

The first session of the Preparatory Committee (PrepCom) for the sixth Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) in the year 2000 will commence at the United Nations in New York on April 7, 1997. The PrepCom will launch the “strengthened review process,” which formed a key part of the compromise at the April-May 1995 NPT Review and Extension Conference (NPTREC). The NPTREC extended the Treaty indefinitely and also elaborated a set of “principles and objectives for nuclear non-proliferation and disarmament.” In contrast to the high hopes in May 1995 for more meaningful Treaty reviews, however, it now seems virtually certain that the April 1997 PrepCom is headed for a major confrontation between the nuclear weapon states (NWS) and the non-nuclear weapon states (NNWS) on both procedural and substantive issues. These conflicts threaten to derail the “strengthened review process” at its very outset and thus call into question the continuing efficacy of the NPT. This essay briefly examines the nature of the compromises and concessions that were made to secure the indefinite extension of the NPT. It then assesses differing interpretations of the review process and concludes with some observations for preserving the integrity of the world’s global nonproliferation norm.

### THE NPTREC DECISIONS

At the 1995 NPTREC, 174 states parties agreed, without a vote, on a cohesive package of extension decisions. Decision 1 on “Strengthening the Review Process for the Treaty,”<sup>1</sup> establishes a framework for an enhanced and a more substantive Treaty review process to facilitate a full and balanced review of the implementation of the NPT. Decision 2 on “Principles and Objectives for Nuclear Non-Proliferation and Disarmament,”<sup>2</sup> sets out substantive guidelines and benchmarks designed to promote greater accountability regarding the full implementation of the Treaty. Decision 3 on “Extension of the Treaty on the Non-Proliferation of Nuclear Weapons,”<sup>3</sup> while emphasizing the two preceding decisions adopted by the NPTREC and reaffirming NPT Article VIII.3,

provides for the indefinite continuation in force of the Treaty. The two decisions on principles and objectives, and a strengthened treaty review process have been referred to respectively as “the hammer and the anvil of the post-NPT extension epoch.”<sup>4</sup>

**VIEWPOINT:  
PREPARING FOR THE  
APRIL 1997  
NPT PREPCOM  
by Tariq Rauf**

The original concept of a “strengthened review process” tied to the extension decision was first elaborated in a Canadian “non-paper” in early 1995 that outlined *inter alia*: 1) investing the preparatory process with a more substantive character (i.e., discussion of both procedural and substantive issues); 2) elaborating, at

Review Conferences, agreed targets for compliance with given articles of the Treaty; and 3) establishing a framework for strengthening the Treaty and its implementation.<sup>5</sup> These ideas found their way into the South African draft on the enhanced review mechanism and, through the process of the President’s Consultations at the NPTREC, were eventually reflected in the decisions on the extension package.

The NPTREC struck a political compromise that not only makes all states parties accountable for full compliance with the provisions of the Treaty, but more specifically holds the NWS to fulfilling their Article VI commitments. Decision 1 formalizes the inclusion of substantive matters, with procedural issues, in the work of the PrepCom and paragraph 4 clearly specifies that:

The purpose of the Preparatory Committee meetings would be to consider principles, objectives and ways in order to promote the full implementation of the Treaty, as well as its

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universality, and to make recommendations thereon to the Review Conference. These include those identified in the Decision on Principles and Objectives for Nuclear Non-Proliferation and Disarmament adopted on 11 May 1995. These meetings should also make the procedural preparations for the next Review Conference.

In many ways, the inclusion of substantive issues is the crux of the strengthened review process and, given the competing interpretations, will likely be the most controversial aspect of Decision 1.

The “intent” of the NPTREC decisions can be described as transforming the review into a more credible and meaningful accounting of the Treaty’s implementation by all states parties and providing a forum for discussion of the full scope of the disarmament and nonproliferation agenda. Substantive issues are to be considered in the context of established benchmarks for the full implementation of the Treaty, including universality, nonproliferation, nuclear disarmament, nuclear-weapon-free zones, security assurances, safeguards, and peaceful uses of nuclear energy.

