The Definition of Compliance

Jennifer Nordstrom, Reaching Critical Will

At quarter to six on the first day of the PrepCom, Chairman Amano called the question on the disputed agenda and nearly had his gavel down before Iran raised its placard. Iran, which has a problem with the last clause of the proposed substantive agenda, “reaffirming the need for full compliance with the Treaty”, suggested the PrepCom adopt an agenda without that clause instead. Delegates seemed relatively surprised at this turn of events, and eventually Germany on behalf of the EU, and Canada spoke in support of Amano’s agenda.

After the 2005 Review Conference spent two-thirds of its time arguing over the agenda and other procedural issues, this back and forth is frighteningly familiar. As always, these procedural disagreements are about substance, it is just more difficult to discern what is happening and why. In 2005, Iran and Egypt wanted more recognition of the 2000 disarmament commitments and the 1995 resolution on the Middle East, and more attention paid to negative security assurances. Iran also wanted to avoid any censure of its nuclear programme. The United States wanted to condemn the Iranian programme, and avoid any discussion of its own disarmament commitments from the 1995 and 2000 Review Conferences.

This time around, it appears Iran is alone in trying to avoid censure. The United States agreed to include reference to the outcomes of 1995 and 2000, although 2000 was simply in succession with the outcomes of all other review conferences, and Egypt was apparently satisfied with the reference to the 1995 resolution on the Middle East. Russia, however, spoke last, and invited delegates to “do their homework” and consider Iran’s proposal as a compromise to facilitate early agreement on the agenda. Then, the Russian delegate said, anyone could raise any issue at any time. Russia purportedly does not have a problem with Amano’s original agenda and its attention to compliance.

Reaching Critical Will decided to take up this invitation to do homework, and compared Amano’s proposed agenda with the 2002 PrepCom’s agreed agenda that Iran proposed instead. There are two main differences. First, this year’s agenda contains a weaker reference to the 2000 outcome, and therefore to the landmark agreement on 13 practical steps to nuclear disarmament. Second, in considering “developments that affect the operation of the Treaty,” this agenda adds that the PrepCom should consider “approaches and measures to realize [the Treaty’s] purpose, reaffirming the need for full compliance with the Treaty.”

Iran obviously thinks “reaffirming the need for full compliance with the Treaty” refers to concerns about its nuclear programme, given the repetition of similar connections in today’s General Debate. A large number of governments also called on nuclear weapon states to fulfill their Article VI obligations. As New Zealand said, the obligations states parties have agreed to over the years provide the benchmarks for judging performance. It is important for this PrepCom to assess compliance with the Article VI obligations of the NPT, particularly given that the United Kingdom just agreed to renew Trident, the United States is in the process modernizing it nuclear infrastructure, and France recently expanded the range of situations in which it is willing to use nuclear weapons.

Unfortunately, the Treaty does not have a mechanism equivalent to the International Atomic Energy Agency that would assess compliance with Article VI, and the Article VI obligations are not as specific as the non-proliferation obligations. The PrepCom should discuss this institutional deficit and attempt to remedy it. Doing so would increase the balance in the Treaty. States parties who are in compliance should have no fear of discussing all relevant issues, or strengthening provisions for compliance with all aspects of the Treaty.
It's an eerie moment in U.S. nuclear history. Policy teeters on a knife-edge between disarmament and rammament, but silence largely reigns. The attention of policy-makers, the public, the nonprofit community, and the foundations that largely fund and direct them has not quite caught up with events, leaving too many real policy decisions chiefly in the hands of autonomous, largely unconscious, nuclear bureaucracies.

The National Nuclear Security Administration (NNSA) hopes to begin producing plutonium warhead cores (“pits”) a little before Christmas of this year at Los Alamos National Laboratory (LANL) in New Mexico. If that happens, it will be the first time the U.S. has produced pits in 18 years. With new pits, the production of whole new warheads can also restart, lighting up all ten warhead factories, labs, and NNSA administrative centers with new work and a fresh sense of importance and legitimacy.

