THE ATLANTA CONSULTATION III:

Fulfilling the NPT

THE CARTER CENTER

January 20 - 22, 2010





MIDDLE POWERS INITIATIVE

BACKGROUND

The Atlanta Consultation III was part of a series of conferences sponsored by the Middle Powers Initiative primarily focused on advancing fulfillment of the disarmament obligations contained in Article VI of the Non-Proliferation Treaty. This was the third such consultation held at the Carter Center with the participation of former President Jimmy Carter. The previous two took place in preparation for the 2000 and 2005 NPT Review Conferences. Our purpose has been to provide an environment conducive to candid discussion outside of the politically charged spotlight of more public venues. In addition, MPI has held several Article VI Forum meetings under the co-sponsorship of the governments of Canada, Austria, Germany, Ireland, and the International Atomic Energy Agency. Thirty middle power governments have participated in this process.

Below is a list of significant gatherings MPI has hosted:

- "Atlanta Consultation II: The Future of the NPT," co-sponsored by **the Carter Center, Atlanta, Georgia** (January 2005)
- "Article VI Forum," **United Nations, New York** (October 2005)
- ARTICLE VI FORUM: "GAINING CONFIDENCE IN NUCLEAR DISARMAMENT STEPS," CO-HOSTED BY THE NETHERLANDS INSTITUTE OF INTERNATIONAL RELATIONS, "CLINGENDAEL," **THE HAGUE, THE NETHERLANDS** (MARCH 2006)
- Article VI Forum: "Responding to the Challenges to the NPT," co-sponsored by the Government of Canada, **Ottawa, Canada** (September 2006)
- "Revitalizing Nuclear Disarmament Norms: The Role of Middle Powers," **United Nations, New York** (October 2006)
- Article VI Forum: "Forging a New Consensus for the NPT," co-sponsored by the Government of Austria and the International Atomic Energy Agency, **Vienna, Austria** (March 2007)
- Article VI Forum: "NPT: Pathfinder to a Nuclear Weapons-Free World," co-sponsored by the Government of Ireland, Dublin Castle, **Dublin, Ireland** (March 2008)
- "Briefing for PrepCom Delegates," United Nations, Geneva (May 2008)
- Article VI Forum: "New Imperatives and Openings for a Nuclear-Free World," co-sponsored by the Government of Germany, **Berlin, Germany** (January 2009)
- "Progressive Initiatives," co-sponsored by the Government of Austria, \mathbf{U} **nited Nations, New York** (May 2009)
- "Defining Success at the NPT Review Conference," co-sponsored by the Government of Switzerland, **Permanent Mission of Switzerland to the United Nations, New York** (October 2009)

Domestic political exigencies and the primacy of national state interest inform the policies of states. Civil society organizations are privileged to approach nuclear disarmament from a global perspective, with a primary focus on what will benefit all, as well as what "ought" to be done. The synergy of these perspectives helps generate valuable insights and policy proposals. MPI is composed of eight international co-sponsors, all of which are distinguished for their contributions to nuclear non-proliferation and disarmament. It is our hope that MPI's service to advancing nuclear non-proliferation and disarmament is evidenced by both the value of the process and the practical and forward-looking character of the recommendations.

Jonathan Granoff,

President Global Security Institute

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Middle Powers Initiative www.middlepowers.org

LETTER FROM THE CHAIRMAN

Dear Friends, Colleagues, Participants, and all other Readers,

It is my honor to present to you the report from the Atlanta Consultation III, "Fulfilling the NPT," held at the Carter Center in Atlanta, Georgia, January 20-22, 2010. We are deeply grateful to the Carter Center and honored by the leadership of President Carter. This third Atlanta Consultation gave us many reasons to be hopeful. One could observe many outstanding diplomats whose efforts are inadequately appreciated by the public at large, but their expertise and passion bode well for a future of heightened levels of cooperation and substantive progress.



The Atlanta Consultation III is a step in a long process beginning with the first Atlanta Consultation in 2000. In its early years, MPI held several meetings at

the United Nations in New York and Geneva focused on states' commitments to the NPT. Following the second Atlanta Consultation and the failed Review Conference of 2005, MPI created the Article VI Forum, which is an ongoing work. A partial list of MPI consultations with 30 governments is found in the Background (inside front cover). This broad-based dialogue has led us in this crucial year of 2010 back to Atlanta; once again President Carter and the Carter Center have stepped up to play their crucial role in realizing a world free of nuclear weapons.