This set of goals has been referred to as a “yardstick” or a “template” against which to measure future implementation of the Treaty.<sup>6</sup> Director of the U.S. Arms Control and Disarmament Agency (ACDA) John Holum, speaking in Washington in February 1996, described Decision 2 as “a rolling report card on the world’s efforts to live up to the bargains struck in the NPT and since affirmed.”<sup>7</sup> However, ACDA’s Assistant Director for Nonproliferation Dr. Lawrence Scheinman noted at a September 1996 seminar in Kyiv, Ukraine:

Some NPT countries refer to the ‘Principles and Objectives’ decision as the ‘yardstick’ against which future progress will be measured.... For the United States, the ‘Principles and Objectives’ decision represents the important collective political interest and commitment of NPT parties to see further progress made toward assuring the full implementation of the NPT and a useful reference point for our continued efforts toward that end. The recommendations outlined in the decision are ones we and others should strive to meet. However, it is the Treaty itself that is the source of our obligations and a full and balanced review of the Treaty is the objective of NPT review con-

ferences.<sup>8</sup>

This statement clearly conveys the U.S. position that it is not appropriate for the PrepCom to give greater weight to the decisions of the NPTREC over the provisions of the Treaty itself. This view is bound to be challenged by the Group of Non-Aligned States (NAM) and other NNWS, which will likely argue that the NPTREC decisions changed the ground rules for future reviews and that, while it is the Treaty’s implementation that is to be reviewed, this process must now be conducted within the guidelines established in the extension package.

In contrast, as noted by Peter Goosen (South Africa’s delegate at the NPTREC), in formulating the principles agreed in Decision 2 “it was important to stretch the parameters of the debate but yet not to break the envelope of what was possible.”<sup>9</sup> Ambassador Christopher Westdal of Canada captured this theme succinctly in an interview during the NPTREC:

Non-nuclear weapon states see indefinite extension as a permanent commitment by the nuclear weapon states to pursue disarmament. Thus, the non-nuclear weapon states will now in effect call on the nuclear weapon states to fulfill their commitments under Article VI: to lower the numbers of such weapons, and to get rid of them. That is the message to nuclear weapon states, a message some of them might not welcome.<sup>10</sup>

Westdal’s statement echoes the controversy that broke out at the NPTREC between some members of the NAM and certain members of the Western group, including the three Western NWS, over the heavy pressure applied by the NWS to secure indefinite extension and over the lack of binding agreement on a framework for nuclear disarmament.<sup>11</sup> This conflict resulted in the failure of the 1995 NPTREC to cap its historic success with a Final Declaration. Unfortunately, these tensions continued to worsen, as reflected in the deliberations of last year’s session of the First Committee, and are contributing to discord at the opening of this year’s session of the Conference on Disarmament (CD), which could easily sully the PrepCom. An example of these tensions can be found in the plenary statements of the first session of the CD. Sir Michael Weston of the United Kingdom stated on January 23 regarding nuclear disarmament:

There are those who feel that, in pursuit of this objective, the international community now

needs to agree on a timetable for nuclear disarmament—to map out all the steps for getting from here to there.... I have to say quite bluntly that the United Kingdom does not believe this is the best way of making progress towards the goals we all share....<sup>12</sup>

Ambassador Mounir Zahran of Egypt, on the other hand, emphasized in a January 23 statement that:

The 1995 [NPTREC]...agreed to extend the Treaty indefinitely, but without being able to proceed to a review of the implementation of article VI nor to agree on a binding time schedule for the elimination of nuclear weapons...we cannot deny that the nuclear-weapon States have yet to commit themselves to a clear time schedule for nuclear disarmament.<sup>13</sup>

### THE 1997 NPT PREPCOM

On December 10, 1996, the U.N. General Assembly adopted the dates of April 7-18, 1997, for the first session of the PrepCom at U.N. Headquarters in New York.<sup>14</sup> In October, NPT parties had decided to follow the past practice of rotating the chair for the sessions of the PrepCom among the three main regional groups at the CD. Accordingly, the first session of the PrepCom will be chaired by the Western Group, with the nomination of Ambassador Pasi Patokallio of Finland.

