

Nuclear testing news

China tests and declares moratorium

At 01:49:07 GMT/UTC on 29 July, China exploded a nuclear device at the Lop Nor test site. The test was carried out hours before the reopening of the test ban talks in Geneva.

The event, which measured approximately 5.0 on the Richter scale, was at location 41.79°N 88.39°E.

Following the test, the Chinese authorities declared that this would be the final test and that an indefinite moratorium was now in force.

The test was received with widespread condemnation tempered with the prospect that this may be the last nuclear test of all time.

CTB negotiations latest

Negotiations on a comprehensive test ban treaty (CTBT) restarted on 29 July at the Conference on Disarmament (CD) in Geneva.

Activity in Geneva changed from dealing with the text to the question of transmitting the CTB draft to the UN General Assembly after India and Iran made it clear that the proposed text was unacceptable.

Support for the Ramaker text

Before the re-opening of negotiations on 29 July, many states had made statements in support of the text contained in CD document CD/NTB/WP.330/Rev.1 that had been tabled by Ambassador Jaap Ramaker (Netherlands) on 28 June the last day negotiations before the four-week break.

However, some states have had misgivings about this text.

General concerns

Many states have raised concerns that the Preamble to the draft text is too weak on disarmament issues. Some states indicated that the entry into force provisions were too restrictive and that it could be many years before the required ratifications were forthcoming.

However, all of the states of the CD bar India and Iran have accepted that further amendment to the draft text would be too difficult.

China and 'national technical means'

As in the negotiations for the Chemical Weapons Convention, China raised concerns that 'national technical means' (states own information-gathering systems) could be used unfairly to request an on-site inspection and that only a simple majority of the 51-strong Executive Council would be required to approve the request.

The Vienna Convention on the Law of Treaties

The provisions of the Vienna Convention on the Law of Treaties are relevant to the current status of the draft CTBT.

It should be noted, however, that of the five nuclear-weapon states only Russia and the UK are parties to this Convention, the USA has

This issue was resolved when the negotiating states agreed that the number of votes required to approve an on-site inspection request should be 30. The revised text including this amendment is known as CD/NTB/WP.330/Rev.2.

India and entry into force

India has stated that the entry into force provisions of the draft text are an infringement of its sovereign rights and for this reason has blocked consensus at the CD on the CTBT.

India has also claimed that there should be greater disarmament provisions in the CTBT and that without these, the treaty would be discriminatory as it would preserve technological advantages of the five nuclear-weapon states in this field.

Iran and Israel

Iran has raised concerns about the inclusion of Israel in the Middle East and South Asia regional group for deciding the composition of the Executive Council.

Israel has been applying to become a member of the analogous Middle East and South Asia group in the International Atomic Energy Agency and Iran's concern is that Israel may cite the CTBT as a precedent to gather further support in its attempt to join this.

Taking a CTB to the United Nations

Options are being considered that would allow the draft CTBT text to be taken to the United Nations now that India and Iran have blocked its unanimous approval at the CD.

In recent years it has become routine to pass a consensus resolution in the United Nations General Assembly before a global treaty is opened for signature commending the treaty to all states. This is to increase the political weight behind any treaty. Exceptions to this rule in recent years have been the environmental treaties, such as the Climate Change Convention, that were opened for signature at the Rio Summit in 1992.

Some states have indicated an interest in trying to amend the CTBT when it is in New York, although this regarded as dangerous by others as it could delay agreement for some time.

As *Trust & Verify* goes to press, the most likely scenario is that Australia will sponsor a General Assembly resolution, possibly with other co-sponsors. Australia is also attempting to have meetings in New York on the CTB in the week starting 9 September.

signed but not ratified and China and France have not signed. Of the three threshold states only Pakistan has signed but it has not yet ratified.

The following Articles of the Convention are of particular significance:

Article 18 (Obligation not to Defeat the Object and Purpose of a Treaty Prior to Its Entry into Force)

A state is obliged to refrain from acts which would defeat the object and purpose of a treaty when:

- it has signed the treaty ... until it shall have made its intention clear not to become a party to the treaty; or
- it has expressed its consent to be bound by the treaty, pending the entry into force of the treaty and provided that such entry into force is not unduly delayed.

