limit our responses to using threats or even violence and coercion. We may discount or ignore effective nonviolent strategies of conflict transformation, believing "the only thing they understand is force," or "we can't negotiate with those kind of people" thus generating self-fulfilling prophecies. The policy of "carrots and sticks" suggests we are dealing with a donkey, not a sovereign state with a long history and developed culture. In it's very nature it contradicts itself by building trust und undermining it at the same time, making the recipient mistrustful of the negotiation.

4 -The desire for nuclear weapons is a symptom of something deeper. Focusing on getting rid of the symptom, we ignore the cause. Efforts to physically stop proliferation without addressing the underlying psychological meaning cannot succeed. The relationship between the possession of nuclear weapons and power is inextricable. Some

perceive that possession of the greatest means of destruction in the world means that you will be taken seriously.

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

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

After 35 years of waiting, the NPT is in crisis. Failure to disarm creates an atmosphere of bad faith, demoralization, intimidation, humiliation and resentment. But the treaty is not an end in itself. The end is elimination of the threat of Armageddon, and a replacement of war with more effective methods of tension reduction, violence prevention and conflict transformation. We need to strengthen and evolve the NPT in order to prevent a spiral ending in nuclear anarchy. We need to deliberately create conditions for enduring security so future generations can live without fear of annihilation.

Our choice is between universal security and universal insecurity.

10. The Clash of Ideologies or Peaceful Multilateral Negotiations Based on National Interests: the Degree of Iran's Commitment to the Treaty on the Non-Proliferation of Nuclear Weapons

Speaker and Convenor: Elahe Mohtasham, NWN& ISS

Mr. Chairman, Distinguished Delegates,

I. Introduction:

With much of the world's attention on the question of Iran's nuclear programme, it is vital that all the political and technological as well as emotional and psychological factors are taken into account in determining the degree of Iran's commitment to the NPT.

II. Concerns about Iran's Nuclear Programme:

Those concerned about the Iranian nuclear programme focus on the following main indicators. First, Iran's failure to report the technical details of its nuclear programme was a breach of its obligations under its IAEA's safeguards agreement.⁵⁹ Those critics are also concerned with the dual nature of Iran's political system, the foundation upon

⁵⁹ The IAEA's Board of Governors recognised this failure as a breach in one Statement and six consecutive resolutions between 19 June 2003 and 29 November 2004.

which Iran's decision-making process is built. They view two decades of Iran's technical breaches with its IAEA's Safeguards Agreement either as a wider indication of lack of control over nuclear material and technology by the Iranian government or as a sign of a conscious and deliberate attempt to conceal Iran's nuclear programme.

The United States and its allies accuse Iran of sponsoring terrorism. These accusations, including the risk of nuclear materials falling into the hands of terrorists, have more than any other factor thrown doubt on the legitimacy of Iran obtaining nuclear material and technology.⁶⁰ This is exemplified by statements and images of the clash of ideologies, war or dispute between Islamic and western democratic political systems. Meanwhile in Iran, there lacks any systematic debate over the exact nature of Iran's national security interests in relation to the developments in the Israeli-Palestinian dispute and the question of terrorism. Such domestic debate and improved transparency could significantly impact on Iran's relations with the west, building confidence about Iran's nuclear activity as permitted by the NPT.

III. Positive Indicators of Iran's Commitment to the NPT: There are, however, indications of Iran's commitment to the NPT. Iran has, after all, actively cooperated with the IAEA to rectify its past failures.⁶¹ This behaviour is evident in the detailed report submitted to the IAEA on 21 October 2003, and Iran's Additional Protocol signed 18 December 2003, which awaits ratification by the Iranian parliament (Majles). In a communication to the Director General of IAEA dated 10 November 2003 Iran committed itself to act in accordance with the provisions of the Protocol with effect from that date.

Further more, in its first report under the Additional Protocol, Iran submitted more than a thousand pages of information about its nuclear programme to the IAEA on 25 May 2004. In January 2005 Iran provided access to the IAEA's inspectors to visit and take environmental samples of a number of military sites suspected of developing nuclear material and components. Moreover, Iran's multilateral negotiations with Britain, France and Germany (EU3) and the High Representative of the European Union, which have been on going since October 2003, demonstrates Iran's willingness to work to a

⁶⁰ However, according to Professor Gary Sick (Director of the Middle East Institute at Columbia University, and a former member of the U.S. National Security Council staff as well as the Principal Presidential Assistant for Iran during the Iranian revolution and hostage crisis), "Terrorism is murky and highly ambiguous;" See, Gary Sick, 'Iran: Confronting Terrorism', *The Washington Quarterly*, (Autumn 2003, No. 26:4), pp. 83-98; <http://www.twq.com/info/archives.cfm>; according to Professor William O. Beeman (Director of the Middle East Studies at Brown University and Visiting Professor of Cultural and Social Anthropology at Stanford University), 'Iran's support of terrorism is less than it seems', in *Agence Global*, 27 February 2005; <http://www.agenceglobal.com>

⁶¹ Under the IAEA's Statutes (Article XII: c) if states found in breach of their IAEA's safeguards agreements, they will be provided with an opportunity to return back to compliance within a reasonable time, before any punitive action taken against them or before their cases are referred to the United Nations Security Council. Section 19 of the IAEA's safeguards agreement (INFCIRC/153), which deals with measures in relation to verification of non-diversion and any possible non-compliance makes it clear that the IAEA's Board of Governors "shall take account of the degree of assurance provided by the safeguards measures" and "shall afford the State every reasonable opportunity to furnish the Board with any necessary reassurance."

resolution of the problems.⁶² Iran has abided by its voluntary agreement since October 2003 not to enrich uranium using its gas centrifuge facilities and plants in Natanz.

Therefore, in considering Iran's commitment to the NPT, we must consider both the negative and positive developments.

IV. List of Recommendations:

- i. Address Emotional and Psychological as Well as Political and Technological Concerns:** There are two separate aspects in all the discussions concerning Iran's nuclear programme. One relates to Iran's scientific and technological capabilities and its rights under the NPT to develop indigenous civil nuclear power, and the subsequent related intellectual and political debates. The second aspect is psychological and emotional concerns of the international community associated with Iran's Islamic political system, and doubts about Iran's commitment to confine nuclear technology for peaceful purposes. Therefore, in addition to compliance with the IAEA safeguards and other technical measures, Iran must provide additional reassurances to address the emotional and psychological concerns of the international community. Greater openness and transparency in relation to all the aspects of its nuclear programme, and conscientious and systematic discussions about the exact nature of Iran's relations with groups classified as terrorists by the West would be important steps.