Of course these events will echo around the world, reinforcing those who say their nation too should have nuclear weapons. Security will decline for everyone.

Without new pits and the new production that goes with them, the warhead enterprise faces very serious internal crises related to an aging workforce, declining practical skills, poor morale, aging facilities, and a fading ideological commitment to nuclear weapons, among other problems. The apparent social consensus that once supported U.S. WMD in the face of bedrock moral values and sound safety, fiscal, and environmental practices has long evaporated.

For at least the next 16 years or so, only Los Alamos can make pits. Yet despite the expenditure of $2.5 billion (B) here so far on pit production, numerous problems remain – including serious safety and infrastructure deficiencies long documented by the Defense Nuclear Facilities Safety Board (DNFSB). The DNFSB has no enforcement powers and relies on voluntary compliance, Congress, and knowledgeable public outcry to keep LANL and other sites safe. Unfortunately NNSA is in the process of implementing a contractor “self-monitoring” system at LANL which is virtually guaranteed, in our view, to produce problems and accidents. One of NNSA’s stated goals is to overcome what it perceives as a “risk-averse” culture in order to “get the job done.”
Nuclear Energy and Multilateral Controls of the Fuel-Cycle
Michael Spies, Lawyer’s Committee on Nuclear Policy

Largely in response to the ongoing and simmering crises over the nuclear programmes in Iran and DPRK, many states felt the time is ripe to address an inherent contradiction in the design of the NPT—its guarantee on the "inalienable right" to nuclear energy, widely interpreted as allowing states to develop sensitive nuclear technology including the nuclear fuel-cycle.

In her welcoming statement to the PrepCom, Austrian Minister for EU and International Affairs Ursula Plassnik delivered the most forceful appeal for the need of multilateral controls for the nuclear fuel cycle, calling for the creation of a nuclear fuel bank under the auspices of the IAEA and possibly situated in a developing country. Plassnik offered these remarks as a representative of a state that has forsaken nuclear power as an unclean and unsustainable source of energy, but nonetheless recognizes the danger inherent in the unchecked spread of technology that can be readily adapted to produce fissile material for nuclear weapons.

In its statement during the General Debate, Japan also called for the provision of a fuel bank to function as a standby reserve. Russia called for greater measures, citing the need for a global "nuclear development plan", to prevent the spread of proliferation-sensitive nuclear technologies. Also toward this purpose, Russia cited its intent to create a multilateral uranium enrichment center situated on Russian territory.

These calls were met with derision from some developing states, wary of subjecting their "right" to nuclear energy to further constraints absent tandem and demonstrable progress on disarmament. Egypt criticized the classification of nuclear technology into the categories of "sensitive" and "non-sensitive". The Brazilian Ambassador, Sérgio Duarte, Chair of the 2005 NPT Review Conference, adopted a more assertive tone, describing the "development and use of nuclear technologies" as "essential for the progress of our societies". Reminiscent of the strident post-colonialist tones once used by former Indian Prime Minister Jawaharlal Nehru in urging his country to modernize and pursue the nuclear option, this is also reflective of the rhetoric used by Iranian leaders to describe the necessity of their nuclear energy programme.

Since the first use of nuclear weapons, there have been numerous proposals to control the spread of the nuclear technology, beginning with the 1946 Acheson-Lilienthal report, which called for international ownership of the means to produce nuclear fuel. Since the advent of "Atoms for Peace" and the inception of the International Atomic Energy Agency, many other proposals for multilateral controls of the fuel cycle have been introduced and have subsequently languished. The most recent proposal was made by IAEA Director General Mohamed ElBaradei in 2005. In 2006, the Bush administration proposed a "Global Nuclear Energy Partnership" in which the world would be divided between nuclear fuel supplier states and user states.