Article 25 (Provisional Application)

- A treaty or a part of a treaty is applied provisionally pending its entry into force:
 - the treaty itself so provides; or
 - the negotiating States have in some other manner so agreed.
- Unless the treaty otherwise provides or the negotiating States have otherwise agreed, the provisional application of a treaty or a part of a treaty with respect to a State shall be terminated if that State notifies the other States between which the treaty is being applied

provisionally of its intention not to become a party to the treaty.

Article 34 (General Rule Regarding Third States)

A treaty does not create either obligations or rights for a third State without its consent.

It should be noted that with regard to Article 25, there would be some question as to the status of India and Iran — would they be classed as 'negotiating States'? This question would get more complicated in the draft CTBT was amended in New York.

Climate Negotiations

The developing countries

The developing states parties are all, nominally, in one group: the Group of Seventy Seven (G77) and China. There is little agreement in the group on what to do about climate change, other than that whatever it is then the developed countries should do it first.

At one extreme is the Alliance of Small Island States (AOSIS) that risk inundation if significant climate change causes a rise in sea levels. AOSIS is thus in favour of significant emission reductions.

At the other extreme is the Organization of Petroleum Exporting Countries (OPEC) which considers that any such reductions will damage their economies. Consequently, its members systematically try to discredit the IPCC science and delay or disrupt any processes aimed at negotiating a protocol, or other legal instrument, that might stipulate emission reductions.

The OPEC members are assisted in this task by a small but determined group of industrial NGOs lobbying on behalf of the coal industry, primarily that in the US, whereas, AOSIS and the EU tend to receive support from the environmental NGOs.

The meetings

The two weeks of meetings began smoothly with the Zimbabwe Minister of Environment taking over as President of the CoP from the German Minister, but the CoP immediately ran into trouble when the President tried to adopt rules for the meeting. In a re-run of the events at last year's CoP, the oil producers, led by Saudi Arabia and Kuwait, demanded an OPEC seat on the Bureau, tacitly as a trade off for movement by them on the voting rules that they had previously opposed and which were consequently still in abeyance. After two days of behind-the-scenes negotiating, the idea of an

OPEC Bureau seat was dropped, again. Even so, by the end of the two week meeting voting rules were not agreed, although there appeared to be the beginnings of consensus on a 'double majority' system for developed and developing countries, as in the Montreal Protocol.

On the second and third days, the AG 13 and SUBSTA got under way. The key issues for the Article 13 Group were to get agreement that i) the Group should continue its life past CoP 2, when its remit expired, and ii) there should be links between it and the protocol negotiating Group, the AGBM. As the multilateral consultative process for addressing problems of implementation (which is what Article 13 is all about) will only come into its own when states have to take on stringent cuts in emissions, linking the process to the AGBM was crucial. In spite of spirited opposition by OPEC and some developed country fossil fuel exporters, formal links were established with the AGBM.

SUBSTA

During the course of a week or so, SUBSTA made considerable progress on enhancing national reporting processes, especially with regard to developing country communications where a promising start was made on exactly how they should report. However, the Body became horribly bogged down on the subject of how to interpret the Second Assessment Report (SAR) of the Intergovernmental Panel on Climate Change (IPCC). The SAR is not easy to interpret in brief, practical terms but, in essence, it says that climate change is now observable, that increased change is most probable and that there will be many adverse impacts if such changes occur. The implication therefore is that something should be done to minimise any change and most states go along with this view. The fossil fuel exporters in the form of OPEC and Australia, however, do not and

The second Conference of the Parties (CoP 2) of the Climate Change Convention was held in Geneva from 8 to 19 July, together with meetings of its two negotiating groups and its subsidiary bodies: the Ad Hoc Group on the Berlin Mandate (AGBM, the negotiating Group set up to negotiate a protocol at CoP 1), the Ad Hoc Group on Article 13 (AG 13), the Subsidiary Body on Scientific and Technological Advice (SUBSTA) and the Subsidiary Body on Implementation (SBI).

Background to the groupings

Before going on to a description of the meetings, it is worth reminding the reader of the main negotiating blocs in the climate negotiations, because without knowledge of these, what occurred is, at best, unclear.

The developed states

The developed states parties are divided into three main groupings: the EU, JUSCANZ and the Eastern European States.

