



2014 NPT Challenges and Opportunities

**PAX Recommendations to
the NPT Prepcom**



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you in?**

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About the project

No Nukes is PAX's campaign for a world free of nuclear weapons. No Nukes is a partner of the International Campaign to Abolish Nuclear weapons (ICAN). The No Nukes project issues regular publications, organises events, and advocates at the national, regional and international level to stigmatize, outlaw and eliminate nuclear weapons. The No Nukes project also publishes the annual Don't Bank on the Bomb reports and facilitates divestment efforts worldwide.

About PAX

PAX means peace. PAX brings together people who have the courage to stand for peace. Together with people in conflict areas and concerned citizens worldwide, PAX works to build just and peaceful societies across the globe. PAX is a partnership between IKV (Interchurch Peace Council) and Pax Christi. PAX operates independently of political interests and is supported by a wide group of involved citizens, social organisations and churches.

More information about PAX can be found at www.nonukes.nl and www.paxforpeace.nl

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Cover: Boeing B-29A-45-BN Superfortress 44-61784 6 Bombardment Group G 24 BS - Incendiary Journey June 1, 1945 mission to Osaka, Japan. (U.S. Air Force photo)

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Introduction

PAX warmly welcomed the consensus action plan agreed at the 2010 NPT Review Conference. However, we are greatly concerned that actions, in particular the agreed disarmament actions, are not being implemented. Instead it is clear that some policies and practices of countries are shifting away from the action plan, and many of the actions that were taken were not included in the plan in the first place.

Now, nearing the end of this NPT Review Cycle, there is an opportunity to examine, discuss, and put forward suggestions for both the 2015 Review Conference and realistic, practical, achievable actions to achieve the nuclear weapons free world all NPT States parties have committed to. Ongoing delays and distractions from fulfilling the original NPT agreement are unconscionable in today's multi-polar world. The risk of accidental or intentional use of nuclear weapons is increasing, and it is increasingly understood that the implications of any nuclear detonation are uncontainable by national borders.

There have certainly been positive advances, including the political commitments made at the Nuclear Security Summits, the establishment of a Group of Governmental Experts on a possible fissile materials treaty, the conferences in Oslo and Nayarit on the humanitarian impact of nuclear weapons, the progress on Iran to resolve disputes over its non-proliferation agreements, and the increased operational transparency through the new START treaty data exchanges. There have also been some not so positive steps, for example, the 2012 NATO Defence and Deterrence Posture Review failed to seize the opportunity to reduce the role of nuclear weapons in the alliance's doctrine (Action 5c). And all of the nuclear-armed States are modernizing their arsenals and nuclear weapons infrastructure, investing billions to keep the weapons in perpetuity (contravening Action 1), and the agreed conference towards a Weapons of Mass Destruction Free Zone in the Middle East was postponed.

The 2014 NPT preparatory committee (Prepcom) meeting is an opportunity to assess whether States will be able to meet the commitments agreed in 2010. Only by looking at the progressive development of the treaty regime as a whole, can the international community be assured that political bias will not overtake technical assessments of compliance with ALL treaty obligations. The political landscape is changing on nuclear weapons and will continue to change. The reframing of the discourse with a focus on the humanitarian consequences of nuclear weapons has opened space for greater engagement from civil society, international organisations and States. This has whet the appetite amongst many States for discussions about potential political and legal initiatives to address nuclear weapons, including calls to negotiate a treaty banning nuclear weapons.

We expect States parties to approach the Prepcom with flexibility and generate recommendations for the Review Conference to enable the full implementation of all treaty obligations. PAX looks forward to working with all interested parties to ensure the Prepcom's success.

April 2014

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Disarmament Recommendations

1. Humanitarian Consequences

During this review cycle, the discourse on nuclear weapons has irreversibly changed. Nuclear weapons are once again regarded as dangerous weapons, unsafe in any hands. Discussions are no longer dominated by the security considerations of the minority, instead, through focused efforts to realign the debate to the issue of the weapons as weapons, the opportunity and right to engage has been re-opened for all States. This was seen most clearly at the Nayarit Conference on the Humanitarian Impact of Nuclear weapons in February 2014. During the final plenary session, the General Exchange of Views, over 70 States took the floor. Of those, only five or so raised concerns with any new approaches to address the longstanding deadlock on multilateral nuclear disarmament. The overwhelming majority called for action, and a significant percentage called for negotiations on a new legal instrument.

