

**Preparatory Committee for the 2010
Review Conference of the Parties to
the Treaty on the Non-Proliferation
of Nuclear Weapons**

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COMPLIANCE WITH THE NPT PROVISIONS

Working paper submitted by the Syrian Arab Republic

1. The Syrian Arab Republic reaffirms its full compliance with the NPT Provisions and with the IAEA safeguards regime.
2. The States parties to the NPT agreed, at the 1995 Review and Extension Conference of the Parties to the Treaty, to extend the Treaty indefinitely in a package deal consisting of three decisions and the resolution on the Middle East. The 2000 Review conference recognized that the 1995 Review and Extension conference resolution on the Middle East remained valid until its goals and objectives are achieved.
3. **The United States argue** the necessity of reaching a comprehensive peace before considering the possibility of establishing a nuclear weapon free zone in the Middle East. This argument is new one; USA did not adopt this approach the time of adoption the Middle East resolution. U.S. committed itself that time to. This package deal considered to be part of the indefinite extension to the treaty. The new American approach is a pretext, and this position constitutes a violation to the treaty itself and to the spirit and agreement of its indefinite extension.

4. Under well-established rules for treaty interpretation put forth in the Vienna Convention on the Law of Treaties, “agreements made subsequent to a treaty’s inception are considered an integral means of understanding the treaty’s requirements.”

5. The NPT’s preamble calls on nuclear weapons states “to facilitate the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery.” Article VI of the NPT explicitly obliges signatories “to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.”

I

6. The United States has a huge record of violation of the NPT provisions and international law. It is continuing to provide Israel, a non-party to the NPT, with all kinds of nuclear technologies and materials.

7. The US’s nuclear cooperation with Israel, as hard evidenced after the agreement reached during the US Energy Secretary’s visit to Israel in February 2000, is in fact another aspect of violations of the Treaty. This agreement which was claimed for peaceful purposes and nuclear cooperation between United States and Israel is a clear violation of the treaty which stipulates that cooperation of each State Party to the Treaty in providing equipment or material for peaceful purposes is not possible “unless the source or special fissionable material shall be subject to the safeguards required by” the NPT. Israel unsafeguarded nuclear weapon facilities and nuclear arsenal is a real threat to all countries of the region and to the international peace and security. Very recently, a new agreement was signed by the director of the Israeli Atomic Energy Commission, and the chairman of the U.S. Nuclear Regulatory Commission, enabling Israel to access most of the latest nuclear data and technology available in the U.S which is another US non-compliance with the provisions of the NPT. The US disclosed “top secret document dated 23 August 1974” clearly shows the role of the US in equipping Israel with nuclear weapons.

8. The USA has transferred hundreds of nuclear weapons to certain non-nuclear weapon States. The United States deployed nuclear weapons in other countries are extremely integrated into the military infrastructure of the countries hosting these weapons.
9. In 1996, the ICJ unanimously held that nuclear weapons states under Article VI of the NPT must “bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control” . The U.S. failure to achieve the requirements of nuclear disarmament, which must be carried out in a timely manner is a fact.
10. John Burroughs, executive director of the Lawyers Committee on Nuclear Policy, declared that “more than just the spirit, the U.S. is clearly violating the letter of the NPT law... when you add it all up, and with U.S. failures to meet its 1995 and 2000 commitments, the case is overwhelming that the U.S. is in breach of its NPT obligations.”
11. The U.S. Nuclear Posture Review, leaked in 2002, revealed that the U.S. intended to create and test new nuclear weapons, and outlined a broad array of contingencies under which the U.S. might use nuclear weapons. Among these contingencies: using nuclear weapons against countries with no nuclear weapons capacity, such as Iran, Iraq and Syria. The U.S. Presidential Directive 60, signed in 1997, had added these countries to nuclear targeting lists, cancelling assurances that went back to 1978 and confirmed in the Security Council resolution 984(1995) that the U.S. would not use nuclear force against a non-nuclear country.(Disarmament Diplomacy, Fall/98.)
12. In May, congressional funding was approved for the Reliable Replacement Warhead, a program to modernize U.S. nuclear weapons, while the White House’s campaign for a smaller nuclear warhead known as the “nuclear bunker buster” was stalled when Congress failed to approve its funding (Washington Post, 5/14/05). This last item is particularly troubling to arms control advocates, who say smaller warheads with lower explosive yields blur the lines between conventional and nuclear weapons and are thus more likely to be used.