Amongst these, the EU tends to take a lead on proposing emission reductions, although there are splits within it with the leaders on this issue being Germany, the Netherlands, Denmark and, increasingly, the UK.

JUSCANZ is a very loose alliance of most of the OECD states that are not members of the EU. Because it contains many major fossil fuel users, such as the USA, Australia and Canada, it tends to be much less inclined to cut emissions than the EU countries, but its position is not coherent, with Switzerland generally taking a 'green' view and Australia taking the opposite position.

The Eastern Europeans, likewise, do not have a particularly coordinated position (and are held together mainly by the fact that they are all in a process of transition) but are heavily dependent on fossil fuels and their views, again, often reflect this fact.

resorted to their normal tactic of trying to discredit, or at least de-emphasise, the importance of IPCC science. There was consequently no consensus on the interpretation of the SAR and the decision was passed to the CoP as a higher authority.

AGBM

The AGBM likewise became stuck on the issue of what to do about climate change in the light of the SAR. Saudi Arabia and Kuwait proposed a number of delaying measures and a number of other states, notably Australia, raised the now thorny topic of having a protocol containing differentiated commitments, which is generally accepted to be unnegotiable in the short term and certainly not in the space of the year left in which to conclude a protocol or another legal instrument. Soon, however, the debate was overtaken by other events, or rather by one event in the form of a ministerial declaration. With the prospect of en-

vironment ministers arriving on the Wednesday of the second week of meetings, a substantial majority view had gradually grown around the idea of having a ministerial declaration to say that the SAR was a good thing and that something should be done soon by way of negotiating a protocol or other legal instrument — an idea which gained increasing support once ministers arrived.

The first morning of ministerial speeches in the CoP saw endorsements of the SAR from the EU, the USA and the G77. The US, in the form of Undersecretary of State Tim Wirth, was particularly forthright on the matter saying that 'the IPCC science is the best that we have and we should use it' and slamming the fossil fuel lobby as 'naysayers and special interests bent on belittling, attacking and obfuscating climate change science'. In a shift in the US position, Wirth then went on to call for a legally

binding instrument to reduce industrialised country greenhouse gas emissions after the year 2000. Germany continued with its line that substantial commitments to emission reductions are needed and proposed cuts of 10% by 2010 and 15% by 2015. Mr. Gummer (the UK Environment Minister) denigrated developed countries for trying to dump out of date technologies on developing ones and vilified Australia, in particular, for its obstructionist line in the protocol negotiations.

Less positive speeches, apart from the standard OPEC ones, came from Japan, Australia and, rather strangely, Russia. In the absence of the Russian minister, or indeed any Russian environment ministry officials, it was perhaps not surprising that the Russian delegate expressed his well known personal view that climate change will be good for Russia. The Japanese view, or rather views, gave

Signatories and Parties to the Vienna Convention on the Law of Treaties

(opened for signature 23 May 1969, entered into force 27 January 1980).