- ii. Provide Negative Security Assurances & Tangible Steps Towards Disarmament:** Iran, like most other non-nuclear weapon states at this NPT Review Conference, continues to seek legally binding⁶³ and unconditional⁶⁴

⁶² The first meeting to initiate these negotiations took place in Tehran on 21 October 2003. Several informal meetings were held to discuss the content of negotiations until the end of July 2004. The second set of negotiations within a more formal framework, in the form of regular working group meetings, took place (based on the 14 November 2004 Paris Agreement) on 13 December 2004 (in Brussels), 21 January 2004 (in Geneva), 8-11 February 2004 (in Geneva), 8-11 March 2005 (in Geneva). A steering committee to consider the results of December-March working groups took place in Paris on 23 March 2005, when the parties agreed to continue with the negotiations in April 2005. Between 19 and 20 April 2005 a working group to discuss the technical issues related to the nuclear issue was held in Geneva which made further recommendations to continue the discussions at a steering committee meeting in London on 29 April 2005.

⁶³ By a legally binding negative security assurance, it is meant an independent agreement or treaty, or a protocol attached to the NPT (instead of the present general statements of intent embodied, for example, in the 1978 and 1982 unilateral statements by the nuclear weapon states at the first and second United Nations General Assembly Special Session on Disarmament (UNSSOD), or a series of separate statements by the nuclear weapon states reflected in the 11 April 1995 Security Council resolution 984. However, some would argue that a Security Council resolution would be legally binding).

⁶⁴ In 1968 the three NPT depository nuclear weapon states (the United Kingdom, the United States and the USSR) provided positive security assurances to non-nuclear weapon states through the Security Council resolution 255, which was mainly based on the general commitments that had already existed in the United Nations Charter. At the first UNSSOD in 1978, China was the only nuclear weapon state that committed itself not to attack or threaten to attack a non-nuclear weapon state with nuclear weapons; whilst the USSR's statement on negative security assurances was specific to those non-nuclear weapon states that renounced the acquisition of nuclear weapons and their deployment on their territories. However, the United Kingdom and the United States were prepared to provide negative security assurances only to those states that were

negative security assurances from the nuclear weapon states, in particular, from France, the United Kingdom and the United States. The multilateral negotiations between Iran and the EU3 has provided a degree of security and reassurance for Iran. There is a general belief that Iran will not be militarily attacked while the current negotiations continues.⁶⁵ The negative and positive security assurances embodied in the 1995 Security Council Resolution 984 are conditional, and according to France, the United Kingdom and the United States would not apply to those non-nuclear weapon states not in full compliance with their NPT safeguards agreements. There is a widely held perception amongst Iranians that in the whole of the Middle East and South Asia as well as Central Asia and Caucasus, Iran is the only major country with inadequate security protection. India, Israel and Pakistan rely on their own nuclear weapons for deterrence. Turkey as a member of the NATO and all the Arab states of the Persian Gulf would be protected by their alliances with the United States. It is within this overall regional and international context that Iran's civil nuclear programme has been viewed by some as constituting a latent nuclear deterrent, similar to the full nuclear fuel cycle facilities in Japan. Therefore, it is vital that in any discussions of Iran's nuclear programme, Iran's legitimate security concerns to be fully taken into account. Any proposals to halt future nuclear full cycle capabilities should address the wider issues of disarmament, negative and positive security assurances, and confidence building measures at the international level. In the absence of this wider perspective, measures and proposals, which are aimed at enhancing the international security may, in the long term, undermine the whole structure of the nuclear non-proliferation system.

- iii. Pursue Diplomatic Solutions Instead of Military Attack:** Although military attack on Iran's known nuclear facilities could not be discounted, any such military attack would generate further security problems for the whole

not allied with a nuclear weapon state. France's negative security assurances, at the time, were limited to those states within the nuclear weapon free zones. However, at the second UNSSOD in 1982, France provided non-nuclear weapon states with similar commitments that the United Kingdom and the United States had provided to non-nuclear weapon states. Although the Security Council resolution 984 of 11 April 1995 provided both negative and positive security assurances, the type of assurances were seen as being similar to the positive security assurances that the three NPT depository nuclear weapon states had provided in 1968. The conditional terms of the resolution 984 have been criticised on the grounds that the NATO states and the Russian Federation continue to keep their option of the first use of nuclear weapons; and that in case of a nuclear attack, the agreement of the Security Council had to be obtained before any action in support of the victim or against a nuclear aggressor could be taken. Following the 984 resolution, China restated its long-time position regarding no-first use of nuclear weapons and called for an international convention on no-first use.

⁶⁵ The three nuclear weapon states have been reluctant to provide a legally binding and unconditional negative security assurance to the non-nuclear weapon states, such as Iran, on three basic military grounds. First, there is the assumption on the part of these nuclear weapon states that an unconditional negative security assurance would undermine the basic element of uncertainty, which is often defined as the key in maintaining a credible nuclear deterrence against an adversary. Second, France, the United Kingdom, the United States as well as the Russian Federation continue to regard as legitimate the right to retaliate with nuclear weapons in the case of an attack with chemical or biological weapons. Furthermore, these nuclear weapon states believe that an unconditional negative security assurance might encourage the use of chemical and biological weapons by countries such as Iran at the time of war and crises.

region. Iran would most likely to withdraw from the NPT and initiate, without any reservations, a nuclear weapon programme using the scientific knowledge, skills and any material or facilities, which would survive following such a military attack.

11. The Medical and Ecological Consequences of Nuclear Power

Convenors: Alice Slater, Abolition 2000; John Loretz, IPPNW; Helen Caldicott, NPRI; Xanthe Hall, IPPNW; Herman Scheer, Eurosolar
Speaker: Helen Caldicott, Nuclear Policy Research Institute

The official task of the IAEA since 1957, enshrined in article IV of the NPT promotes the peaceful uses of nuclear energy and the “transfer” of nuclear technology.