#### Procedures

The first meeting of PrepCom I will decide on a number of important items, including the "Agenda" and "Program of Work." It likely also will nominate Mrs. Hannelore Hoppe (Senior Political Affairs Officer, U.N. Center for Disarmament Affairs) to coordinate the logistical arrangements for the work of the PrepCom.

In general, past PrepCom sessions have not formally adopted rules of procedure, but have drawn upon the rules of procedure for review conferences for guidance if decisions could not be reached on the basis of consensus. It is expected that the PrepCom will decide to allow the participation, as observers, of non-NPT parties and nongovernmental organizations (NGOs) in its open sessions.

The General Debate could well involve a protracted discussion on substantive issues relating to the implementation of the Treaty, as well as on the meaning, interpretation, and implementation of the NPTREC

decisions. It is expected that most NAM states, including Egypt, Iran, and South Africa, would prefer to focus the discussion on substantive matters, primarily on nuclear disarmament (Article VI) issues, while many—though not all—from the Western group and the Eastern group may choose to devote greater attention to nonproliferation (Article II) and safeguards (Article III). The Western group may also seek to promote a "balanced" discussion dealing with all articles of the Treaty, in an attempt to deflect some of the criticism levelled at their NWS allies.

The prevailing U.S. view regarding the "strengthened review process," while recognizing that PrepCom meetings "are to have a substantive character," cautions that the PrepCom process and Treaty review should be "balanced and treat all aspects of the NPT with equal thoroughness...[and] not focus exclusively or to an inappropriate degree only on one aspect of the Treaty."<sup>15</sup>

On procedural and organizational issues, the U.S. position, as expressed by Dr. Scheinman in Kyiv in September 1996, states:

Some have suggested that, in order to demonstrate that the PrepCom process is truly revitalized, the "traditional" aspects oriented to addressing procedural and organizational questions should be totally revamped. The United States would not subscribe to this notion.... Put simply: we believe in the adage "if it ain't broke don't fix it."<sup>16</sup>

In essence, the U.S. view is to promote "a balanced treatment of all relevant issues," and since PrepCom I will be "navigating new, uncharted, waters...we should not overly raise expectations about what the first PrepCom meeting in 1997 will be able to accomplish in terms of launching the substantive effort leading to the Review Conference."<sup>17</sup>

In effect, the NWS seem to be backtracking on the commitments made at the NPTREC. They would prefer to downplay the strengthened review process because they do not want the PrepCom to legitimize multilateral discussions on nuclear disarmament. This interpretation is not likely to find much resonance with the NAM and several other NNWS that will argue for a more robust and substantive approach, focusing squarely on the nuclear disarmament obligations of the NWS as reflected in the comments by Ambassador Hasmy bin Agam of Malaysia at the First Committee last October.<sup>18</sup>

## Substantive Issues

Any “balanced” review of the Treaty inevitably encourages a greater focus on the nuclear disarmament provisions of the NPT; it was never the intent either of the drafters of the Treaty or the extension package, or of the states parties at the NPTREC, to perpetuate the status of the NWS. Nuclear disarmament, or Article VI, has traditionally been the bane of all previous review conferences and will continue to plague future ones.

The NPTREC outlined a program of action to implement Article VI effectively. It includes: a) a Comprehensive Test Ban Treaty to be concluded no later than 1996; b) the immediate commencement and early conclusion of negotiations on a multilateral convention banning the production of fissile material for nuclear explosives (cut-off treaty); and c) global nuclear weapon reductions, with the goals of eventual elimination of nuclear weapons and general and complete disarmament. Progress on these issues undoubtedly will be discussed at the PrepCom. The debate will focus on whether to proceed with an independent negotiation at the CD on a cut-off treaty (preferred by the United States and the United Kingdom) or whether to link such a negotiation with a parallel one on a *schedule* for the elimination of nuclear weapons (preferred by many NAM states). Furthermore, deep divisions have developed over the CD’s negotiating mandate on a cut-off treaty. Countries such as Egypt and Pakistan argue for the inclusion of past production of fissile materials produced for weapons, while the Western NWS firmly oppose considering this point at the outset. Another, more controversial, issue relates to whether nuclear disarmament should be negotiated at the CD or between the NWS themselves.