- Afghanistan signed 23 May 69
 - Algeria acceded 8 Nov 88
 - Argentina signed 23 May 69, ratified 5 Dec 72
 - Australia acceded 13 Jun 74
 - Austria acceded 30 Apr 79
 - Barbados signed 23 May 69, ratified 24 Jun 71
 - Belarus acceded 1 May 86
 - Belgium acceded 1 Sep 92
 - Bolivia signed 23 May 69
 - Bosnia and Herzegovina succeeded 1 Sep 93
 - Brazil signed 23 May 69
 - Bulgaria acceded 21 Apr 87
 - Cambodia signed 23 May 69
 - Cameroon acceded 23 Oct 91
 - Canada acceded 14 Oct 70
 - Central African Republic acceded 10 Dec 71
 - Chile signed 23 May 69, ratified 9 Apr 81
 - Colombia signed 23 May 69, ratified 10 Apr 85
 - Congo signed 23 May 69, ratified 12 Apr 82
 - Costa Rica signed 23 May 69
 - Côte d'Ivoire signed 23 Jul 69
 - Croatia succeeded 12 Oct 92
 - Cyprus acceded 28 Dec 76
 - Czech Republic succeeded 22 Feb 93
 - Denmark signed 18 Apr 70, ratified 1 Jun 76
 - Ecuador signed 23 May 69
 - Egypt acceded 11 Feb 82
 - El Salvador signed 16 Feb 70
 - Estonia acceded 21 Oct 91
 - Ethiopia signed 30 Apr 70
 - Finland signed 23 May 69, ratified 19 Aug 77
 - Georgia acceded 8 Jun 95
 - Germany signed 30 Apr 70, ratified 21 Jul 87
 - Ghana signed 23 May 69
 - Greece acceded 30 Oct 74
 - Guatemala signed 23 May 69
 - Guyana signed 23 May 69
 - Haiti acceded 25 Aug 80
 - Holy See signed 30 Sep 69, ratified 25 Feb 77
 - Honduras signed 23 May 69, ratified 20 Sep 79
 - Hungary acceded 19 Jun 87
 - Iran (Islamic Republic of) signed 23 May 69
 - Italy signed 22 Apr 70, ratified 25 Jul 74
 - Jamaica signed 23 May 69, ratified 28 Jul 70
 - Japan acceded 2 Jul 81
 - Kazakstan acceded 5 Jan 94
 - Kenya signed 23 May 69
 - Kuwait acceded 11 Nov 75
 - Latvia acceded 4 May 93
 - Lesotho acceded 3 Mar 72
 - Liberia signed 23 May 69, ratified 29 Aug 85
 - Liechtenstein acceded 8 Feb 90
 - Lithuania acceded 15 Jan 92
 - Luxembourg signed 4 Sep 69
 - Malawi acceded 23 Aug 83
 - Malaysia acceded 27 Jul 94
 - Madagascar signed 23 May 69
 - Mauritius acceded 18 Jan 73
 - Mexico signed 23 May 69, ratified 25 Sep 74
 - Mongolia acceded 16 May 88
 - Morocco signed 23 May 69, ratified 26 Sep 72
 - Nauru acceded 5 May 78
 - Nepal signed 23 May 69
 - Netherlands acceded 9 Apr 85
 - New Zealand signed 29 Apr 70, ratified 4 Aug 71
 - Niger acceded 27 Oct 71
 - Nigeria signed 23 May 69, ratified 31 Jul 69
 - Oman acceded 18 Oct 90
 - Pakistan signed 29 Apr 70
 - Panama acceded 28 Jul 80
 - Paraguay acceded 3 Feb 72
 - Peru signed 23 May 69
 - Philippines signed 23 May 69, ratified 15 Nov 72
 - Poland acceded 2 Jul 90
 - Republic of Korea signed 27 Nov 69, ratified 27 Apr 77
 - Republic of Moldova acceded 26 Jan 93
 - Russian Federation acceded 29 Apr 86
 - Rwanda acceded 3 Jan 80
 - Senegal acceded 11 Apr 86
 - Slovakia succeeded 28 May 93
 - Slovenia succeeded 6 Jul 92
 - Solomon Islands acceded 9 Aug 89
 - Spain acceded 16 May 72
 - Sudan signed 23 May 69, ratified 18 Apr 90
 - Suriname acceded 31 Jan 91
 - Sweden signed 23 Apr 70, ratified 4 Feb 75
 - Switzerland acceded 7 May 90
 - Syrian Arab Republic acceded 2 Oct 70
 - Tajikistan acceded 6 May 96
 - Togo acceded 28 Dec 79
 - Trinidad and Tobago signed 23 May 69
 - Tunisia acceded 23 Jun 71
 - Turkmenistan acceded 4 Jan 96
 - Ukraine acceded 14 May 86
 - United Kingdom signed 20 Apr 70, ratified 25 Jun 71
 - United Republic of Tanzania acceded 12 Apr 76
 - United States of America signed 24 Apr 70
 - Uruguay signed 23 May 69, ratified 5 Mar 82
 - Uzbekistan acceded 12 Jul 95
 - Yugoslavia signed 23 May 69, ratified 27 Aug 70
 - Zaire acceded 25 Jul 77
 - Zambia signed 23 May 69
- NB The Republic of China (Taiwan) signed in 1970, an act not recognized by the People's Republic of China (China).

rise to more concern as it was again revealed that that state's view on climate change is split: with the trade and industry representatives (particularly MITI) being in favour of doing little and those of the environmental agency being in favour of doing a lot. Most delegates viewed this split as worrying, for Japan will host CoP 3 next year and are expected to take a leadership role in the negotiations leading up to it. This looks increasingly unlikely given the powerful role of MITI and the consid-

erably weaker influence of the environmental agency. (Japan does not have an environment ministry.)