While there are certainly no easy solutions to the proliferation concerns posed by the anticipated spread of nuclear energy, short of the phase-out of nuclear power, existing proposals for controlling the nuclear fuel cycle might create more problems than they solve. Proposals that seek, in effect, to limit operation of nuclear fuel cycle facilities to existing states would divide the world into nuclear haves and have-nots, and will likely be unacceptable to many developing states. Proposals to multilateralize the fuel cycle through the creation of regional centers are also problematic, as they may actually facilitate the spread of nuclear proliferation sensitive nuclear technology.


A global Citizens’ initiative to obtain an Advisory Opinion from the International Court of Justice on whether the nuclear states are complying with their Good Faith obligation to achieve the global abolition of nuclear weapons and to explain what compliance would require.

Return to the International Court on Disarmament Compliance
Participants include John Burroughs and Alyn Ware, International Association of Lawyers Against Nuclear Arms and George Farebrother, World Court Project UK

News about the draft UN Resolution for a request the Court and our plans to engage civil society in this initiative.

NGO Room in the Austria Centre, Vienna, Thursday 3 May, 3:30-5:30
Contact: George Farebrother, geowpcuk@gn.apc.org

Organizing Meeting for Return to the International Court
Open to all who are interested in contributing ideas and brainstorming about ways to engage civil society, governments, the media and the public in our initiative.

NGO Room in the Austria Centre, Vienna, Friday 4 May 3:15-5:15,
Contact: George Farebrother, geowpcuk@gn.apc.org
What do YOU hope the outcome of this NPT PrepCom will be?

Nuclear disarmament. Very straightforward. An easy task.
- Ray Acheson, Reaching Critical Will of the Women’s International League for Peace and Freedom

I’m hoping it’ll be an opportunity for the parties to the treaty to move away from regurgitating clichés and towards finding novel ways to break the log jam. Governments must be responsible for the citizens they represent.
- Dr. Bill Williams, Medical Association for Prevention of War

The best we can hope to achieve at the PrepCom is a congenial atmosphere and a strong commitment to building on the work of past meetings.
- Rhianna Tyson, Global Security Institute

The first thing is that we mustn’t have great expectations, looking back on what happened in 2005. But let’s hope that that was the bottom and we can now move on with disarmament.
- Dr Ron McCoy, International Physicians for the Prevention of Nuclear War

I hope the PrepCom will conclude with an agenda that takes into account past agreements and documents, particularly the decisions made in 1995 and the 13-step action plan agreed to in 2000.
- Merav Datan, Greenpeace International
of “boutique” warheads that might be needed for special occasions. As the generally-hawkish panel assembled by the American Association for the Advancement of Science (AAAS) to discuss the proposed Reliable Replacement Warhead (RRW) put it this week, ...the possibility of a much smaller but more diverse stockpile (perhaps some of it in a “ready-to-be-built” mode) could represent an outcome of an RRW capability that would introduce additional dimensions into the traditional nuclear weapons debates.

“Ready-to-build,” “responsive,” “small-lot” or “small-build” warheads are not solely a new, Bush Administration idea. In 1999, when the Democrats were running the show, Congress got a detailed briefing on the idea. It can be traced as far back as 1992, and a great deal of work has been done into it. Weapons insiders tell us it is a major reason pit production by the United States must restart – not, in other words, just to make a few more Trident warheads.

As pit production moves toward startup, some $2.5 billion (B) in new LANL plutonium-related facilities is also in the works. The flagship project is a $1.5+ B pit production annex called the “Chemistry and Metallurgy Research Replacement” (CMRR) facility, but several other projects are also involved. NNSA hopes these projects will increase LANL’s pit production capacity enough to build large numbers of new warheads over a multi-decade period, including “small builds of special weapons.”