Superimposed upon this official policy is a huge propaganda push by the nuclear industry promoting nuclear power as a panacea for the reduction of global-warming gases.

There are presently 442 nuclear reactors in operation globally. If, as the nuclear industry suggests, nuclear power were to replace fossil fuels on a large scale, it would be necessary to build 2000 large 1000-megawatt reactors. Furthermore, to replace all fossil-fuel-generated electricity today with nuclear power, there is only enough economically viable uranium to fuel the reactors for three to four years.

Belgium, Germany, Spain and Sweden have decided to phase out their operating nuclear reactors, while Britain plans 10 new reactors and China plans 27 by 2020.

The true economies of the nuclear industry are never fully analysed – including costs of uranium enrichment, the massive liability involved in a nuclear accident, decommissioning all existing and new nuclear reactors and the enormous expense in the transportation and storage of radioactive waste for a quarter of a million years.

The prevailing ethic says that nuclear power is emission-free. The truth is very different.

In the US for instance, where much of the world's uranium is enriched, the enrichment facility at Paducah, Kentucky, requires the electrical output of two 1000-megawatt coal-fired plants, which release large quantities of carbon dioxide, the gas responsible for 50% of global warming.

Also, this enrichment facility and another at Portsmouth, Ohio, leak from rusty pipes 93% of the chlorofluorocarbon gas emitted yearly in the US. The production and release of CFC gas is now banned internationally by the Montreal Protocol because it is mainly responsible for stratospheric ozone depletion. But CFC is also a global warmer, 10,000 to 20,000 times more potent than carbon dioxide.

The nuclear fuel cycle in all countries uses large quantities of fossil fuel at all stages - the mining and milling of uranium, the construction of the nuclear reactor and cooling towers, robotic decommissioning of the intensely radioactive reactor at the end of its 20 to 40-year operating lifetime, and transportation and long-term storage of massive quantities of radioactive waste.

Contrary to the current propaganda line, nuclear power is not green and it is certainly not clean. Nuclear reactors consistently release millions of curies of radioactive isotopes into the air and water each year. These unregulated sanctioned releases occur because the industry considers certain radioactive elements to be biologically inconsequential. This is not so.

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

Tritium, a radioactive isotope of hydrogen, is another biologically significant gas, routinely emitted from nuclear reactors. Tritium combines with oxygen creating "tritiated" water. Tritium which is a soft energy beta emitter, more mutagenic than gamma radiation incorporates directly into the DNA molecule of the gene and it passes readily through the skin, lungs and digestive system where it is distributed throughout the body. The half life of tritium is 12.3 years, giving it a biologically active life of 246 years.

The dire subject of massive quantities of radioactive waste accruing at the 442 nuclear reactors across the world is also rarely, if ever, addressed by the nuclear industry. Each typical 1000-megawatt nuclear reactor manufactures 33 tonnes of thermally hot, intensely radioactive waste per year.

More than 80,000 tonnes of highly radioactive waste sits in cooling pools next to the 103 US nuclear power plants, awaiting transportation to a storage facility yet to be found. Much more accrues at reactor sites in France, Japan Russia and elsewhere. This dangerous material is an attractive target for terrorist sabotage as it traverses roads, railway and shipping lines of many nations.

The long-term storage of radioactive waste is an immense insoluble problem. No country, including the US has a plan for preventing this toxic carcinogenic material escaping into the biosphere and contaminating the food chain for the rest of time.

Furthermore, a study released recently by the US National Academy of Sciences shows that the cooling pools at nuclear reactors, which store 10 to 30 times more radioactive material than that contained in the reactor core, are subject to catastrophic attacks by international terrorists, which could unleash an inferno and release massive quantities of deadly radiation -- significantly worse than the radiation released by Chernobyl.

This vulnerable high-level nuclear waste stored in the cooling pools at the 442 global nuclear power plants includes hundreds of radioactive elements that have different biological impacts in the human body, the most important being cancer and genetic diseases.

The incubation time for cancer is five to 50 years following exposure to radiation. Children, old people and immuno-compromised individuals are many times more

sensitive to the malignant effects of radiation than other people.

Following are four of the most dangerous elements made in nuclear power plants.

Iodine 131, which was released at nuclear accidents at Sellafield in Britain, Chernobyl in Ukraine and Three Mile Island in the US, is radioactive for twenty three weeks and it bio-concentrates in leafy vegetables and milk. When it enters the human body via the gut and the lung, it migrates to the thyroid gland in the neck, where it can later induce thyroid cancer. In Belarus more than 2000 children have had their thyroids removed for thyroid cancer, a situation never before recorded in pediatric literature.

Strontium 90 lasts for 600 years. As a calcium analogue, it concentrates in cow and goat milk. It accumulates in the human breast during lactation, and in bone, where it can later induce breast cancer, bone cancer and leukemia.

Cesium 137, which also lasts for 600 years, concentrates in the food chain, particularly meat. On entering the human body, it locates in muscle, where it can induce a malignant muscle cancer called a sarcoma.

Plutonium 239, one of the most dangerous elements known to humans, is so toxic that one-millionth of a gram is carcinogenic. More than 200kg is made annually in each 1000-megawatt nuclear power plant. Plutonium is handled like iron in the body, and is therefore stored in the liver, where it causes liver cancer, and in the bone, where it can induce bone cancer and blood malignancies. On inhalation it causes lung cancer. It also crosses the placenta, where, like the drug thalidomide, it can cause severe congenital deformities. Plutonium has a predisposition for the testicle, where it can cause testicular cancer and induce genetic diseases in future generations. Plutonium lasts for 500,000 years, living on to induce cancer and genetic diseases in future generations of plants, animals and humans.

Plutonium is also the fuel for nuclear weapons -- only 5kg is necessary to make a bomb and each reactor makes more than 200kg per year. Therefore any country with a nuclear power plant can theoretically manufacture 40 bombs a year.

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

Article IV of the NPT should therefore read "The present Treaty permits the parties to the Nuclear Non Proliferation Treaty to replace the assistance in the peaceful use of nuclear energy provided for in article IV with assistance in promoting the use of renewable energy".