Central to our efforts as a civil society organization is the generation of forums in which diplomats and experts can candidly address and promote policies and instruments to preserve, strengthen and fulfill the goal of obtaining the security of a world without nuclear weapons. Strengthening the constraints on the proliferation of nuclear materials and weapons is an integral part of the process of disarmament.

We hope the Recommendations in this report contribute to the stability coherence will bring. We can and must work now with a sense of urgency and conscious intention to obtain the necessary legal and political instruments to guide us to a nuclear weapons free world. There could hardly be a better use of our energy and time than obtaining, as Secretary-General Ban Ki-moon so eloquently called it, "a global public good of the highest order."

Ambassador Henrik Salander MPI Chairman

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RECOMMENDATIONS

The Middle Powers Initiative, based on the results of the Atlanta Consultation III and the series of Article VI Forums, recommends the following policy options to the 2010 NPT Review Conference:

- 1. Disarmament: Reaffirm the unequivocal undertaking to accomplish the total elimination of nuclear arsenals. Encourage states parties, especially the nuclear weapon states, to initiate comprehensive national research and development programs to support continued progress toward a world free of nuclear weapons, including expanded work on verification technologies. Agree to begin collective preparatory work for negotiations on a convention or framework of instruments for the sustainable, verifiable and enforceable global elimination of nuclear weapons.
- 2. Transparency: Support establishment of a UN-based, comprehensive accounting system covering size of nuclear arsenals, delivery systems, fissile materials, and spending on nuclear forces.
- 3. CTBT: Support early entry-into-force of the CTBT. Oppose conditioning approval of the CTBT on programs inconsistent with the CTBT's role, stated in the Treaty's preamble, as an "effective measure" in "constraining the development and qualitative improvement of nuclear weapons and ending the development of advanced new types of nuclear weapons."
- 4. FMCT: Support negotiations for a fissile materials treaty that comprehensively prevents the use of existing materials outside military programs for weapons acquisition and that fosters disarmament.
- 5. Doctrines: Reaffirm the commitment to a "diminishing role for nuclear weapons in security policies to minimize the risk that these weapons ever be used and to facilitate the process of their total elimination." Affirm that the record of non-use of nuclear weapons since World War II should be extended forever. Agree that nuclear weapon states will make legally-binding assurances of non-use of nuclear weapons against non-nuclear weapon states parties to the NPT that are in compliance with the obligation of non-acquisition of nuclear weapons. Encourage all states now part of nuclear alliances to take steps to reduce and phase out the role of nuclear weapons in their security doctrines.
- 6. *Nuclear Forces*: Welcome the new agreement on strategic nuclear forces between the United States and Russian Federation. Agree to build on this progress through the following steps:
- Accomplish further reductions in the US and Russian nuclear arsenals in their entirety, deployed and non-deployed, strategic and non-strategic, in accordance with the principles of irreversibility and verification, including through verified dismantlement of warheads. Include other states with nuclear arsenals in the reduction process as soon as possible, to be carried out in coordination with preparations and negotiations for a convention or framework of instruments for the global elimination of nuclear weapons;
- All states with nuclear weapons declare the size of their stockpiles and commit not to increase them;
- Lower the operational status of nuclear forces and implement steps to reduce quick-launch capability;
 - Remove all nuclear weapons deployed on the territories of non-possessor states;
- Refrain from activities inconsistent with moving toward a world free from nuclear weapons, including expanding capabilities to produce nuclear weapons, designing and manufacturing modified

or new-design warheads, modernizing delivery systems, and retaining Cold War deployments based on long gone adversarial relationships.

- 7. The Middle East Resolution: Agree on methods to advance the commitments in the 1995 Middle East resolution, preferably a special representative empowered by the three NPT depositary states or an international conference convened by the UN Secretary-General.
- 8. Non-Proliferation and the Nuclear Fuel Cycle: Agree that the Additional Protocol is a standard for compliance with non-proliferation obligations. Commit to the multilateral regulation of nuclear fuel production and supply, such as through the establishment of a low enriched uranium fuel bank to assure a guaranteed supply of nuclear reactor fuel. At the same time, encourage increased reliance on renewable sources of energy and joining and supporting the International Renewable Energy Agency.
- 9. NPT Governance: Agree to strengthen NPT governance by providing for meetings of states parties empowered to assess compliance with non-proliferation and disarmament requirements and to take decisions; establish a standing executive body; and establish a small secretariat.

