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*IEER Conference: Nuclear Disarmament, the NPT, and the Rule of Law
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Welcome and Introduction

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Welcome to the opening session of *Nuclear Disarmament, the NPT, and the Rule of Law*, hosted by the Institute for Energy and Environmental Research. Today marks the beginning of an historic meeting in the global efforts for nuclear non-proliferation and disarmament - the first Review Conference since the Non-Proliferation Treaty was indefinitely extended in 1995. The focus of the Review Conference is to examine the progress of the past five years on commitments made at the 1995 NPT Extension conference and to develop a forward-looking program for the next five years.

I would like to spend a few minutes to tell you about the Institute for Energy and Environmental Research and why we are holding this conference on nuclear disarmament and the rule of law during the NPT Review Conference. The Institute was founded in 1985 to further public involvement in the decision-making process on environmental problems. The public is often left out of the scientific and policy discourse on environmental problems, especially on nuclear weapons related issues, because they do not have the technical information or scientific background to effectively participate. Our aim is to democratize science by providing technical information and training to grassroots activists, journalists, and the public concerned about environmental and security issues related to nuclear weapons production and testing.

Security issues are intricately related to the environmental impacts of nuclear weapons. A nuclear war is the ultimate environmental disaster. Future nuclear weapons production would worsen the environmental legacy that already exists from producing the world's current arsenal. We have conducted studies on the future of nuclear weapons research, design and testing programs and the current stewardship programs of the nuclear weapons states. The conclusion has been that the programs currently being implemented are oriented more towards maintaining the capability to design weapons, rather than maintaining the safety of the arsenal in the context of a path towards disarmament. In particular, the legality of laser fusion facilities, such as the National Ignition Facility in the United States and Laser Megajoule in France, under the Comprehensive Test Ban Treaty has been a recent focus of our efforts. We have also been

instrumental in developing a grassroots de-alerting campaign in the United States. Through our quarterly newsletter in English, called *Science for Democratic Action*, training workshops, and media outreach, we provide our audience with the tools they need to effectively address problems related to nuclear materials and technologies, and security issues.

It became clear to us that, in order to successfully address security and environmental aspects of nuclear weapons, activists, media, and policymakers in all of the nuclear weapons states also need access to understandable and accurate scientific and technical information. In 1994, we launched a global program in the key nuclear countries to complement our grassroots outreach work in the United States. Our global outreach program is designed to enable networking among activists around the world and to provide technical information on nuclear weapons-usable materials and technologies to an international audience. For example, we are currently working on the problem of plutonium disposition from dismantled weapons in the United States and Russia. We also have a Fellows program, in which we invite scientists and activists from other countries to the United States for a few months to do research and speaking tours. This program enables us to bring international perspectives to non-governmental organizations, media, and policymakers in the United States. We publish an international newsletter, called *Energy & Security*, and other selected IEER materials in Russian, French, and Chinese. Copies of our newsletters are available from our office and on the web at www.ieer.org.

Why have we focused this conference on the relationship between Nuclear Disarmament, the NPT, and the Rule of Law? Nuclear disarmament is required under international law. Article VI of the NPT binds the non-nuclear weapons states to forego developing their own weapons in return for a commitment by the nuclear powers to eliminate their nuclear arsenals. When the NPT was indefinitely extended in 1995, this agreement was reiterated. In 1996, the World Court unanimously concluded that Article VI of the NPT requires the achievement of nuclear disarmament "in all its aspects."

Where are we now, five years after the indefinite extension of the NPT? The Comprehensive Test Ban Treaty has been negotiated and ratified by three nuclear weapons states. In the past two weeks, the Russian Duma ratified START II and the CTBT. However, overall progress towards disarmament has been stagnant in the last five years. The US Senate has rejected the CTBT and is unlikely to revisit the ratification question in the near future. It has taken seven years to ratify START II and before it can enter into force, the US Congress must ratify the 1997 amendments. Statements from members of the US Congress indicate that ratification may be difficult to achieve. Moreover, there has been a lack of progress in moving beyond START II to lower number of nuclear weapons. In addition, there is a move in the United States to deploy national missile defenses, whether or not it means that the US will abrogate the Anti-Ballistic Missile Treaty. Meanwhile, the US and Russia have thousands of weapons on hair-trigger alert and both retain first use option. NATO has reaffirmed the role of nuclear weapons and Russia has increased reliance on them. Non-proliferation efforts have also not been highly successful. We now have two newly declared weapons states, India and Pakistan, the first nuclear states to be openly battling each other over a border dispute.

The objective of this conference is to explore how the rule of law can be used to pressure governments to live up to their commitments and achieve nuclear disarmament. The rule of law

means that all countries are equal before international law and all are accountable under it. This concept is applicable to all areas of international law. In the nuclear realm, equality before international law requires that the nuclear weapons states honor their legal commitment to complete nuclear disarmament. Non-proliferation is not possible without nuclear disarmament, as indicated by the NPT indefinite extension agreement made in 1995. We are very pleased to have UN Undersecretary General Jayantha Dhanapala here this evening to speak on the current state of the NPT. Rebecca Johnson of the Acronym Institute will address the implementation and enforcement of Article VI. Arjun Makhijani will then speak on a forward-looking agenda for the NPT.

We recognize that, in addition to Article VI, achieving nuclear disarmament is a complex issue. Therefore, we have developed the sessions of our conference to consider the substantive issues that the States Parties will be addressing in the next four weeks. We have invited distinguished experts from around the world to participate in panel discussions on these issues. Session III of the conference will focus on questions related to Article I and II of the NPT. First, we will discuss how NATO's position on nuclear sharing is addressed under the NPT and how it affects disarmament efforts. Second, we will discuss the interest by some countries to make security assurances part of a legally binding agreement, either within or outside of the NPT framework. Third, we will examine the issue of universality, both in terms of bringing all countries under the NPT regime and bringing all countries under Article VI. The second part of Session III will focus specifically on the international rule of law. We will examine international law on nuclear weapons and, more specifically, how the declared nuclear policies contrast with the requirements of Article VI of the NPT.

Session II of the conference will address the treaties that are centrally related to the success of the NPT and to achieving nuclear disarmament. The Comprehensive Test Ban Treaty was established as the linchpin of efforts to reduce nuclear dangers as part of the agreement made in 1995 for the indefinite extension of the NPT. We will examine what the failure of the US Senate to ratify the CTBT means for disarmament and non-proliferation efforts. Meanwhile, the United States is pushing Russia to agree to significant changes in the Anti-Ballistic Missile treaty. Certain factions in the United States are willing to pursue national missile defenses, whether or not Russia agrees. Further, the Stockpile Stewardship programs being undertaken by several nuclear weapons state are supporting laser fusion facilities, which according to IEER's research, is illegal under the CTBT.

Nuclear disarmament prospects are also being clouded by precision non-nuclear weapons, such as those used by NATO in Yugoslavia. The last session will examine how the new US military strategy - often called the "Revolution in Military Affairs" - affects the process of nuclear disarmament. A portion of each session is dedicated to discussion. Schedules with the times and locations are available in the foyer. Please join us for these discussions.

Thank you.