Described by the Chair as ‘the point of no return’ the Nayarit conference put the question squarely back on the table- are nuclear weapons good or are they bad? This goes to the very heart of the NPT- a treaty that is predicated on the assumption that these are bad weapons, and no one should possess them. The humanitarian narrative aligns fully with the goals and objectives of the NPT. In fact, the humanitarian imperative to prevent “*the devastation that would be visited upon all mankind by a nuclear war*”¹ is the overarching treaty chapeau.

In light of evidence demonstrating the catastrophic humanitarian impact of nuclear weapons and the risk of their use by accident, miscalculation or design, the lack of progress in the implementation of Article VI of the NPT, as well as in other deadlocked disarmament forums, is unacceptable. The only logical response to the humanitarian impact of nuclear weapons is to start a process of negotiation for a legal prohibition on these weapons, even if the nuclear-armed States refuse to participate at the outset. Such an instrument would fulfil and strengthen the NPT and create conditions for disarmament by establishing a clear norm against possession of nuclear weapons; challenge the assertion that nuclear weapons provide security; provide a strong moral incentive for nuclear possessor States to eliminate their arsenals; reinforce non-proliferation; and increase the likelihood for a successful outcome of the 2015 Review Conference.

PAX recommends that States, in both national and joint statements, welcome the positive contribution to nuclear disarmament discussions made by the Oslo and Nayarit conferences on the Humanitarian Impact of Nuclear Weapons, and announce their intention to continue this discussion during the follow-up meeting to be hosted by Austria.

PAX recommends that States reaffirm their commitment to a nuclear weapons free world by including clear language in national statements calling for a legally binding prohibition on the development, production, testing, deployment, stockpiling, transfer, threat and use of nuclear weapons for all States equally.

1 Text of the nuclear Non-Proliferation Treaty, preambular paragraph 1

2. Divestment

The NPT specifically obliges Non-Nuclear Weapons States “*not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.*” (Article II). Many of the countries that are part of nuclear weapons free zone agreements have additional binding obligations not “*to assist or encourage*” the development or manufacture of nuclear weapons inside or outside the zone.²

States that have signed and ratified the NPT have shown a moral and ethical commitment to bringing an end for all time to the harm caused by nuclear weapons. And all of these States have made that a legally binding commitment. Therefore they should have both the political will and legal obligation to ensure that any activities carried out under their jurisdiction are not contravening the aims and purpose of the NPT by assisting in the production of nuclear weapons. Governments cannot afford to maintain double standards by opposing the use of nuclear weapons, while continuing to allow or even be directly involved in investing in nuclear weapon producers.

Whilst it is not explicitly stated, the prohibition on assisting in Article II could be interpreted to also prohibit investment in nuclear weapon producers. Providing financial assistance and financial services to companies producing nuclear weapons is a form of “assistance” going against the spirit of NPT article II. This interpretation of assistance has been applied by no fewer than 27 States regarding the Convention on Cluster Munitions Article 1(1)(c). An additional nine states have enacted national legislation explicitly outlawing this form of assistance in the production of cluster munitions.³

PAX recommends States Parties clearly explain that they interpret Article II of the treaty to also prohibit investments in all nuclear weapon producers.

3. Nuclear Security Doctrines & Strategies

In 2010 NPT members agreed “*To further diminish the role and significance of nuclear weapons in all military and security concepts, doctrines and policies.*”⁴ This Prepcom offers States the opportunity to declare unequivocally that their national security strategy and doctrine does not rely on inhumane weapons. NATO States, all of whom are NPT members, failed to seize the opportunity of the 2010 NATO Strategic Concept to reduce alliance reliance on nuclear weapons. Instead, NATO declared “*as long as there are nuclear weapons in the world, NATO will remain a nuclear Alliance.*”⁵ This apparent disregard to the commitments made only a few months earlier is something that could have been rectified during the 2012 NATO Defence and Deterrence Posture Review, but wasn't. NATO members should seize the opportunity of this Prepcom to uphold their commitment to non-proliferation and disarmament by stating their clear desire that the alliance indeed reduce its reliance on nuclear weapons. China and Russia, the two recognised nuclear-armed States not part of NATO, can also use the opportunity of the NPT Prepcom to revise their own military strategies and demonstrate a reduced reliance on nuclear weapons.