12. An Historic Religious Commitment and Renewed Call to Disarmament, Security and Peace

THE AFFIRMATIONS

For more than thirty years the interfaith community has come together in various configurations to advocate for both an end to war and an end to the production of the weapons and systems with which wars are fought. Ever more powerful weapons escalate the risks and dangers, and increase the temptations to settle conflict by violent methods, whether by states or non-state parties. The majority of religious leaders have always promoted disarmament, peace, and policies that promote human security. The religions of the world embody in their core texts and traditions a set of affirmations that have provided the staying power and the basis of common commitments for religious people of all traditions and in all countries. Statements from the periodic assemblies of the World Conference of Religious for Peace* have set forth the following affirmations:

1. A shared conviction of the fundamental unity of the human family, and the equality and dignity of all human beings;
2. A profound sense of the sacredness of the individual person and his or her conscience;
3. A commitment to the preservation of the value of life manifest in human community;
4. A realization that might does not make right; and that human power is neither self-sufficient nor absolute;
5. A belief that the spirit of love, compassion, selflessness, and the force of inner truthfulness ultimately have greater power than hate, enmity, and self-interest, and that these provide the capacity to transcend all ideological and political barriers; and
6. A sense of obligation to support and protect the poor and the oppressed, those made marginal by system or circumstance in our world, or victimized by violence.

These affirmations provide the basis for concern about all aspects of human life in community, human rights and justice, sustainable development and environment, and the viability of international instruments of governance and order. Yet no right seems more fundamental than the right to peace and security, conditions without which, ultimately, all other rights have little meaning. Thus, the quest for arms control and disarmament including, specifically, the abolition of nuclear weapons and the end of militarism and militarization, and the cessation of the use of war as an instrument for resolving conflict have been central to the mission of religions that work for peace.

AN AGENDA FOR ARMS CONTROL AND DISARMAMENT

Religious traditions seeking to achieve meaningful and effective arms control and disarmament based on a renunciation of war have been consistent, and cumulative. General and complete disarmament is the end goal toward which immediate and continuous steps must be taken. The ultimate goal of eliminating all weapons - conventional, nuclear, chemical and biological - clearly reflects an understanding that peace and security cannot be found in the weapons themselves. Therefore, religions that work for peace have regularly affirmed calls for:

1. An end to nuclear proliferation - both vertical and horizontal, the goal embodied in the Nuclear Non-Proliferation Treaty;

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

We call on governments and intergovernmental bodies at all levels to pursue conflict resolution by non-violent means, and to renew their commitments to the quest for peace through justice. Only through such commitment can hope be restored for the new millennium. Thank you

* Participation of religious communities has included Baha'i, Buddhism, Christianity (Protestant, Catholic and Orthodox), Confucianism, Hinduism, Islam, Judaism, Jainism, Sikhism, Shinto, Traditionalist/Indigenous, Unitarianism, and Zoroastrianism.

13. Move Toward a Northeast Asia Nuclear Weapon-Free Zone- Cheong Wooksik, Civil Network for a Peaceful Korea

Convenors: Wooksik Cheong (Civil Network for Peaceful Korea, ROK); John Kim (Fellowship of Reconciliation, USA.); Keiko Nakamura, Takao Takahara and Hiromichi Umebayashi (Peace Depot, Japan)

Speaker: Wooksik Cheong

Mr. Chairman, distinguished delegates and colleagues,

The peace and security environment in Northeast Asia has steadily deteriorated since the last NPT Review Conference in 2000. The reason is obvious: The revival of hostile relationship between the United States and the DPRK (Democratic People's Republic of Korea: North Korea). What does this mean in the context of the NPT process?

In June 2000, soon after the 6th NPT Review Conference, a historic inter-Korean summit took place in Pyongyang, raising high hope of ending the Cold War on the Korean Peninsula finally. However, this positive development came to a full stop with the change of leadership in the White House in 2001. The Bush administration unilaterally froze and discarded the new relationship between the US and the DPRK that the Clinton administration had committed to. President Bush named North Korea as one of the member nations of the "axis of evil" in his 2002 State of the Union address, and things got worse between the two nations from thereon. In October 2002, the United States accused the DPRK of violating the 1994 Agreed Framework and stopped delivery of heavy fuel oil to the North. In response, the DPRK denied the US accusation and declared its withdrawal from the NPT in January 2003, saying, "A dangerous situation where our nation's sovereignty and our state's security are being violated is prevailing..." Finally, in February this year, the DPRK stated officially that it had "manufactured nukes" as a "deterrent for self-defense."

We are very dismayed with these negative steps taken in recent years by the US and the DPRK since they are causing a big blow to the NPT regime. Both parties bear full responsibility for the current proliferation crisis in Northeast Asia. The Bush administration, in particular, bears a heavy responsibility for the current situation because of its hard-line, hostile policy toward the DPRK in the last four years. The North Koreans may have a genuine fear of a possible attack on their country in view of the recent, illegal US invasion of Iraq in the name of dismantling weapons of mass destruction there. We thank the efforts of the Chinese and other officials to diffuse the current tensions on the Korean Peninsula, and urge all members of the United Nations as well as UN officials to do their utmost to prevent the revival of another horrific Korean War, which may well end up in a new nuclear holocaust in Northeast Asia.

As far as nuclear threats are concerned on the Korean Peninsula, we deplore any and all nuclear threats whoever may make them. This said, it is disingenuous for the United States to accuse the DPRK of "nuclear blackmail" when the DPRK has been subjected to American nuclear blackmail for more than half a century. As recently as 2002, the DPRK was designated not only as one of the seven countries against whom the US may use nuclear weapons in any future conflicts but also it was singled out as one of the two "chronic military concerns," according to the US Nuclear Posture Review. As it turned out, the other nation, Iraq, was soon attacked by the US and its allies, to bring about a "regime change." Thus, it is incumbent upon the US to take some confidence-building measures to remove the deep distrust and fear that the DPRK may have at this time.

The Six-Party Talks on the DPRK nuclear issue is an indispensable venue for the peaceful resolution of the issue. We urge North Korea to return to the Talks as soon as possible. Furthermore, to expedite the resolution, we believe it is essential that the main

antagonists on the Korean Peninsula – namely the US and the DPRK – engage in direct talks too. For such talks to succeed, it is critically important that the Bush administration create a positive environment for dialogue by expressing its willingness to live in peaceful coexistence with the DPRK. We urge the United States to show flexibility and good-faith in negotiation and make a realistic offer to the DPRK, which already expressed its willingness in the past to give up its nuclear weapons program if it is offered a fair package deal for security assurances and economic cooperation.