### *Comprehensive Test Ban Treaty*

The NPTREC had stipulated the achievement of a CTBT before the end of 1996. This objective was achieved well before the target date, and the five NWS signed the Treaty as soon as it opened for signature in New York on September 24, 1996. Currently 139 states have signed the Treaty, but only Fiji has ratified it. However, of the 44 states whose ratification is necessary for entry into force, 41 have signed (excluding North Korea, India, and Pakistan).<sup>19</sup>

One key question for the PrepCom is whether the signing of the CTBT entails a legal ban on all further nuclear testing by the signatories prior to their ratification of the

CTBT and its entry into force. Article 18 of the Vienna Convention on the Law of Treaties obligates signatories “pending ratification, to refrain from any action that would defeat its [the Treaty’s] object and purpose.”<sup>20</sup> Preambular paragraph 5 of the CTBT notes that the object and purpose of the CTBT is to halt both horizontal and vertical proliferation.<sup>21</sup>

U.S. President Bill Clinton, in his speech to the U.N. General Assembly, declared: “The signature of the world’s declared nuclear powers...along with those of the vast majority of its nations, will *immediately create an international norm against nuclear testing, even before the treaty formally enters into force*”<sup>22</sup> [emphasis added]. Thus, the official U.S. position is to interpret the Vienna Convention to mean that once a country has signed the CTBT, it is legally bound not to test—whether or not it has ratified the CTBT and whether or not the Treaty is in force. It is by no means clear, however, that the other four declared NWS share the U.S. interpretation.

It would be useful for the PrepCom to discuss this matter and seek the views of the NWS on the record. The PrepCom should recommend to the Review Conference that it consider a framework for enabling the five NWS to give a joint declaration to the effect that they, as well as all other CTBT signatories, are legally bound not to conduct nuclear explosions pending ratification and entry into force of the CTBT.<sup>23</sup> In the interim, at the first session of the PrepCom, states parties could endorse and promote universal acceptance of the legal principle against any further nuclear explosions.

### *Fissile Material Production Ban for Nuclear Explosives*

The NPTREC also called for the “immediate commencement and early conclusion of negotiations on a non-discriminatory and universally applicable convention banning the production of fissile material for nuclear weapons or other nuclear explosive devices.”<sup>24</sup> With the conclusion of a CTBT last year, this issue has moved to the forefront of the multilateral arms control agenda.

Since the November 1993 U.N. General Assembly Resolution No. 48/27 on the “Prohibition of the Production of Fissionable Material for Weapon Purposes” (cut-off treaty), which was adopted by consensus, no additional cut-off resolution has been adopted. As of February 1997, the CD was still struggling to reach agreement on an

agenda that includes a cut-off treaty for 1997. The NWS are pressing for a negotiation on fissile material cut-off to commence. However, India and some other NAM states have linked their agreement to negotiate a cut-off treaty with a CD negotiation on nuclear disarmament, which remains anathema to the NWS. Thus, the stalemate continues at the CD. Moreover, the ill feelings risk being transferred from Geneva to the New York PrepCom because most of the same CD diplomats will be taking part in the NPT PrepCom.

Since no progress has been made on the cut-off treaty at the CD, largely due to the obstruction of non-NPT states, and because Decision 2 specifically calls for the immediate commencement of negotiations on a cut-off treaty, the PrepCom could provide a forum for discussion on such key issues as: definition, scope, stockpiles, surplus quantities, safeguards application, relationship to nuclear disarmament, as well as practical alternatives to a multilateral treaty (such as a P-5 ban on production). It could possibly recommend a date for the completion of a draft treaty, ideally one before the opening of the 2000 NPT conference.