Similarly, it is worrying that few positive steps have been made by Russia since 2010. Russia's 2010 military doctrine tightened the criteria for use of nuclear weapons, as commented on by Nikolai Sokov, instead of the potential to use nuclear weapons for national security threats, the role has been reduced to the use of nuclear weapons in cases of existential threat.⁶ Recent actions by Russia in the Crimea elevate the risk of any use of nuclear weapons. Russia should declare, unequivocally, that the nuclear option is off the table.

² Article I, Treaty of Tlatelolco, retrieved from <http://www.opanal.org/opanal/Tlatelolco/P-Tlatelolco-i.htm>, viewed 9 September 2013.

³ More Information can be found in the recent PAX publication “Banning investments in cluster munitions producers”, available at www.paxforpeace.nl

⁴ 2010 NPT Review Conference Final Document, Action 5.

⁵ 2010 NATO Strategic Concept, http://www.nato.int/strategic-concept/pdf/Strat_Concept_web_en.pdf

⁶ The New, 2010 Russian Military Doctrine: The Nuclear Angle, Nikolai Sakov, found at: http://cns.miis.edu/stories/100205_russian_nuclear_doctrine.htm

The doctrine of nuclear deterrence is the chief obstacle to meaningful progress on nuclear disarmament. This military doctrine is leading to the modernization of existing stocks of nuclear systems, thus preventing genuine nuclear disarmament. The catastrophic humanitarian consequences of nuclear weapons, at the core of this conference, stem from the core problem of nuclear deterrence. This is the problem that must be dealt with, not only in words but action.

Intervention of the Holy See at the Second Conference on the Humanitarian Impact of Nuclear Weapons (Nayarit, Mexico 13-14 February, 2014) by H.E. Archbishop Christophe PIERRE, Apostolic Nuncio to Mexico

PAX recommends all States, in particular those relying on positive security assurances or nuclear umbrella agreements, should take the opportunity to unequivocally declare that their national security is not reliant on nuclear weapons.

PAX recommends Russia clearly state that it will not risk use of nuclear weapons in the current conflict.

Non-nuclear weapons States who rely on positive security assurances from nuclear-armed States can also reduce the role that nuclear weapons play in their national security strategies. They can demand that their security arrangements do not include a nuclear retaliation option, and recognise that retaliation with nuclear weapons has the potential to cause environmental destruction leading to global famine. These umbrella countries can also state publicly that they do not link their national security to nuclear weapons, thereby contributing to the reduced reliance on nuclear weapons in all security strategies as committed to in 2010.

PAX recommends non-nuclear weapons States with bilateral or alliance security assurances declare their national security is not reliant on nuclear weapons, and explain that this policy adjustment is a result of an increased understanding of the catastrophic consequences of any use of nuclear weapons.

Eight European nations have nuclear weapons on their territory: Belgium, France, Germany, Italy, the Netherlands, Turkey, the Russian Federation and the United Kingdom. With the exception of Russia, all of these States are NATO members, and share responsibility for the continued forward deployment of U.S. tactical (non-strategic) nuclear weapons. Of the five States hosting these forward deployed nuclear bombs, four are also member of the European Union and a resolution by the European Parliament in March 2010⁷ calls these weapons an '*anachronism*'. EU statements for NPT conferences tend to focus on the nuclear disarmament steps that other countries should take.