II

13. The United States, in violations of the NPT provisions, continued to develop tactical nuclear weapons, and included the possible use of these weapons in their military plans and doctrines. In this regard, the American journalist, Seymour Hersh, reported in April 2006, that one of the plans, to attack a country which is a state party to the NPT in full compliance with its provisions, presented to the white house by the Pentagon, entails the use of a Bunker-Buster tactical nuclear weapon (The Telegraph, 09/04/2006). In January, 2007, it has been reported that Israel has drawn up secret plans to attack this state with tactical nuclear weapons. The United States, in violations of international law, used new weapons that caused huge human, material and environmental casualties, and mysterious symptoms. In this regard, we present here some findings:

- (a) The Centre for Research on Globalisation and BBC online published an article written by Alex Kirby¹, entitled: Did the US use tactical nuclear weapons in Afghanistan? Here are some quotes from this article:

New bioassay studies identify uranium internal contamination in Spin Gar (Tora Bora) area and the City of Kabul are up to 200 times the level of the unexposed population. Surface water, rice fields and catch-basins adjacent to and surrounding the bombsites have high values of uranium, up to 27 times normal.

A small sample of Afghan civilians has shown "astonishing" levels of uranium in their urine...the results were astounding: the donors presented concentrations of toxic and radioactive uranium isotopes between 100 and 400 times greater than in the Gulf veterans tested in 1999.

Dr Asaf Durakovic, of the Uranium Medical Research Center (UMRC) based in Washington DC., and a former US army colonel who is now a professor of medicine, said: "Independent monitoring of the weapon types and delivery systems indicate that radioactive, toxic uranium alloys and hard-target uranium warheads were being used by the coalition forces."

¹ BBC, 23 May 2003.

www.globalresearch.ca 29 May 2003.

Dr Durakovic's team used as a control group three Afghans who showed no signs of contamination. They averaged 9.4 nanograms of uranium per litre of urine. The average for his 17 "randomly-selected" patients was 315.5 nanograms, he said. Some were from Jalalabad, and others from Kabul, Tora Bora, and Mazar-e-Sharif. A 12-year-old boy living near Kabul had 2,031 nanograms.

- (b) In December 2001, The Centre for Research on Globalisation (CRG), has also published an article written by Michel Chossudovsky, a Professor of Economics at the University of Ottawa, entitled: "Tactical Nuclear Weapons" against Afghanistan?². Here are some quotes from this article:

The US Air Force is using GBU-28 "bunker buster bombs" ... While the Pentagon's "Big Ones" are classified as "conventional weapons", the official statements fail to mention that the same "bunker buster bombs" launched from a B-52, a B-2 stealth bomber or an F-16 aircraft can also be equipped with a nuclear device. The B61-11 is the "nuclear version" of its "conventional" BLU-113 counterpart. The B61-11 was developed from the old "conventional" B61-7 "gravity bomb."

The B61-11 is the "nuclear version" of the "conventional" BLU-113. The B61-11 is categorised as a »deep earth penetrating bomb" capable of "destroying the deepest and most hardened of underground bunkers, which the conventional warheads are not capable of doing". The B61-11s can be delivered in much same way as the conventional GBU, from a B-2, A 5B-2 stealth bomber or from an F-16 aircraft. The U.S. Administration has not excluded the use of the B61-11 in Afghanistan, which is categorised as "a tactical nuclear weapon". Secretary of Defence Donald Rumsfeld has stated that while the "conventional" bunker buster bombs "" are going to be able to do the job', he did not rule out the eventual use of nuclear weapons."

² globalresearch.ca, 5 December 2001.

III

14. Other high profile American figures confirmed that the U.S. is violating the NPT: McNamara, former Defense Secretary, was quoted (Foreign Policy, 5-6/05) bluntly declaring the U.S. a nuclear outlaw: "I would characterize current U.S. nuclear weapons policy as immoral, illegal, militarily unnecessary and dreadfully dangerous." In a Washington Post op-ed (3/28/05), the former USA President, Carter wrote: "While claiming to be protecting the world from proliferation threats in Iraq, Libya, Iran and North Korea, American leaders not only have abandoned existing treaty restraints but also have asserted plans to test and develop new weapons."

IV

15. Therefore, Syria believes that it is critically important to address these crucial issues during this NPT review cycle, and proposes that the upcoming Conference would establish an ad-hoc Committee to verify compliance with all the provisions of the treaty, and an ad-hoc committee to work on a draft of a legally binding instrument on the prohibition of the use or the threat of use of all kinds of nuclear weapons including weapons and ammunitions that contain depleted uranium.