EXECUTIVE SUMMARY

The Middle Powers Initiative's Atlanta Consultation III: Fulfilling the NPT was marked by openness in the deliberations and an eagerness to explore all options for fulfilling the Non-Proliferation Treaty (NPT)-both at the May Review Conference and beyond. For the third time in the run-up to an NPT Review Conference, President Jimmy Carter and the Carter Center in Atlanta, Georgia, hosted this MPI consultation. It took place January 20-22, 2010.



Ambassador Burk (United States), GSI President Jonathan Granoff, President Jimmy Carter, UN High Representative Sergio Duarte and MPI Chairman Emeritus Douglas Roche

In his opening remarks, Amb. Henrik Salander, the Chairman of MPI, said governments "must be seen to start preparing for a convention, since that is the only credible way of fulfilling the NPT in the very long run." (Due to an illness that prevented him from flying, Amb. Salander was unable to attend the Consultation, but his remarks were read to the Consultation.) Sen. Douglas Roche, Chairman Emeritus of the MPI and substitute Chairman of the Consultation, noted, "Were the nuclear weapon states to make such a commitment, they would not only save the Non-Proliferation Treaty from further erosion but gain the moral authority to call on the rest of the world to curb the proliferation of these inhumane weapons."

Keynote addresses also emphasized the need for immediate action. President Jimmy Carter said, "I hope that this group will be aggressive and persistent and demanding on all of the players in shaping world attitudes and actions in future years and that does not exclude the five original nuclear powers that have signed the NPT and who in my mind, have not complied with it." The Hon. Gareth Evans, the Co-Chair of the International Commission on Nuclear Non-proliferation and Disarmament, speaking at a dinner opening the Consultation, said, "The time is better now than it's been in the last ten years when the international community has been sleepwalking. The potential is there to grab this issue by the scruff and take it forward. If we don't - and we've lived long enough to lament - we're going to regret not taking this opportunity."

Plenary and breakout sessions focused on the immediate concerns related to the Review Conference and on the longer-term issues - such as nuclear doctrine and a fissile materials cut-off - that need to be addressed in order to advance a nuclear weapon-free world. MPI representatives and other non-governmental speakers argued that there can be no more delay in proceeding towards the elimination of nuclear weapons and urged the governments present to take more explicit positions in favor of a global, non-discriminatory treaty banning nuclear weapons, such as a nuclear weapons convention (NWC). What emerged from the Consultation was a common belief that success at the Review Conference will require a balanced approach to all the commitments in the Treaty and its supporting documents, including the 1995 Middle East resolution and elements of the 13 Practical Steps. There was also clarity as to the challenges the diplomats will face in May, especially the issues upon which success of the Review Conference hinges. The future of other agreements - the Comprehensive Test-Ban Treaty (CTBT), US/Russian strategic weapons talks, a Fissile Materials Cut-off Treaty - are inextricably linked to the effectiveness of the NPT. Issues relating to doctrines - such as how to lessen and remove nuclear weapons from the security equation, no first use, and extended deterrence without nuclear weapons were also substantively examined.

The President-Elect of the 2010 Review Conference, Ambassador Libran Cabactulan, said success at the Review Conference can be defined by agreement on three "substantive challenges:" a disarmament action plan that is "doable and aggressive;" the "logical" implementation of the Middle East resolution; and "the robust strengthening of the NPT regime that would enable it to respond to questions like withdrawal, compliance, [and] full implementation of the NPT." Speaking to these issues, the UN High Representative for Disarmament Affairs, Sergio Duarte, said, "Support for the Treaty remains overwhelmingly strong among the states parties. There seems to be general agreement that a positive outcome should be based on a balanced approach to the three pillars of the NPT."

In other speeches and the plenary sessions Strategies for the NPT Review Conference and Fulfilling the NPT: A Global Undertaking, the panelists approached the issues with a mix of optimism over the broad areas of agreement and caution because most of the well-known, intractable problems remain. The optimism was based on political (the change of policy in the United States) and technical (the settlement of most practical problems during the preparatory committee ahead of the Review Conference) reasons. On the other hand, there was broad consensus that the substantive issues that have been on the NPT Review Conference agenda for years - entry-into-force of the Comprehensive Test-Ban Treaty, the Middle East resolution, balancing proliferation concerns with the right to nuclear technology - remain unresolved. Some of the key areas where NPT commitments can be advanced by non-nuclear weapon states, diplomats from those countries said, include implementation of the Comprehensive Test-Ban and the Fissile Materials Cut-off Treaties and to influence debates over doctrine to reduce the role of nuclear weapons in war-fighting strategies.