NATO States currently hosting nuclear weapons have a key role to play in broader disarmament and non-proliferation efforts. The continued stationing of nuclear weapons in non-nuclear weapons States, as well as the training of their military to use these weapons is in violation of Articles 1 and 2 which prohibit any transfer of nuclear weapons to non-nuclear weapon States. The U.S. is the only country continuing the practice of forward deployment. There is no legitimate justification for the continued deployment of these weapons and they must be repatriated, so that Belgium, Germany, Italy, the

7 <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2010-0062&language=EN>

Netherlands and Turkey can be in unquestionable compliance with all of their treaty obligations.

PAX recommends European States recognize their non-proliferation responsibilities and take transparent, irreversible and verifiable action to remove nuclear weapons from the continent. Where the EU is unable to speak with one voice, individual member States should express their view and uphold their non-proliferation obligations by insisting that U.S. nuclear weapons be removed from European soil.

PAX recommends NATO nuclear host countries seize the opportunity of the NPT Preparatory Committee meeting to announce their intention to comply with all of their NPT obligations through efforts to end the NATO practice of nuclear ‘burden-sharing’.

4. Modernization

All nuclear-armed States are in the process of modernizing their arsenals. Even debating modernization undermines the credibility of their commitment to the NPT, and specifically the disarmament obligations under Article VI. This was explicitly recognized by a group of non-nuclear weapons States in a working paper presented to the 2009 NPT Preparatory Committee meeting, in which they stated that “the development of new types of nuclear weapons...and the lack of significant progress in diminishing the role of nuclear weapons in security policies undermine disarmament commitments and work counter to the letter and spirit of the Treaty”⁸. More than one trillion dollars is currently allocated for modernisation expenses over the next decade by the nuclear weapons States⁹ which undermines the credibility of States calling for strengthening of the non-proliferation aims of the NPT.

PAX recommends nuclear-armed States declare that they will not modernize their weapons and delivery systems, and these declarations should be supported and encouraged by States involved in nuclear sharing or umbrella agreements.

5. Transparency & Reporting

It was recognised in the 2010 Action Plan (Action 5g) that enhanced transparency increases mutual confidence in non-proliferation and disarmament. As all nuclear-armed States are called upon to report on their implementation of the Action Plan at the 2014 Prepcom, the time is ripe to provide clear baseline data in order to accurately assess disarmament measures. We welcome the announcements by some States at the 2010 Review Conference of their numbers of deployed nuclear weapons. It is not necessary for States to report all locations of their nuclear weapons, but it is important to set a baseline for disarmament by having an accurate count of how many nuclear weapons there are in total. In order to avoid potential problems associated with counting rules, the nuclear-armed States could simply present a total number of nuclear weapons and warheads they currently possess without going into detail about strategic vs. non-strategic (tactical) weapons. The Cold War policy of neither confirming nor denying the storage of U.S. nuclear weapons in Europe should also be ended. This would increase the level of accountability by providing a baseline for comparison in future reporting, so that reductions towards zero can be objectively assessed.

We welcome the efforts of the twelve NPT Members, the Non-proliferation and Disarmament Initiative¹⁰ to promote the non-proliferation and disarmament requirements of the treaty, in particular their suggestion of a standardized reporting form to demonstrate progress on the implementation of the commitments made during the 2010 Review Conference. The Office of Disarmament Affairs has created an as of yet unused web page¹¹ for this purpose. Regular reporting was also one of the agreements made both to strengthen the review process in 1995, and reaffirmed in 2000. Regular

8 NPT/CONF.2010/PC.III/WP.30

9 http://www.reachingcriticalwill.org/political/cd/2012/statements/part1/8March_WILPF.pdf

10 Australia, Canada, Chile, Germany, Japan, Mexico, the Netherlands, Nigeria, the Philippines, Poland, Turkey and the United Arab Emirates

11 <http://www.un.org/disarmament/WMD/Nuclear/Repository/>

standardized reporting provides an opportunity for objective analysis of the status of implementation of NPT agreements.

PAX recommends nuclear-armed States include in their reports to the 2014 Prepcom an accurate count of the numbers of all nuclear weapons they possess both deployed and non-deployed; in calculating reductions, nuclear-armed States should not make a distinction between strategic and non-strategic (tactical) nuclear weapons.

PAX recommends all States submit reports indicating their progress implementing the Action Plan agreed in 2010, and at the minimum should start submitting reports to the UN Office of Disarmament Affairs online repository without delay.