Mr. Chairman and distinguished delegates,

The North Korean nuclear issue is multifaceted and has a multidimensional impact on Northeast Asia and the world at large, beyond the Korean Peninsula. Therefore, we strongly believe that “Peace and Security-for-All” approach is the only effective, legitimate step toward a peaceful and sustainable resolution of the issue. Although we welcome the current policy of the ROK and Japan to pursue a peaceful resolution of the North Korean nuclear issue through patient negotiations, their overall approach remains obsolete since they still cling to their old policy of seeking military superiority under a continuing US nuclear umbrella and through upgrading of military weapons system as well as enhancement of military readiness in alliance with the US. In this regard, we are particularly disappointed that Japan decided to join in the US missile defense system in recent years and the ROK (Republic of Korea: South Korea) is about to follow suit. We urge all parties concerned in the area to embark on an innovative undertaking to establish a regional cooperative security system, discarding bilateral military security agreements eventually.

We must build on the undeniable truth that if one country in the region continues to claim the need for nuclear weapons for its security, then another country will claim the same. If the ROK and Japan want to play a leading role in persuading the DPRK to discard its nuclear weapons program, the two countries should take a more progressive and bolder step to discard their own dependence on the US nuclear protection. They should proceed to establish a new model of nuclear-weapon-free zone (NWFZ) in Northeast Asia, in which all non-nuclear weapon states renounce their nuclear dependence and are protected at the same time from any future nuclear threats from the nuclear weapon states.

A nuclear-weapon-free zone is possible in Northeast Asia if the concerned nations and the civil society work hard together for a new era of peace, reconciliation and cooperation in the region. Last year, some NGOs and experts of the region have developed a Model Treaty for the Northeast Asia NWFZ as a first step toward a regional cooperative security system. It is a six-party treaty that involves three intrazonal non-nuclear weapon states, namely the DPRK, the ROK and Japan as the central players, and three surrounding nuclear weapon states, namely China, Russia and the United States, as supportive players to provide negative security assurances in the main body of the treaty. The constituent six parties of the Model Treaty are exactly the same as those of the current Six-Party Talks. (See www.peacedepot.org for the full text of the Model Treaty.). Thus, we believe that the Six-Party Talks in Beijing could also serve as the venue for negotiating a NWFZ in Northeast Asia in the future. We urge all parties concerned to give a serious consideration to our proposal. Thank you for your attention.

14. Appeal from Hibakusha

Convenor: Steve Leeper, Mayors for Peace

Speaker: Satoru Konishi, Nihon Hidankyo

Mr. President, honored delegates, ladies and gentlemen,

The atomic bomb survivors of Hiroshima and Nagasaki demand implementation of the unequivocal undertaking stipulated in the final document of the 2000 Review Conference.

If *this body* fails to act now to eliminate all nuclear arsenals, you will doom your children and your children's children to pain and suffering that all Atomic bomb survivors imagine over and over.

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

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

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

We hear that the United States is developing so-called "usable" or "combat" nuclear weapons. When we hear such reports, we survivors feel a visceral horror. The use of nuclear weapons is imminent. It is about to happen. You must stop it.

The tragedies of Hiroshima and Nagasaki are far from over. The cruel and inhumane aftereffects are still being felt and will be for generations to come. Almost all cases of survivors death in the last decades were cancer.

We call on all government leaders to:

- Learn the lessons of Hiroshima and Nagasaki and draw from there the wisdom required for survival.
- Commence multilateral negotiations immediately toward swift conclusion of a nuclear weapons convention for total elimination.

Mr. President, distinguished delegates, ladies and gentlemen, please listen to the voices of atomic death from the pen of a deceased poet of Hiroshima,
TOGE Sankichi (Translated by KONISHI Satoru):

Our Fathers, give them back to me; our Mothers, give them back to me!
 Our Elders, give them back to me;
 Our Children, give them back to me!

My humanity, give it back to me,
 And all Humans linked to me !

Peace, give it back to me!
 One, indestructible peace for ever,
 As long as this human world will last.

Thank you.

Reference: TOGE, Sankichi

August 6.

How Could one forget that flash !
 One instant swept thirty thousand off the streets,
 Underneath crushing darkness
 Stifled fifty thousand screams.

The yellow smoke went whirling upwards,
 Buildings were rent, bridges smashed,
 Trams stood full of charred bodies,
 Interminable rubble and cinders, Hiroshima!

Then wandered in lines the hands on breasts,
 Shred skin dangling,
 Treading in spilt brains,
 Tatters of clothes around their hips,
 Naked people, wailing, weeping.
 Bodies scattered like stone Buddha images over the parade ground,
 Tangled mass crawled to moored timber rafts,
 Died soon in heaps under the scorching sun.

Towards evening, flames rising against the sky,
 Licked the parts of the city, where mothers and brothers were
 Under the collapsed houses jet alive.

In the morning, when the sun shines
Over the group of schoolgirls, fled so far,
On the floor of arsenal, polluted by dirt,
Swollen, eyes shattered, half a body shaved, baldheaded,
Unable to know, who is who.
There is nothing more what does move but swarms of flies
Around the basins, in the hanging stench.

How could one forget the silence,
Reigning over the whole city of three hundred thousand?
How could one forget the wishes,
Coming from the gray eye sockets of wives and children,
Which never more came back, never more,
Cutting our souls
In that silence!

15. Recommendations

Convenors: Xanthe Hall, IPPNW; John Loretz, IPPNW; Urs Cipolat, Tri-Valley CAREs
Speaker: Felix Fellmer, International Law Campaign

So what should you do?

You have now heard all of our presentations. What remains are our recommendations of what might be undertaken to improve the present situation. Here are a few central points that we would like you to consider. A much more comprehensive list of recommendations is included in the set of documents that we have distributed here.

Go back and look at the basic promise contained in the treaty before you. All states promised to renounce possession of nuclear weapons. In exchange for non-proliferation, the five nuclear weapons states promised disarmament. Non-proliferation and disarmament cannot, therefore, be treated separately. But while non-proliferation is – or should be – a permanent state, there is a time constraint on disarmament. It must reach its conclusion -- the abolition of nuclear weapons – without further delay and prevarication. Whatever the difficulties, continued possession of nuclear weapons by some increases the likelihood of proliferation, just as much as an increase in proliferation decreases the chances of disarmament taking place.