The CMRR, widely understood to commit NNSA to pit production at LANL indefinitely, is controversial in Congress. The Republican-led House Appropriations Committee wants to kill the project, calling it “irrational” and “stupid.” Republican Pete Domenici promotes it. The latest word is that work on the nuclear facility portion of the two-part project is now being slowed down, but not stopped, in response to escalating costs, congressional concerns, the sheer irrationality of building two new plutonium pit factories (this one now and another one later) – and the suddenly-declining fortunes of the RRW program.

What’s eerie, however, is the silence from the arms control community, the Democrats, and the public. Public testimony at “Complex 2030” scoping hearings, however heartfelt, is almost irrelevant to policy decisions – and doubly irrelevant as regards the imminent restart of pit production and warhead production overall.

Some arms controllers and Democrats actually want a little pit production at LANL, say to mollify the nuclear hawks; others simply don’t know what’s going on. Very few seem to understand the implications involved for new kinds of weapons, both immediately and over the next few decades. Pit production, and new factories to provide it, aren’t needed for maintaining the very large, diverse nuclear arsenal of today. They are needed for the novel arsenal of tomorrow.
Mayor Tadatoshi Akiba of Hiroshima yesterday joined a panel of six anti-nuclear activists in Vienna to launch the International Campaign to Abolish Nuclear Weapons at the NPT Preparatory Committee meeting.

‘The majority of the world’s people don’t know how dangerous the threat of nuclear weapons is,’ he said to an audience of governmental delegates and representatives from non-governmental organisations.

The new campaign, which was initiated by the International Physicians for the Prevention of Nuclear War, has the stated aim of ‘generating a groundswell of public support’ for a nuclear-weapon-free world.

‘Doctors and mayors can help the world to come to its senses,’ Mayor Akiba said, before describing his efforts to highlight the destructive powers of nuclear weapons, particularly when targeted at cities.

He concluded: ‘This campaign is our best chance to generate public opposition to nuclear weapons ... All of us, no matter what our position, can make a difference ... We cannot afford to fail.’

Dr Ron McCoy, a Malaysian obstetrician and former president of IPPNW, agreed with the mayor’s comments. ‘Global trends suggest that we cannot afford to muddle along,’ he said.

‘Are we going to wait for a nuclear explosion before resolutely abolishing nuclear weapons?’

The coordinators of ICAN have urged governments to put their support behind the formation of a nuclear weapons convention. A model convention, along with commentary, was presented at the launch.

‘The model convention might still, to some people, seem idealistic. But there could be a shift in politics that creates an opening. Such a shift has taken place before,’ said Alyn Ware, one of the convention’s authors.

A representative from the Costa Rican government announced at the launch his country’s support for such a convention and its intention to submit the model convention as an official NPT document.

At the conclusion of the launch, Felicity Hill, the campaign’s international coordinator, relayed a message from Professor Jody Williams, who leads the Nobel-prize-winning International Campaign to Abolish Landmines: ‘We were told that a mine-ban treaty was idealistic and unachievable. But we did it. Keep on working.’
What’s On
Today’s Calendar of Events

Abolition Caucus Strategy Meeting: Open
Where: NGO Room in the Austria Center (02 C 246)
When: 8-9am
Contact: Anthony Salloum
Website: www.abolition2000.org

Governmental Briefing: Norway
Where: NGO Room in the Austria Center (02 C 246)
When: 9-10am
Website: www.abolition2000.org

Workshop with Mayor Akiba
Where: NGO Room in the Austria Center (02 C 246)
When: 10-12
Contact: Wolfgang Schlupp-Hauck, Press Hut
(german: Pressehütte), in cooperation with Mayors for Peace
Website: www.pressehuette.de

Launch of Nuclear Disorder or Cooperative Security?
U.S. Weapons of Terror, the Global Proliferation Crisis, and Paths to Peace
Where: NGO Room in the Austria Center (02 C 246)
When: 1:15-2:45
Contact: Jackie Cabasso, Western States Legal Foundation
Website: www.wmdreport.org

The Revised Model Nuclear Weapons Convention: A Tool for Nuclear Disarmament
Where: NGO Room in the Austria Center (02 C 246)
When: 3:30 - 5:30 pm
Contact: Alyn Ware
Website: www.ialana.net