#### *Nuclear Disarmament*

Many NNWS states took the opportunity of the 1995 NPTREC to press the case for elimination of nuclear weapons as called for under Article VI; the NPTREC decision on “principles and objectives” contains the compromise language on this issue. However, no further progress has been achieved since the conclusion of the NPTREC (except, of course, the signing of the CTBT). While the United States has ratified START II, Russia has not yet done so. And there is no consideration of any further cuts in nuclear arms, though recent reports suggest that the scheduled March 1997 summit meeting between Presidents Clinton and Yeltsin in Helsinki could focus on a framework for START III leading to reductions down to 2000 deployed strategic warheads on either side. In the interim, however, NNWS frustration with the slow pace of nuclear disarmament has been growing and is clearly reflected in the discussions at the CD, as noted above.

If the on-going stalemate on nuclear disarmament at the CD is any guide, at the PrepCom many of the NAM (such as Egypt, Indonesia, Iran, Malaysia, and Nigeria, among others) will again be pressing for the implementation of their “Proposal for a programme of action for the elimination of nuclear weapons,”<sup>25</sup> which identifies

three stages from 1996 to 2020 leading to a nuclear-weapon-free world. This discussion will be influenced by two recent developments. On July 8, 1996, the International Court of Justice (ICJ) ruled unanimously: “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.”<sup>26</sup> More specifically, the ruling added: “...the legal import of that obligation goes beyond that of a mere obligation of conduct; the obligation here is an obligation to achieve a precise result—nuclear disarmament in all its aspects by adopting a particular course of conduct, namely the pursuit of negotiations on the matter in good faith.” Later, on August 14, Australia released the “Report of the Canberra Commission on the Elimination of Nuclear Weapons,”<sup>27</sup> which was produced by an independent, international, group of 17 commissioners, including Ambassadors Jayantha Dhanapala (President of the 1995 NPTREC) and Rolf Ekeus (Chairman of the U.N. Special Commission on Iraq). The Commission, while not recommending any time frame, proposed a series of “intermediate” and “reinforcing” steps contributing to the elimination of nuclear weapons.

These events have buttressed the calls of the NAM to commence negotiations at the CD on a phased program, within a specified time frame, for nuclear disarmament. This move is strongly opposed by the NWS, in particular the United States and the United Kingdom. As ACDA Director Holum has stated:

Now there is great enthusiasm for the proposition that there should be multilateral negotiations about the nuclear weapon states’ weapons—indeed, that in the world’s one true multilateral negotiating body, the Conference on Disarmament, all else should be stalled until such negotiations are accepted....As a staunch friend of the CD, let me say that nuclear disarmament there would be an inappropriate forum taking up an unamenable subject.... There is no realistic prospect that the CD could manage such an effort. And given the CD’s recent history, I must ask as well, do we really want to make all further nuclear disarmament progress subject to the CD’s rule of consensus?... Last year’s NPT conference itself recognized the practical realities. The program of action declares that the test ban and the fissile cutoff should be completed by the Conference on Disarmament. But it says efforts to reduce

nuclear weapons should be pursued “by the nuclear weapon states.” Those are the right assignments.<sup>28</sup>

This impasse on nuclear disarmament at the CD is certain to spill over into the NPT PrepCom process, with the NAM and many other NNWS (including some from the Western group) pushing to focus on Article VI, while the NWS seek a “broader” and a “balanced” discussion in the CD. As Ambassador Sir Michael Weston (United Kingdom) recognized: “Let’s not kid ourselves—the non-aligned will want to talk about Article VI, Article VI, and Article VI. Any suggestion that we are trying to get out of that would not be well received.”<sup>29</sup> Ambassador Mark Moher of Canada captured the frustration of the NNWS when he stated at the First Committee that the world’s pride in nuclear disarmament successes was tempered by a lingering sense of promises unfulfilled.<sup>30</sup> He continued that the world must press for continuous implementation of the START process, broadening it soon to include all nuclear-weapon states.

The upcoming PrepCom sessions could foster a discussion of different views on Article VI, with the aim of promoting a realistic and balanced view of the complex and highly political issues involved in the fulfillment of NPT obligations. While actual negotiations on nuclear weapon reductions properly belong within the purview of the NWS, the NPT review process could provide an opportunity for a discussion on the guiding principles for future measures, such as: enhanced transparency in the reduction process (i.e., reports provided by the NWS to the PrepCom on the actual numbers of warheads currently deployed, on active and inactive status, and on those dismantled); greater openness on nuclear doctrine (i.e., current status of alert forces and targeting practices); and steps already taken and contemplated for further nuclear arms reductions leading to the eventual elimination of all nuclear weapons.