1. Make commitments in good faith

Without credible commitments to abolition, there can be no confidence in the treaty and, therefore, the danger of clandestine nuclear programmes increases as the perception of danger grows. The question of “good faith” is central to the credibility of negotiating partners. Many question the credibility of negotiating states when they start to go back on consensual agreements. This applies to both nuclear and, as-yet-non-nuclear weapons states. The decision to extend the NPT indefinitely in 1995 rested on the commitment to strengthen the review process as well as the Principles and Objectives. The 13 steps represent a first attempt to strengthen the process. Both the 13 steps and the

"unequivocal undertaking" stand as the basis for forward movement on NPT compliance. They are not to be debated further at this Review; rather, your task is to devise and enhance the means for their implementation.

2. Transition from nuclear energy to renewables

There is an inherent flaw in the treaty and it is to be found in Article IV. The Acheson-Lilienthal Committee saw this as far back as 1946. Free trade in nuclear technology and materials and abuse of the system go hand in hand. Safeguarding only works up to a point. It is impossible to account for all of the material in, for instance, a reprocessing plant like Sellafield, Le Hague or Rokkasho. Some of that material may have already been diverted for military use.

But the cat is now out of the bag. The only way to get it under control is to put all enrichment and reprocessing facilities under multilateral control. In the meantime we support recommendations for a complete moratorium on the enrichment of uranium and separation of plutonium. Moreover, the IAEA should not be promoting the use of nuclear energy. The nuclear industry does that quite well enough by themselves, to the detriment of everyone. The IAEA should be controlling nuclear energy, putting restrictions on it, not pushing it. The IAEA's conflict of interests is reflected in the fact that so many countries believe the possession of a nuclear programme is a sign of development or even a status symbol.

Truly developed countries, on the contrary, are investing in cleaner and renewable sources of energy. Global energy security, not a slavish dependence on the most dangerous energy source on Earth, is the goal for which we should strive. That is why we need an International Agency for Renewable Energy that assists countries in building up an energy supply that does not rely on nuclear energy or fossil fuels. To address the challenge nuclear weapons pose to human survival requires us to also address these challenges posed by nuclear energy.

3. Make a good example

To lead and to educate is to live by example. Do not offer encouragement to anyone possessing nuclear weapons. Alliance partners who agree to the deployment of nuclear weapons on their territory, or who even take part in nuclear sharing and planning arrangements, are like co-dependents. They should be the first to stop and show others that they have no need for these obsolete weapons.

States should also pass anti-nuclear weapons laws. UN SC Res. 1540 calls upon all states to criminalize WMD activities undertaken by non-state actors. National parliaments - supported by their governments - should go even further and adopt national laws prohibiting and penalising all forms of nuclear weapons activities, expanding the scope of such legislation to state actors. Nuclear weapons activities are immoral and illegal*, and the perpetrators of these activities must be held accountable.

4. Start negotiating abolition

We believe that an abolition framework is the only way forward. Abolition goes further than the simple physical destruction of the weapons - which is disarmament - and also encompasses non-proliferation. A Nuclear Weapons Convention would regulate the

phasing out of all aspects of the nuclear weapons complex from the development and testing to deployment and use or threat of use. Verifiably. It would also provide the legal basis for the universal criminalization of nuclear weapons activities, thus helping to prevent breakout. Such a Convention has been written and is possible. It does not replace a step-by-step approach; it *is* a step-by-step approach. It does not compete with the NPT; it *completes* the NPT, which foreshadows such a Convention in its Article VI. Without the commencement of negotiations on a Convention we can never achieve the goals of the NPT. Whether to do this should no longer be an issue. There has to be a negotiated agreement on HOW to abolish nuclear weapons safely and forever; on HOW to deal with breakout or non-compliance; and on HOW to verify a nuclear weapon-free world.

The goal of abolishing nuclear weapons may seem unrealistic to you now, given the difficulties you are facing in these negotiations. But it is equally unrealistic to believe that we can go on like we are for any length of time without the NPT collapsing. It is vital that you save it by making mature decisions about the future of this world and courageously stepping forward to meet this challenge. My generation should not have to deal with this problem because your generation has failed to do so.

We would be very willing to answer any of your questions on any of the presentations you have heard.

Thank you, Mr. Chairman.

*While we acknowledge that their illegality remains to be formalised under a treaty that prohibits their possession, testing, manufacture, transport and use, nuclear weapons have characteristics and effects - to an even more catastrophic degree - of weapons of mass destruction that have already been declared illegal under international law. Therefore we assert that nuclear weapons are, by their nature, already outside the norms of international law and that ratification of their illegality in a formal agreement is not only rational but obligatory. The International Court of Justice came to the same conclusion in its 1996 advisory opinion on the illegality of nuclear weapons.

APPENDIX: Irreducible Minimum
World Civil Society's Recommendations for the Strengthening of the NPT

Compiled by John Loretz, IPPNW

On behalf of world civil society, we, the representatives of the Non-Governmental Organizations participating in the seventh NPT Review Conference, call upon our governments to work relentlessly toward achieving the following minimum outcomes on a realistic, but strict timetable.

Recommendation 1

Ensure a successful outcome to the 2005 Review

The Member States must adopt a unanimous final consensus document reaffirming that a nuclear-weapon-free world is the central goal of the NPT and demonstrating progress toward full compliance with both the disarmament and the non-proliferation obligations of the Treaty. The 2005 final consensus document must explicitly reaffirm:

- a. the 1995 and 2000 final consensus documents, including the Resolution on the Middle East of 1995 and the 13 Practical Steps of 2000;
- b. the unanimous opinion of the International Court of Justice, formulated in 1996, that "the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law," and that "there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control;" and
- c. that the Treaty is binding at all times and under all circumstances.

Recommendation 2

Honor the commitment to total nuclear disarmament and to good faith negotiations

The Hibakusha have called on the Conference to learn the lesson of Hiroshima and Nagasaki and to commence multilateral negotiations immediately toward swift conclusion of a nuclear weapons convention, as set out in the "2020 Vision" proposed by the Mayors for Peace. The youth of civil society have demanded the immediate, unqualified, total abolition of all nuclear weapons for the well being of humankind and our common future. We fully support both these calls.

