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Reaching the Borders of Diplomacy

By Xanthe Hall

The Conference to Review the implementation of the Nuclear Non-Proliferation Treaty (NPT) ended dramatically on May 20th 2000, after running for four weeks in New York. Having at last reached agreement on a final paper on disarmament with the nuclear weapons states, the hard-won consensus looked about to be snatched away by the insistence of the United States that a strong criticism of Iraq be included in the final document. The diplomatic skill of Ambassador Baali of Algeria, who chaired the NPT conference, and Christopher Westdal of Canada who literally performed "shuttle" diplomacy by running back and forth between the two rooms (the delegations refused to sit down at the same table), saved the day by reaching a compromise between the conflicting parties. Nineteen hours after Ambassador Baali stopped the clock, the conference had a consensus.

In the media, much was made of the results of the conference. There was jubilation at the agreement of the nuclear weapons states to an "unequivocal undertaking" to "accomplish the total elimination of their

nuclear arsenals" without any ifs or buts, and without qualifying it as an ultimate goal, as they usually have in the past. Of course, they still don't say when, although nobody really expected them to. To be truthful, and given the present political situation, nobody could honestly say they expected even this much. And it leaves us in an uncomfortable position: we want to rejoice, but is the promise worth the diplomatic paper it's written on?

The conference concentrated mainly on how to retain and strengthen the review process established in 1995 at the Conference to Review and Extend the NPT, where the States Parties agreed to extend it indefinitely in return for a programme of action outlined in the "Principles and Objectives". There are several obstacles to the continuation of this process, which is seen by many as the glue that is presently holding the NPT together. The Principles and Objectives are an attempt to give content to the commitment under Article VI by the nuclear weapons states to get rid of their nuclear arsenals completely, which is fundamental to the commitment of other States to also uphold their commitment not to acquire nuclear weapons.

The main obstacle was the credibility of the statement by the N5 (the five nuclear weapons states), which was given in the second week of the conference, that they were "unequivocally" committed to disarmament as an "ultimate goal", and also the lack of a time frame in which this is to be achieved. The claim to being committed has already been undermined by recent developments in nuclear policies in the United States, NATO and Russia, all of which have reconfirmed their belief in nuclear weapons as essential to their defence and are all lowering the threshold for use. The development of a National Missile Defence (NMD) by the United States and a leaked US document that proposed to the Russian Federation that it retain a robust nuclear arsenal on high alert to be able to overcome

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such a defence, in order to maintain deterrence, indicates that an NMD would prevent total disarmament from ever taking place. Indeed, it suggests that deep cuts in arsenals below 1500-2000 nuclear weapons would also be precluded. Moreover, given the state of Russia's decaying nuclear arsenal, it would seem likely that they would need to rearm sometime in the future, in order to be able to overcome a US NMD or to prevent the possibility of a first strike in the future. It would also ruin attempts to persuade Russia and the US to take their weapons off high alert therefore increasing the risk of accidental nuclear war. China would be put in the position of having to expand its nuclear arsenal to protect itself from the US, since its present numbers

would be too low to overcome an NMD and leave them vulnerable (should a NMD actually work) to a first strike they could no longer retaliate. This would in turn exacerbate the arms race in South Asia.

The problem of the time frame is more pressing than ever before, since the relaxed atmosphere of the post Cold War period has been replaced by tensions over NATO expansion, intervention in other states' conflicts and renewed mistrust. Two new nuclear weapons states (India and Pakistan) have emerged that are not Parties to the NPT and are in active conflict with one another. Time is running out in the Middle East, where anger at the insistence of Israel to keep its covert nuclear weapons capability has already led to states in the region trying to acquire nuclear or other weapons of mass destruction.

The N5 had signed up to nuclear

disarmament as an "ultimate" goal and some of them were linking nuclear with conventional (general and complete) disarmament, saying that one cannot be achieved without the other. A proposal was put forward early in the conference by the group of states known as the New Agenda Coalition (NAC), containing a time frame - the length of the NPT review process, i.e., five years - as a yardstick for an accelerated process of negotiation, thus underlining the urgency of the matter without setting an actual date for the elimination of nuclear weapons. This was not agreed to by the nuclear weapons states. The NAC also called for an "unequivocal" undertaking to total nuclear disarmament, not linked to general and complete disarmament and as an obligation and a priority, not an ultimate goal. This position enjoyed wide support and the working paper of the NAC provided a basis for further negotiation. The

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accompanying set of proposals were then discussed at length by the NS and NAC, watered down, and became the core of the final document.