6. Trilateral Initiative

With the implementation of the New START agreement between the Russian Federation and the United States the time is ripe to revisit the commitment made in 2000, and reaffirmed in 2010, for “*The completion and implementation of the Trilateral Initiative between the United States of America, the Russian Federation and the International Atomic Energy Agency*”¹². The Trilateral Initiative was designed so that Russia and the U.S. (and eventually other nuclear-armed States) could bring items to the IAEA for permanent safeguarding that were formerly part of classified nuclear weapons programmes, including nuclear warheads, warhead components, pits, or secondaries. Putting greater emphasis on the engagement in this initiative increases confidence in the verifiability by an international non-discriminatory agency, of disarmament efforts by the two most heavily armed nuclear weapon States. Technical advances developed during the VERTIC, United Kingdom and Norway verification study should be incorporated.

PAX recommends the Russian Federation and the United States encourage the results of the Norway-UK- VERTIC study on warhead dismantlement to be incorporated into Trilateral Initiative work with the International Atomic Energy Agency and put all warhead components currently in storage under strict IAEA control.

7. Comprehensive Test Ban Treaty (CTBT)

The CTBT was opened for signature in 1996 but despite global calls for an ‘early’ entry-into-force, 8 Annex II States have still not ratified. At the same time, the Provisional Secretariat has established monitoring stations across the globe and is almost fully operational, although without signatures from India and Pakistan monitoring stations on their territory cannot become fully operational. Russia and the U.S. have admitted to conducting subcritical nuclear tests, which are technically permissible under the CTBT, yet defeat the spirit of the treaty as they can lead to qualitative improvements of nuclear arsenals. China is also suspected of conducting subcritical tests, and the UK has conducted tests jointly with the U.S.

PAX recommends China, The Democratic People’s Republic of Korea (DPRK), Egypt, Israel, India, Iran, Pakistan and the United States ratify the CTBT without delay.

PAX recommends China, Russia the UK and the U.S. refrain from subcritical nuclear tests, which contravene the spirit of the CTBT and can lead to qualitative improvements to their nuclear arsenals.

8. Fissile Materials Treaty

Currently, negotiating a treaty to ban fissile materials for nuclear explosive devices is meant to take place in Geneva at the Conference on Disarmament, and an informal working group exists to discuss the possibility of a program of work which would allow for these negotiations to begin. The problem is that under the current rules of procedure, the Conference on Disarmament cannot agree to begin

negotiations. NPT States, including EU members have said a “*Fissile material cut-off treaty is the next logical multilateral instrument to be negotiated for the cessation of the nuclear arms race and nuclear disarmament in accordance with article VI of the NPT*”¹³. The establishment of a Group of Governmental Experts (GGE) on a fissile materials treaty is welcome, yet they are not meant to report on their efforts until after the conclusion of this NPT Review Cycle. The Group of Governmental Experts should examine how a fissile materials treaty would reduce the likelihood of any use of nuclear weapons and contribute to nuclear disarmament. The GGE should also consider the need for baseline data, and examine the possible impact on the global non-proliferation regime if such a treaty legitimised the fissile material stockpiles of nuclear-armed States outside the NPT.

PAX recommends the Group of Governmental Experts include in their deliberations the potential destabilising impact on the global non-proliferation regime if a future fissile materials treaty in any way legitimises possession of unsafeguarded fissile materials by non NPT States parties.

PAX recommends the GGE examine ways and means to engage with civil society, including through reports and roundtable discussions at the 2014 NPT Preparatory Committee meeting.