The commitment to total nuclear disarmament is made in the Preamble and Article VI of the NPT. It was reaffirmed at the 1995 and 2000 NPT Review Conferences. In 2000, the commitment was to "an unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of nuclear arsenals...." The 13 Practical Steps stand as the basis for forward movement on NPT compliance. They are not to be debated further at this Review; rather, your task is to devise and enhance the means for their implementation.

Article VI of the NPT calls for “good faith” negotiations to achieve nuclear disarmament. The International Court of Justice has interpreted Article VI as establishing “an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.” These negotiations must commence immediately between the US and Russia – the two countries that possess some 97 percent of the world’s nuclear weapons – then be expanded to include the other nuclear-weapon states within the NPT (China, France, and the UK) and the nuclear-weapon states outside the NPT (Israel, India, Pakistan, and North Korea).

Recommendation 3

Establish and respect timelines for disarmament that are expeditious, feasible, and achievable

The commitment to total nuclear disarmament must be made within a timebound framework such as the one that is being proposed by the Mayors for Peace Emergency Campaign to Ban Nuclear Weapons. The Mayors for Peace have called for negotiations on a verifiable nuclear weapons ban to begin in 2005 and be completed by 2010, and for the actual elimination of the weapons to take place by 2020. We support the Vision 2020 plan, and believe this is a feasible timeframe to allow for incremental reductions and the development and implementation of effective international inspection, safeguarding, and dismantlement procedures.

Recommendation 4

Stand down nuclear forces

All nuclear-weapon states must make a commitment to immediately reduce the operational readiness of their nuclear forces to 24 hours or longer and to initiate negotiations of an international de-alerting plan, which would culminate in all nuclear weaponry being taken off alert by 2010. This is a matter of the highest urgency. The Secretary-General's High Level Panel on Threats, Challenges and Change has underscored the need for de-alerting as a means to reduce the risk of accidental nuclear war.

Recommendation 5

The Comprehensive Test Ban Treaty must enter into force

The remaining states that have not yet ratified the CTBT – particularly the United States and China – must do so by 2010 or sooner. Pending entry into force of the CTBT, states must adhere to unilateral nuclear testing moratoria, fund the Preparatory Commission for the CTBT Organization, and support completion of the International Monitoring System.

Recommendation 6

Ensure that disarmament is verifiable and irreversible

The 2002 Strategic Offensive Reductions Treaty (SORT) between the US and Russia contains no provisions on verifiability or irreversibility, which are called for in the 13

Practical Steps for Nuclear Disarmament adopted in 2000. Complying with their 2000 commitments, the United States and Russia must apply the principles of irreversibility, transparency, and verification to strategic reductions under the SORT, and negotiate further deep, verifiable, and irreversible cuts in their total arsenals, encompassing both warheads and delivery systems. Negotiations regarding transparency and international verification should be completed by no later than December 2007.

Recommendation 7

Withdraw all tactical nuclear weapons from Europe

The United States must withdraw its non-strategic nuclear weapons deployed under NATO auspices in Europe. There is no reason why this step cannot be taken immediately, as these weapons are militarily obsolete and are no longer relevant to transatlantic relations. We urge adoption of a wider process of international control over non-strategic nuclear weapons through formalization of the 1991-1992 initiatives, transparency and security measures, and commencement of negotiations regarding the further reduction and eventual elimination of all non-strategic nuclear weapons.

Recommendation 8

Terminate all programs for the development of new or modified nuclear weapons and nuclear weapon delivery systems, including programs that are characterized as "concept development"

It is not possible to be committed to both the elimination of nuclear arsenals and the development of new nuclear weapons or modification of existing ones. Compliance with the commitment to a diminishing role for nuclear weapons in security policies requires a complete cessation of vertical proliferation in nuclear weapons-related doctrines and capabilities, and a full accounting of how that commitment is being met. Specifically, the US must halt all programs related to the Robust Nuclear Earth Penetrator and to so-called reliable replacement warheads. The UK must not replace its Trident system. Disarmament of the delivery systems for nuclear weapons must go hand-in-hand with disarmament of the warheads themselves. Testing of both missiles and missile defense systems must stop. Russia and China must not add a new generation of multiple-warhead missiles to their arsenals. Negotiations should commence for an international treaty banning the testing and deployment of ballistic missiles and of missile defense systems. Research, development, testing, building, and deployment of weapons for use in space should be prohibited. Funds currently earmarked for R&D activities into new nuclear weapons should be redirected toward the dismantling and destruction of existing nuclear warheads.

Recommendation 9

Nuclear and non-nuclear-weapon states should take additional concrete non-proliferation and disarmament steps.

We make an urgent call for additional concrete non-proliferation and disarmament steps leading to substantial reductions and the eventual elimination of existing nuclear weapons stockpiles and the reversal of ongoing vertical and horizontal nuclear proliferation efforts. Such steps must include:

a) a global, verifiable ban on the production of weapon-usable fissile materials by 2010 and the establishment of a global inventory of fissile materials. A verifiable Fissile Materials Treaty would ban the production of fissile material for nuclear weapons or other nuclear explosive devices, effectively putting a limit on the size of nuclear arsenals. This commitment, included in the 13 Practical Steps, would make reductions in nuclear arsenals more transparent, verifiable, and irreversible. Pending adoption of a verifiable fissile materials treaty, states must adhere to national moratoria regarding the production of weapon-usable fissile materials. Fissile materials from dismantled nuclear weapons must also be disposed of under international safeguards.

b) the adoption of the IAEA Additional Protocol on Safeguards by all states – nuclear as well as non-nuclear-weapon states – by 2010. This voluntary agreement should be made both mandatory and universal.

c) the commitment of all states to work, under the auspices of the IAEA, toward the placement of all nuclear fuel under international control, specifically by:

i. adopting a global ban on spent nuclear fuel reprocessing;

ii. negotiating and adopting a treaty regulating the control and storage of spent nuclear fuel. This commitment would help improve the security of spent nuclear fuel throughout the world, which could be attractive to terrorists seeking to acquire nuclear materials for a “dirty bomb.”

iii. negotiating and adopting a treaty to internationalize the control of all enrichment and reprocessing facilities as well as the production and trade of fissile materials. Tough on-site inspections of nuclear power facilities must be universally applied to all states, and all fissile materials should be monitored by the International Atomic Energy Agency (IAEA).

d) full implementation of Security Council Resolution 1540 (2004) by 2010, which calls for tougher export controls, collective interdiction capabilities, and the universal criminalization of WMD activities undertaken by non-state actors. States should go beyond the minimum standard called for in UNSC Res. 1540 and encourage their national legislators to criminalize all WMD activities, including those undertaken by state actors.