A recurring theme was the pivotal role of the United States. The panel on Fulfilling the NPT: President Obama's Vision focused on the willingness of the Obama administration to reengage in multilateral efforts and the sweep of the President's April 2009 speech in Prague. This gave rise to numerous statements looking forward to a constructive US role in advancing the nuclear non-proliferation and disarmament agenda. Ambassador Susan Burk, the US Special Representative of the President for Nuclear Non-proliferation, emphasized this renewed multilateral cooperative approach of the US. "It really will require the support, the efforts and the creativity and the good will and the political will of all of our partners," she said, "We have a collective of parties to this Treaty... The Review Conference will be an opportunity to demonstrate to what some have called the cynics and the skeptics, that multilateral diplomacy is a vehicle for solving the problems of the globe."

From the beginning of the Consultation, speakers stressed that the elimination of nuclear weapons was not only necessary but inevitable. Taking this insight to heart, MPI rearranged the last day of the Consultation to take full advantage of the emerging debate on elimination. The panelists on the plenary session *Avenues to a Nuclear Weapons Convention*, agreed with Amb. Salander's analysis that preparing for a NWC "is the only credible way of fulfilling the NPT in the very long run." While accepting that a NWC was not immediately achievable, speakers called for immediate preparatory work to avoid the trap of putting the goal off so far in the future so as to render it meaningless. The argument was also made that a NWC would be an umbrella under which all nuclear arms control treaties would merge.

There were three breakout sessions focusing on issues that are regularly linked to the success of the Review Conference: the entry-into-force of the CTBT; progress on fulfilling the 1995 resolution on the Middle East; and a fundamental reconsideration of nuclear weapons in strategic doctrine. The CTBT panelists noted that while the climate for entry-into-force of the Treaty has improved, several difficult obstacles remained. Likewise, the Middle East session focused on the long-running controversies confronting the parties, including the creation of a nuclear weapon-free zone in the region. In the session

on doctrine, participants saw several openings to reduce and eliminate nuclear weapons from strategic planning as a contribution to nuclear disarmament.

Twenty middle power governments, two nuclear weapon states - the United States and United Kingdom - participated in the Consultation, as well as representatives of the United Nations, the Comprehensive Test-Ban Treaty Organization (CTBTO) and the Carter Center. The twenty middle power governments were: Australia, Austria, Brazil, Canada, Chile, Egypt, Germany, Ireland, Japan, Malaysia, Mexico, Netherlands, Norway, the Philippines, South Africa, South Korea, Sweden, Switzerland, Uruguay, and Zimbabwe.

STRATEGIES FOR THE NPT REVIEW CONFERENCE

Any conference focused on fulfilling the nuclear Non-Proliferation Treaty (NPT) logically must articulate how that goal can be advanced at the May 2010 Review Conference for the Treaty. A common theme of many keynote addresses and plenary sessions was to describe the steps and strategies necessary for the May RevCon to succeed. There was cautious optimism that the Review Conference could be a success, especially given the marked improvements in the international climate, both within the NPT review process and international relations in general.

In his opening remarks, Ambassador Henrik Salander, the Chairman of MPI, said governments "must be seen to start preparing for a (nuclear weapon) convention, since that is the only credible way of fulfilling the NPT in the very long run." (Due to an illness that prevented him from flying, Amb. Salander was unable to attend the Consultation, but his remarks were read to the Consultation.) Mr. Jonathan Granoff, President of the Global Security Institute (GSI), highlighted the steps Amb. Salander identified as necessary for moving the world forward. Some steps are met with virtual consensus, such as verified deep reductions of the two largest arsenals, a negotiated stop to the production of fissile materials and the test ban in force. Yet other, "equally necessary" steps have not yet been met with consensus, including "security assurances, multilateral regulation of the fuel cycle, de-alerting of launch-ready weapons, no first use pledges, andimproved governance of the NPT."



ICNND Chairman Gareth Evans says something amusing in his comments to President Carter. US Ambassador Susan Burk, MPI Chairman Emeritus Doug Roche, and GSI President Jonathan Granoff also pictured.