Further problems are presented by the lack of fulfilment of the programme of action set out in the 1995 Principles and Objectives. Two of the most important elements - a Comprehensive Test Ban Treaty (CTBT) and a treaty banning the production of fissile materials for weapons purposes ("cut-off") - have not been achieved. Although the CTBT has been agreed upon and signed by many of the 44 nuclear-capable states, it has not yet been ratified by most and therefore cannot come into force. The ratification of the CTBT depends largely on US domestic politics and the outcome of the presidential election, whether it will be presented to the Senate for ratification again in the near future. Without ratification by the US, it is unlikely that other key states will ratify.

The stalemate on the "cut-off" in the Conference on Disarmament (CD) largely rests on acceptance of an *ad-hoc* committee on Disarmament. Here five NATO states put forward a compromise proposal to the NPT Review Conference that an *ad-hoc* working group should be set up in the CD to exchange views on ways and means to achieve disarmament. This is also reflected in the final document, which calls for the establishment in the CD of "an appropriate subsidiary body with a mandate to deal with nuclear disarmament". This will hopefully break the deadlock and enable the "cut-off" to be concluded within five years, which is the new deadline set by the NPT final document.

A major stumbling block was the continuing disagreement over the

Middle East and Israel's nuclear capacity. Israel has not signed the NPT and the US continues to block any recognition of the necessity for Israel to renounce its nuclear weapons in order for the Middle East peace process to go forward. Right from the start, delegates were worried that this subject would unravel the conference and make it impossible to achieve consensus. Indeed, the US used Iraqi non-

Only when the US realised that it had little or no support and, indeed, would be blamed by the delegates for trying to make Iraq a scapegoat for the failure of the conference to reach a consensus, did they agree to a compromise.

A noticeable area of progress is the relationship between non-governmental organisations (NGOs) and states. Many states now regard NGOs as helpful in the negotiating process because of their concrete suggestions on specific points and continuing pressure on states to take their obligations seriously. Indeed, in comparison with 1995, the usage of the words "abolition" or "elimination" of nuclear weapons has significantly increased, so that there is no discussion of whether this is the goal, only of how it can be achieved and when. This is mainly due to NGO efforts.

The NGO presentations to the Conference had a large turnout of delegates, many times more than in 1995, and some delegations actually included representatives from NGOs who advocated the abolition of nuclear weapons. Active consultation with NGOs before and during the Conference has led some State Parties to propose measures that might otherwise not have been forthcoming. Access to the Conference floor for NGOs was much greater and informal meetings with delegates easier to obtain.

In conclusion, although the atmosphere in the Conference was conducive to hearing constructive proposals and there was a sense that the Parties were aware of the seriousness of the present situation, one cannot be particularly optimistic about the future of nuclear



compliance with the Treaty as a counterweight to the Egyptian insistence that Israel be named as a non-adherent to the NPT, which then escalated into a full-scale battle at the end of the conference.



Disarmament Issue

disarmament. Even though a final document was agreed, containing a programme of action, it could suffer the same fate as the Principles and Objectives of 1995, which is that it remains largely on paper. Meetings with decision-makers in Washington showed a wide discrepancy between opinions in the Congress and Senate and those being expressed in the NPT Conference. The enormous support in the US for the National Missile Defence indicates that the proponents of "peace through strength" have the upper hand, despite the fact that NMD cannot effectively protect the US from attack with weapons of mass destruction. In Russia, the belief that nuclear weapons are the only hope of standing up to the conventional superiority of a US-led NATO, and that deterrence actually prevents intervention in their domestic conflicts, hinders any possibility of nuclear disarmament in the near

future. In short, time is running out for the present non-proliferation regime and it is likely that we will see another attempt at break-out at some time in the next few years, if the N5 continue to signal that they consider nuclear weapons an indefinite requisite for their safety. There is no reason to suppose that other states will not also, like India and Pakistan, join this religious doctrine of belief in protection through strength and also develop a nuclear capability.

The borders of diplomacy constrain us, but up until now our intervention in the diplomatic process has brought us results. Through the United Nations we have achieved an advisory opinion on the (il)legality of the use and threat of use of nuclear weapons, General Assembly resolutions calling for the negotiation of a Treaty to abolish nuclear weapons, our draft of a model Nuclear Weapons Convention is a recognised UN document, the

formation of the New Agenda Coalition and now an unequivocal undertaking to eliminate nuclear weapons from the nuclear weapons states. All of this puts pressure on governments to live up to their promises and gain credibility. And yet the diplomatic efforts we make are of no consequence without the continuing grassroots pressure and protest through campaigns and direct action that is the other side of the coin, stamped with the name "Abolition 2000" – A Global Network to Eliminate Nuclear Weapons.

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www.wagingpeace.orgabolition2000/*