Mayors for Peace Event
Where: NGO Room in the Austria Center (02 C 246)
When: 5:45-7:15
Contact: Aaron Tovish, for Mayors for Peace
Website: www.mayorsforpeace.org

Opposing nuclear rearmament:
Trident replacement, Star Wars and the urgency of a global ban
Beatrice Fihn, WILPF

The Campaign for Nuclear Disarmament (CND) invited Rebecca Johnson, director of the Acronym Institute for Disarmament Diplomacy, two members of the British parliament, Jon Trickett and Jeremy Corbin, Senator Douglas Roche from the Middle Powers Initiative, Professor David Webb and Bruce Kent, vice-president of the CND to speak at their event on Monday. The speakers discussed the urgency of a Nuclear Weapons Convention, missile defense and space weapons, but focused on the United Kingdom’s decision to replace the Trident system.

The UK was criticized for the decision to replace their nuclear submarines. Jeremy Corbin described the extraordinary pressure that was put on Members of the Parliament to vote for Trident replacement. Despite these pressures, Jon Trickett pointed out that the vote showed the largest resistance of members of the Labour party towards its own government ever.

Rebecca Johnson identified some positive outcomes of this vote; it has alerted people to the importance of this decision, and that the government could not just disguise it as an irrelevant submarine. She stressed, as did Jeremy Corbin and Jon Trickett, that this decision can be reversed. There is a possibility for another vote in the future, and this needs support by UK parliamentarians and civil society. Considering this Preparatory Committee, Jeremy Corbin questioned the UK’s ability to sign on to any NPT document, coming straight from a parliamentary vote that clearly violates Article 6.
Nuclear Disorder or Cooperative Security?
U.S. Weapons of Terror, the Global Proliferation Crisis, and Paths to Peace

$12 (€9) • $3 shipping and handling • 275 pages • soft cover • 2007

We should all be grateful to the authors, who remind us so powerfully of the dangers that remain from our own government's nuclear weapons, and of the vital centrality of international law as our weapon to abolish them.
-Phyllis Bennis, Institute for Policy Studies

This book is an important contribution to the effort to rid our planet of weapons of mass destruction, and I encourage my colleagues in Congress to read it.
-Congresswoman Barbara Lee

With clear prose, the authors add cogent analysis and new urgency to the often uneven, staled, and ill-informed discourse on the provocative U.S. role in nuclear proliferation.
-Frida Berrigan, World Policy Institute

This assessment of our Final Report and its 60 recommendations is exactly the kind of response we were hoping for.
-Hans Blix, Chairman, Weapons of Mass Destruction Commission

This lucid, compelling book presents concise, detailed directions for reducing nuclear dangers on the path to disarmament, a reliable road-guide away from the nuclear abyss. But it simultaneously reports that the current U.S. administration is reading the map upside down. There is no time to lose for the passengers on planet earth to take hold of the wheel, reverse course, turn this map right-side up and let its authors pilot us to safety.
-Daniel Ellsberg

With professional clarity, Nuclear Disorder or Cooperative Security unpacks the policy issues and international security principles at stake in the debate about nuclear weapons.
-Jonathan Granoff, Global Security Institute

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Nuclear Disorder or Cooperative Security offers in-depth analysis and recommendations regarding U.S. policy in relation to the international security framework, nuclear weapons R&D, missiles and weapons in space, climate change and nuclear power, and demilitarization and redefining security in human terms. A response to the report of the Hans Blix-led Weapons of Mass Destruction Commission, it is the product of collaboration between the Lawyers' Committee on Nuclear Policy, Western States Legal Foundation, and the Reaching Critical Will project of the Women's International League for Peace and Freedom.

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International Launch
Tuesday, May 1, 1:15pm-2:45pm
NGO Room - Austria Center - Vienna

www.wmdreport.org