9. Negative Security Assurances

The non-nuclear weapons States and especially the Non Aligned Movement (NAM) have been calling for legally binding negative security assurances for a long time. This would be a further guarantee that those States who have willingly given up the option to develop nuclear weapons, and remain in good standing with their arms control and disarmament agreements, will not have nuclear weapons used against them. Many nuclear-armed States argue that the assurances provided in UN Security Council Resolutions 255 and 984 should be enough to make the non-nuclear weapons States feel at ease. However, these resolutions do not in fact guarantee that nuclear weapons will not be used against a country that does not possess nuclear weapons. Instead, they offer ‘positive security assurances’ wherein a country possessing nuclear weapons will use them to respond to the use of nuclear weapons on an unarmed State. Such plans to use nuclear weapons contradicts the demand of the NAM and other non-nuclear weapon States for additional guarantees that nuclear weapons will not be used against them, nor in their defence. Any use of nuclear weapons, for retaliatory or defensive purposes will have negative humanitarian consequences for non-nuclear weapon States, whether through radiological contamination, climate effects or famine.

PAX recommends States reaffirm that any use of nuclear weapons causes indiscriminate, unacceptable humanitarian consequences and that not even negative security assurances can protect a country from the impact of any use of nuclear weapons.

10. Disarmament Education

In Action 22 of the 2010 Final Document, all States were “*encouraged to implement the recommendations contained in the report of the Secretary-General of the United Nations (A/57/124) regarding the United Nations study on disarmament and non-proliferation education, in order to advance the goals of the Treaty in support of achieving a world without nuclear weapons.*”¹⁴ States should seek opportunities to collaborate with civil society in this regard, and specifically take note of the efforts of the Ban All Nukes Generation (BANg), University of Darmstadt, and PAX who have experience organising student attendance to NPT meetings.

PAX recommends all States report on their disarmament education activities as part of their national reports to the NPT, as well as support, engage with and encourage cooperation with civil society organisations to promote disarmament education in their countries.

13 NPT/CONF.2010/PC.I/WP.26

14 2010 NPT Final Document

Non-Proliferation Recommendations

11. Role of the International Atomic Energy Agency (IAEA)

The International Atomic Energy Agency is the only authoritative global body to investigate suspected proliferation. However, the IAEA is subject to restrictions. The verification system has several weaknesses that were mostly addressed by the creation of the Model Additional Protocol. The introduction of the Additional Protocol has increased the IAEA's access to locations, individuals and information, but not all countries have ratified the protocol. This puts a restriction on effectiveness of IAEA operations. The Additional Protocol¹⁵ is understood as the international standard in verification of non-proliferation and should become a requirement under the NPT.

PAX recommends all NPT member States negotiate Additional Protocol Agreements with the IAEA without delay. The IAEA should report on progress in universalizing the Additional Protocol at the next NPT meeting of States parties.

NPT States parties and the EU should seek to increase their regular contributions to the IAEA in order for the agency to increase its budget and remove the 'zero real growth' constraint placed on it. The agency is continually tasked with additional responsibilities, yet is only able to do this through extra-budgetary support for key functions.

PAX recommends NPT States parties increase their contributions to the IAEA, allowing the Agency to enhance technical capacity for global non-proliferation monitoring.

Currently, the IAEA is required to report to the UN Security Council (UNSC) on cases of non-compliance. This has a tendency to lead to punishing actions by the UNSC, including sanctions and the possible authorisation of the use of force. It has also increased the politicisation of IAEA discussions, and reduced the opportunity for incentives to encourage full compliance.

PAX recommends the IAEA report to the UN Secretary General instead of the UNSC, and action should be first undertaken by the Secretary General's role of good offices. In addition, questions of compliance should be brought to the Office of Legal Affairs, Office of Disarmament Affairs, and UN Development Programme as a method to incentivise compliance.

IAEA Board of Governors Membership should be based on a record of compliance with arms control and disarmament agreements. States who are not in full compliance, for at least five years, with their obligations under the BTWC, CWC, NPT (and related protocols) as well as relevant UN Security Council resolutions should not be eligible for Board of Governors membership. This ensures the integrity of the Board of Governors and offers the possibility of depoliticising decisions.

PAX recommends IAEA Board of Governors membership be subject to a strict criteria of past compliance with all relevant arms control and disarmament agreements.