At a minimum, many NNWS will probably seek commitments from the NWS on fully abiding by the CTBT in advance of its ratification and entry into force, discussing additional nuclear disarmament measures such as a cut-off and post-START II treaties, as well as negotiating security assurances to NNWS parties to the NPT.

## CONCLUSION

The package of inter-related extension decisions adopted at the 1995 NPTREC was the means by which

NPT parties agreed to indefinitely extend the Treaty. The decisions were the product of both compromise and expectation. The states parties compromised to make the NPT permanent in order to enhance the security of all states. They also expected that the decisions would help establish new parameters of discourse on nonproliferation and nuclear disarmament, beginning with the April 1997 session of the PrepCom. It is disturbing that the political milieu in which the PrepCom will convene does not look particularly hospitable to a harmonious and productive ushering in of the much vaunted “strengthened review process.” Not unexpectedly, the NWS are striving to deflect attention from the lack of substantive progress on nuclear disarmament, while the NNWS are attempting to “hold the feet of the weapon states to the fire.” As noted by Ambassador Agam of Malaysia: “A new phase of persuading and prodding nuclear-weapon States to rethink their nuclear policy in the post-cold war era must begin.”<sup>31</sup>

In the end, politics will prevail, as NPT reviews have always been intensely political and will remain such due to the very nature of the issues discussed. At its heart, the NPT is a security bargain. It must not be forgotten, however, that unless states parties are willing to demonstrate the same shared sense of purpose and compromise that delivered the indefinite extension of the NPT in 1995, they risk undermining the very Treaty that provides for their own and for global security. If the NPT is undermined, or if some (or a group of) states threaten to leave the Treaty, citing their dissatisfaction with the way in which the package of extension decisions is being implemented, the results would be disastrous—not only would proliferation dangers increase but the present climate for nuclear disarmament could be severely disrupted. Thus, it is up to all NPT parties to ensure that the indefinite extension of the Treaty and its effectiveness are buttressed by full implementation of the 1995 NPTREC decisions.

<sup>1</sup> 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, *Final Document: Part I - Organization and work of the Conference* (hereafter *Final Document*), *Decision 1* “Strengthening the Review Process for the Treaty,” (New York: United Nations, 1995), Annex, p. 8.

<sup>2</sup> *Final Document, Decision 2* “Principles and Objectives for Nuclear Non-Proliferation and Disarmament,” Annex, pp. 9-12.

<sup>3</sup> *Final Document, Decision 3* "Extension of the Treaty on the Non-Proliferation of Nuclear Weapons," Annex, pp. 12-13.

<sup>4</sup> The Honorable Lawrence Scheinman (Assistant Director, Nonproliferation and Regional Arms Control, U.S. Arms Control and Disarmament Agency), "Remarks to the 13th Annual Ottawa NACD Verification Symposium," Le Chateau Montebello, Ottawa, March 13, 1996.

<sup>5</sup> Non-Proliferation, Arms Control and Disarmament Division, Department of Foreign Affairs (Canada), *A Non-Paper on Strengthening Review Conferences*, March 1995 (unpublished).

<sup>6</sup> For a description, see Tariq Rauf and Rebecca Johnson, "After the NPT's Indefinite Extension: The Future of the Global Nonproliferation Regime," *The Nonproliferation Review* 3 (Fall 1995), p. 34.

<sup>7</sup> The Honorable John D. Holum (Director, U.S. Arms Control and Disarmament Agency), "Remarks to the International Conference on Nuclear Nonproliferation, Sponsored by the Carnegie Endowment," Washington, D.C., February 12, 1996.