Over Wednesday night and on Thursday, 'friends of the President', including Brazil, China, Ireland (on behalf of the EU), Kenya, Japan, the UK and Samoa (AOSIS) worked on the text of the ministerial declaration which managed to keep on board most of the Parties. The text was 'noted' by the President in the CoP Plenary on Thursday afternoon and forms a good basis on which the par-

ties can build at the next AGBM in December. It backs the SAR and calls for states to act upon it by negotiating legally binding targets and timescales for emission limitations as a matter of urgency. It is not a radical document but it will serve as a much needed boost to the Berlin Mandate processes which had stalled over the past year. It is not a consensus document, having failed to get the backing of OPEC and Australia, but then nobody ever seriously thought that it would.

Canberra Commission report

The Canberra Commission on the Elimination of Nuclear Weapons has produced its final report. This will be covered in detail in a supplement to the next edition of *Trust & Verify*.

Copies of the report are available in both HTML and PDF formats on the Commission's Web site — <http://www.dfat.gov.au/dfat/cc/cchome.html>.

Recent Treaty Actions

- Andorra — NPT accession 7 June
- Azerbaijan — VCPOL accession 12 June
- Belarus — CWC ratification 11 July

- Bulgaria — CBD ratification 17 April
- Chile — CWC ratification 11 July
- Costa Rica — CWC ratification 31 May
- Croatia — FCCC ratification 8 April
- Ethiopia — CWC ratification 13 May
- Georgia — VCPOL accession 21 March
- Ireland — CWC ratification 24 June
- Israel — FCCC ratification 4 June
- Latvia — CWC ratification 23 July
- New Zealand — CWC ratification 15 July
- Papua New Guinea — CWC ratification 17 April
- Qatar — FCCC accession 18 April
- Republic of Moldova — CWC ratification 8 July
- Rwanda — CBD ratification 29 May

- Saint Vincent and the Grenadines — CBD accession 3 June
- Saudi Arabia — CWC ratification 9 August
- Tajikistan — VCPOL accession 6 May
- United Kingdom — CWC ratification 13 May
- United Republic of Tanzania — FCCC ratification 12 June
- Uzbekistan — CWC ratification 23 July

CBD=Convention on Biological Diversity; CWC=Chemical Weapons Convention; FCCC=Framework Convention on Climate Change; NPT=Non-Proliferation Treaty; VCPOL=Vienna Convention for the Protection of the Ozone Layer

In the News

VERTIC News

The book's contents are listed in *Trust & Verify* no 64.

VERTIC office move cancelled

VERTIC's planned move to Awdry House has been cancelled. Please continue to use the address and telephone numbers on the cover of *Trust & Verify*.

With only days to go before VERTIC, together with other associated NGOs, was due to move to the new premises, the superior landlord — based out-

side the UK — blocked the lease on a technicality (they think they have it bad in Geneva!). Unfortunately, UK contract law allows such action.

Fortunately, we are able to stay in Carrara House until we find a new property to accommodate our increasing need for more space. Plans are underway for a move to another office block nearby.

We apologise for any inconvenience that this may have caused.

Verification 1996 published

The latest in VERTIC's yearbook series, *Verification 1996*, is now on sale. It is available via the VERTIC office (contact Tiffany Edwards or Nicola Elborn) or from: Westview Press Inc. 5500 Central Avenue, Boulder, Colorado 80301 United States of America Tel: +1 303 444 3541 Fax: +1 303 449 3356

Trust & Verify

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What is VERTIC?

VERTIC is the Verification Technology Information Centre, an independent organization aiming to research and provide information on the role of verification technology and methods in present and future arms control and environmental agreements.

VERTIC is the major source of information on verification for scientists, policy makers and the press.

VERTIC is funded primarily by grants from foundations and trusts and its independence is monitored by an Oversight and Advisory Committee.

Other publications

In addition to *Trust & Verify*, VERTIC publishes the *Verification* (formerly *Verification Report*) series of yearbooks and a variety of research reports each year. Details of VERTIC publications are available on request.