

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

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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.