12. Materials Trade & Export Controls

Articles I and II of the NPT require effective nuclear export controls. Nuclear export control regimes are in place, notably the Zangger Committee and the Nuclear Suppliers Group. But both should be more transparent. Increased transparency on the parts of these regimes would be an effective tool for developing further cooperation on the regulation of trade of these materials. Nuclear utilities do not generally require that customer States give up their national development of proliferation sensitive technologies including uranium enrichment and plutonium reprocessing. Companies need to exercise more restraint in selling nuclear technology and need to ensure that safety considerations take priority.

15 http://www.iaea.org/OurWork/SV/Safeguards/sg_protocol.html

In promoting nuclear security, States and other relevant stakeholders cannot set aside the fundamental question of the catastrophic humanitarian consequences of any possible use, either by intent or accident, of the most lethal device ever conceived.

*2014 Nuclear Security Summit
Joint Statement by Algeria, Argentina, Brazil, Chile, Egypt, Indonesia,
Kazakhstan, Malaysia, Mexico, New Zealand, Philippines, Singapore,
South Africa, Ukraine and Vietnam.*

PAX recommends nuclear utilities insist that customer States renounce the development of proliferation sensitive technology and not engage in trade with nations that have not ratified an Additional Protocol, the Convention on the Protection of Nuclear Materials (including 2005 Amendment) or the Convention on Nuclear Safety.

13. Additional Protocol and Nuclear Trade

The Additional Protocol is the recognized safety and verification standard with regard to weapons usable materials. Bilateral trade agreements for nuclear materials, with States that have not negotiated an Additional Protocol with the IAEA should be cancelled. Additionally, there are current loopholes in the existing safeguards system which should be closed through an amendment of Annex II of the Additional Protocol. This amendment could, inter alia, deal with changes in technology, and the proliferation sensitivity in existing procurement practices.

PAX recommends NPT States parties agree to close current loopholes in the safeguards system through the negotiation of an amendment to Annex II of the Additional Protocol. NPT States should not trade nuclear materials with countries that do not have an Additional Protocol in force or that have not ratified the NPT.

14. Nuclear Terrorism

While progress has been made in securing nuclear materials, and preventing diversion to non-State actors, States should ratify and implement the International Convention for the Suppression of Acts of Nuclear Terrorism, the 2005 Amendment to the Convention on the Physical Protection of Nuclear Material, as well as ensure they are meeting their obligations under UN Security Council Resolution 1540. This is particularly important for States not engaged in the Nuclear Security Summits.

PAX recommends all States that have not yet done so ratify the International Convention for the Suppression of Acts of Nuclear Terrorism & the 2005 Amendment to the Convention on the Physical Protection of Nuclear Materials without delay. All States should maintain their commitments to the full implementation of UNSCR 1540.

Peaceful Uses Recommendations

15. Multilateralisation of the Fissile Materials Cycle

There is currently no international body with the mandate to control all fissile materials. One should either be created, or the mandate for such control should be turned over to the IAEA. As States move closer to disarmament, the need grows to regulate the fissile materials cycle - both civilian and military - and the size of nuclear capacities. All existing enrichment and breeder conversion reactors and heavy water factories must be placed under the auspices of this international body. This includes factories and reprocessing facilities located in the nuclear-armed States. The body will be authorized to grant production licenses to existing sites and, where needed, regulate the expansion of production capacity. The creation of such a body will allow for the universal application of verification and security measures to prevent the misuse of fissile materials. Putting the nuclear fuel cycle under international control in this way will reduce proliferation risks, while allowing for States who do not yet have an indigenous fuel cycle capacity to develop peaceful nuclear uses if they so choose. As Mohamed ElBaradei, then director of the IAEA, argued in early 2008, this would contribute to a nuclear weapons free world “so that no one country has the exclusive capability to produce the material for nuclear weapons”. The IAEA, or international body created for this purpose – like the European Atomic Energy Community– should be given a supranational status as legal owner of all the fissile material used for peaceful purposes. PAX congratulates Austria, Chile, the Czech Republic, Hungary, Libya, Mexico, Romania, Serbia, Taiwan, Turkey, Ukraine and Vietnam for removing all Highly Enriched Uranium from their territories.

PAX recommends NPT States parties agree to establish an international authority to control the entire fissile materials cycle.