<sup>8</sup> The Honorable Lawrence Scheinman (Assistant Director, Nonproliferation and Regional Arms Control, U.S. Arms Control and Disarmament Agency), "Preparing for the 1997 NPT PrepCom—Address to the Regional Seminar sponsored by the Monterey Institute of International Studies; University of Southampton, Programme for Promoting Nuclear Non-Proliferation; and the National Institute for Strategic Studies (Ukraine)," Kyiv, Ukraine, September 28, 1996.

<sup>9</sup> Susan Welsh, "Delegate Perspectives on the 1995 NPT Review and Extension Conference," *The Nonproliferation Review* 2 (Spring-Summer 1995), p. 3.

<sup>10</sup> Quoted in Welsh, "Delegate Perspectives on the 1995 NPT Review and Extension Conference," p. 5.

<sup>11</sup> Rauf and Johnson, "After the NPT's Indefinite Extension..." p. 30.

<sup>12</sup> Statement by Ambassador Sir Michael Weston (United Kingdom) at the CD plenary on January 21, 1997, United Nation (Geneva), *Proceedings Verbatim* (CD/PV.752), p. 12.

<sup>13</sup> Statement by Ambassador Mounir Zahran (Egypt) at the CD plenary on January 23, 1997, United Nation (Geneva), *Proceedings Verbatim* (CD/PV.752), p. 14.

<sup>14</sup> The General Assembly adopted the resolution (A/RES/51/45 A) on "Treaty on the Non-Proliferation of Nuclear Weapons: 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and its Preparatory Committee," at its 79th meeting held on December 10, by a vote of 167 in favor to none against, with 2 abstentions (India, Israel) and with 12 states not present at the vote (including Brazil, North Korea, Greece, and Turkmenistan).

<sup>15</sup> Scheinman, "Preparing for the 1997 NPT PrepCom."

<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid.*

<sup>18</sup> United Nations General Assembly, *Press Release GA/DIS/3052* (October 14, 1996), p. 10.

<sup>19</sup> Programme for Promoting Nuclear Non-Proliferation, *PPNN Newsbrief* Number 36 (4th Quarter 1996), p. 5.

<sup>20</sup> The Honorable John D. Holum (Director, U.S. Arms Control and Disarmament Agency), "Remarks to the Arms Control and Disarmament Committee of the American Bar Association," Washington, D.C., September 26, 1996, p. 3.

<sup>21</sup> United Nations General Assembly 50th session (agenda items 8 and 65), *Adoption of the Agenda and Organization of Work - Comprehensive Test Ban Treaty*, (A/50/1027, August 26, 1996), p. 6.

<sup>22</sup> *Remarks by the President in Address to the 51st General Assembly of the United Nations*, The White House (Office of the Press Secretary, New York), September 24, 1996, p. 2.

<sup>23</sup> For an excellent legal analysis see, "U.S. Should Lead Effort to Enforce Legal Norm Against Testing," Letter to the Editor by George Bunn and John B. Rhinelander, *Arms Control Today* 26 (October 1996), p. 30.

<sup>24</sup> *Final Document, Decision 2*, paragraph 4(b).

<sup>25</sup> Document CD/1419, August 7, 1996.

<sup>26</sup> International Court of Justice, "Legality of the Threat or Use by a State of Nuclear Weapons in Armed Conflict (request for Advisory Opinion by the General Assembly of the United Nations)," *Communiqué*

No. 96/23 (July 8, 1996), paragraph F.

<sup>27</sup> *Report of the Canberra Commission on the Elimination of Nuclear Weapons* (Commonwealth of Australia: Canberra, 1996).

<sup>28</sup> The Honorable John D. Holum (Director, U.S. Arms Control and Disarmament Agency), "Remarks to An International Seminar on Nuclear Disarmament after the Indefinite Extension of the NPT," Kyoto, Japan, December 2, 1996.

<sup>29</sup> Quoted in, Stephen Young and Nicola Butler, "NPT Review: The Games Begin," *Basic Reports* 55 (December 16, 1996), p. 2.

<sup>30</sup> United Nations General Assembly, *Press Release GA/DIS/3054* (October 15, 1996), p. 6.

<sup>31</sup> United Nations General Assembly, *Press Release GA/DIS/3052* (October 14, 1996), p. 10.