Recommendation 10

Until nuclear weapons are completely eliminated, the nuclear-weapon states make no-first-use commitments

There is no feasible justification for a nuclear-weapon state to threaten or use nuclear weapons against a non-nuclear-weapon state. All nuclear-weapon states must unconditionally pledge policies of no-first-use of nuclear weapons against other nuclear-weapon states. Such a confidence-building measure will also open the way to phased, mutual reductions of nuclear arsenals and will be a critical step in achieving the total elimination of nuclear weapons.

Recommendation 11

Until nuclear weapons are completely eliminated, the nuclear weapons states must provide unconditional negative security assurances to non-nuclear weapon states

A nuclear-weapon state’s implicit or explicit threat to use nuclear weapons against a

non-nuclear-weapon state represents a direct violation of negative security assurances made by all nuclear-weapon states prior to the NPT's indefinite extension in 1995. In addition, such a threat puts enormous proliferation pressures on the potential target state. All nuclear-weapon states therefore must reiterate unconditional negative security assurances by the end of 2005. These assurances should be codified in a legally binding international instrument, and should be made an integral part of any nuclear-weapon-free zone agreement.

Recommendation 12

Adopt a supplementary protocol to promote energy security and energy independence through clean, sustainable, renewable energy sources as an alternative to nuclear energy

We strongly support a global action plan to reduce reliance on – and eventually replace – nuclear power with sustainable, non-toxic, renewable sources of energy, and the establishment of an international sustainable energy agency, which would assist countries in building up an energy supply that does not rely on nuclear energy or fossil fuels. Nations have an inalienable right to energy security – a right that has been distorted by Article IV into a purported inalienable right to nuclear energy technology. A supplementary protocol to Article IV would not only facilitate the transition to sustainable, renewable energy sources, it would take an important step toward correcting this conceptual flaw embodied in the Treaty.

Recommendation 13

Support the creation and integrity of Nuclear Weapons Free Zones

A nuclear-weapon-free zone (NWFZ) in Northeast Asia would remove the threat of a nuclear-armed DPRK and would help Japan and the Republic of Korea escape their dependence on the nuclear deterrence system of the US. The expansion and maintenance of NWFZs around the world – particularly in Europe – is a clear means to strengthen the NPT.

Recommendation 14

Commit to accounting, transparency and reporting in order to advance the goal of full compliance with the substantive provisions of the Treaty

All states must issue specific annual progress reports concerning the implementation of their obligations under the NPT. Such reports are confidence-building measures and part of a more comprehensive regime of monitoring, verification, and enforcement of both disarmament and non-proliferation efforts. We support the Canadian and IAEA proposals to provide the NPT with a governance capacity, including negotiation of formal mechanisms for assessing compliance.

The Member States should act swiftly and decisively in the case of any notice of withdrawal from the Treaty, applying specific, pre-agreed penalties upon withdrawal. The states should provide the IAEA with the tools and funding it needs to verify compliance with the Treaty, and should further develop and universalize those tools in the counter-proliferation toolbox – such as the Proliferation Security Initiative – that

strengthen compliance. All cases of non-compliance should be treated consistently and without discrimination, with the objective of reinforcing the goal of universal NPT adherence.

All states must further afford non-governmental organizations greater access to the NPT review process by allowing NGOs to participate in all NPT plenary and cluster sessions, and to deliver oral and written statements. NGOs should be provided with appropriate seating within the conference hall and access to all documentation during open sessions. In addition to the one session designated for NGO presentations to the delegates, additional opportunities to intervene within the thematic discussions should be provided. Government-NGO dialogue should be encouraged and implemented into the official process. The participation of NGOs from underrepresented regions should be financially and logistically supported by the Conference Secretariat and/or States parties. These practices should be codified in the Final Document of this Review Conference, affirming the value of NGO participation to the health of the Treaty.

Recommendation 15

Promote disarmament and peace education

All states should earmark 5 percent of their defense budget for international and national disarmament and peace education initiatives.

LIST OF PARTICIPATING ORGANIZATIONS TO THESE STATEMENTS

Abolition 2000 (www.abolition2000.org)
Blue Ridge Environmental Defense League (www.bredl.org)
British-American Security Information Council (www.basicint.org)
Citizens International
Civil Network for a Peaceful Korea (www.peacekorea.org/english/)
Nuclear Weapons Education and Action Project, Educators for Social
Responsibility (www.esrmetro.org)
Eurosolar (www.eurosolar.org)
Fellowship of Reconciliation (www.forusa.org)
For Mother Earth (www.motherearth.org)
Gensuikin (www.gensuikin.org/english)
International Law Campaign (www.a-vr.org)
International Network of Engineers and Scientists Against Proliferation
(www.inesap.org)
International Physicians for the Prevention of Nuclear War (www.ippnw.org)
Lawyers' Committee on Nuclear Policy (www.lcnp.org)
International Association of Lawyers Against Nuclear Arms (www.ialana.org)
International Association of Peace Messenger Cities
International Peace Bureau (www.ipb.org)
International Peace Walk
Lolelaplap Trust
Mouvement de la Paix
Nihon Hidankyo (www.ne.jp/asahi/hidankyo/nihon/)
Nuclear Age Peace Foundation (www.wagingpeace.org)
Nuclear Policy Research Institute (www.npri.org)
Nuclear Weapons Non-Proliferation International Safeguards System
Peace Depot (www.peacedepot.org/)
Project Ploughshares (www.ploughshares.ca/)

Psychologists for Social Responsibility (www.psysr.org/)

Religions for Peace (www.wcrp.org/)

Tri-Valley Communities Against a Radioactive Environment
(www.trivalleycares.org/)

Western States Legal Foundation (www.wslfweb.org)

The Wisconsin Network for Peace and Justice (www.wnpj.org)

Women's International League for Peace and Freedom (www.wilpf.int.ch)

These statements can be found at www.reachingcriticalwill.org