Recommendations towards the Middle East WMD Free Zone Conference

16. Convening a new Conference

The postponement of the Middle East WMD Free Zone Conference planned for December 2012 in Finland is a major set back and cannot result in the abandonment of the idea. PAX welcomes the efforts to hold preparatory meetings for this conference, while recognising that preparatory meetings do not fulfil the mandate set out in 2010. All States concerned should abandon any pre-conditions and guarantee their attendance.

PAX recommends all States, in their national, and joint statements call for convening a new conference without pre-conditions and States should do whatever is in their capacity to convince Israel that it must join this crucial first step towards a WMD free Middle East.

17. Civil Society Participation

Any forthcoming conference should recognize, as the 2010 Review Conference final document did, *“the important role played by civil society in contributing to the implementation of the 1995 Resolution”*. To meet the agreement to *“encourages all efforts in this regard”* the conference should make room for civil society actors from the region, as well as those with specific technical expertise, to engage directly with conference participants. Transparency is a necessary confidence building measure, and sessions should be open to the public. Civil society actors offer a unique perspective and can encourage out-of-the-box thinking. A session of the forthcoming conference should be devoted to civil society engagement.

PAX recommends that the forthcoming conference be open to civil society participation, and dedicate a session to hear from civil society actors directly.

18. Reporting

The agreement in 2010 that the UN Secretary General would convene a meeting of all States in the region to discuss the conditions necessary to negotiate an international and effectively verifiable treaty for the establishment of a weapons of mass destruction free zone in the Middle East is widely supported. However, considering Israel is still not party to the NPT, this conference should be required to report back to the UN General Assembly directly on its progress, not only to NPT conferences.

PAX recommends any forthcoming conference report to the UN General Assembly, not to the NPT processes.

19. Expert Meetings

Any conference should consider the idea of setting up a series of expert group meetings - where each state in the region is invited to participate and send experts. A timetable for reporting, perhaps in an annual, or even semi-annual conference, could be given to these experts, as could a series of initial questions to consider. These questions could, and should, start with the most technical issues to grapple with. This would provide a place for technical progress, absent of political considerations. Then, when politics are ready to catch up, at least some of the technical groundwork will be laid.

PAX recommends a series of expert meetings, comprised of regional experts to address technical challenges associated with the creation of such a zone be initiated to facilitate progress towards a zone.

20. Confidence Building Measures

Given the use of chemical weapons in the region in August 2013, there is a heightened urgency to eliminate all WMD. States in the region should sign and ratify the Chemical Weapons Convention without delay. In addition, ratification of the Comprehensive Test Ban Treaty is another confidence

building measure towards the creation of this zone free of weapons of mass destruction. States should also declare moratoria on fissile materials production in anticipation of an eventual fissile materials treaty.

PAX recommends Israel ratify the Chemical Weapons Convention and Egypt sign and ratify without delay.

PAX recommends Saudi Arabia and Syria sign and ratify, and Israel, Iraq, Yemen, Egypt, and Iran ratify the CTBT.

PAX recommends all States declare moratoria on fissile materials production.



For over a decade, a series of atmospheric and underwater nuclear tests were carried out in Bikini and Enewetak Atolls, both located in the northwestern parts of the Marshall Islands. The largest of these, the infamous Bravo Shot, was detonated over Bikini Atoll in 1954. With the power equivalent to 1000 times that of the atomic bomb dropped over Hiroshima, it vaporized islands in a matter of seconds, sending fleets of warships deep into the ocean and creating the largest nuclear radiation contamination in the Pacific.

At that time, I was living with my grandmother, in Rongelap Atoll, one of the communities that were seriously affected by the radioactive fallout.

I was only 2 years old, but I grew up to witness and experience the unforgettable human consequences from the fallout. When you spend your whole life seeing that much physical and emotional pain, your tears dry up and you force yourself to question intentions, justice and human value.

Many of our survivors became human subjects in laboratories and almost 60 years on, we are still suffering.

Excerpted from Senator Jeban Riklon's
Testimony at the Second Conference
on the Humanitarian Impacts of Nuclear
Weapons February 13th -14th, 2014
Nayarit, Mexico

PAX **Peace,**
Are
you in?