President Jimmy Carter said, "I hope that this group will be aggressive and persistent and demanding on all of the players in shaping world attitudes and actions in future years... and that does not exclude the five original nuclear powers that have signed the NPT and who in my mind, have not complied with it."

Of the many issues the Review Conference could address, Ambassador Sergio Duarte, the UN High Representative for Disarmament Affairs, focused particularly on the "widespread expectation that the time has clearly come to devalue, delegitimize, and reduce the role of nuclear weapons in defense policies." Rather than modernizing or refurbishing existing arsenals, Amb. Duarte maintained "what is most in need of modernization and refurbishing right now is disarma-

ment itself--- especially in the field of transparency, including verification and credible efforts to achieve irreversible reductions."

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Amb. Duarte blamed the persistence of deterrence "as the lodestar" of nuclear weapon states (NWS) that serves as the "convenient justification for proliferation." Just as Secretary-General Ban Ki-moon had noted, deterrence is a "contagious" doctrine that must be stopped. Security assurances, he offered, are one such "vaccine" against the menacing spread of doctrines and weapons.



Ambassador Libran Cabactulan, President-Elect of the 2010 NPT Review Conference

While a positive outcome of the RevCon would not achieve a world without nuclear weapons, it would, according to Amb. Duarte, "be vitally important for the world community precisely because of the improved political climate it will set for future progress on the long and ambitious road ahead to zero."

The President-Elect of the 2010 Review Conference, Amb. Libran Cabactulan said, that on the basis of his consultations with states parties, success in 2010 can be defined by agreement on three "substantive challenges:" a disarmament action plan that is "doable and aggressive," going beyond

"managing the status quo, but at the same time laying a firm foundation on what can be agreed or negotiated later on that could lead us to the total elimination of nuclear arms"; the "logical" implementation of the Middle East resolution; and "the robust strengthening of the NPT regime that would enable it to respond to questions like withdrawal, compliance, [and] full implementation of NPT." He also listed three issues likely to be the focus of attention, starting with universality of the NPT, CTBT and a fissile materials cut-off treaty (FMCT). The second is how middle powers will react to the idea of a Nuclear Weapons Convention. And the third is institutional support, especially in relationship to withdrawal from the Treaty.

Panelists found it encouraging, for instance, that the process is in a better state now than it was at this point during the last review cycle - meaning, 2004 and 2005. Ambassador Park In-kook, the Permanent Representative of the Republic of Korea to the UN, noted that the lack of a pre-settled agenda plagued the 2005 Review Conference from the start, and led to fights over procedural issues that hung up the 2005 RevCon like "a tail that wagged the dog." While most procedural issues are already settled for 2010, there is still a "lingering risk, possible ambush from the procedure, especially the consensus-based decision making process." On the other hand, there exists a "good environment" and substantive proposals such as the Secretary-General's five-point plan, therefore states parties "should not lose the momentum to come up with a real action plan or measures." The RevCon will need "a concrete action plan, especially with Article VI, and reciprocal measures in other areas, a more balanced way among the three pillars." Even if a final document is not possible, the conference might "develop some ideas to secure a partial agreement," he suggested.

Ambassador Leslie Gumbi, the Chief Director of United Nations and Disarmament & Non-Proliferation Directorates in the Foreign Ministry of South Africa, also said settling procedural issues in 2009 "lay the basis for success" for the RevCon but still worried about "a confidence deficit in the ability of the NPT to prevent the further proliferation (...), secure progress in nuclear disarmament, and protect the inalienable right to the use of peaceful nuclear energy." He warned that "the sad thing is that there seems to be a lot of challenges in the way" of a successful Review Conference including the fear that the commitments of 1995 and 2000 might still be challenged, a fear that is "still lingering in the atmosphere and is a great concern to most of us." A "selective emphasis on non-proliferation" does not inspire confidence "that all of our interests are taken on board," he added. Discussions of new restrictions on the nuclear fuel cycle are a matter of "concern" in developing countries because "dual use is not a new phenomenon nor does it

THE FOLLOWING IS AN EXCERPT FROM THE KEYNOTE ADDRESS BY PRESIDENT JIMMY CARTER:

I think the main reason for that lack of progress or achievement has been the unwillingness of the five obligated nuclear powers to carry out their commitments under the Non-Proliferation Treaty. The United States has made the situation worse by doing away with the restraints of the Anti-Ballistic Missile Treaty. When I was president, the US pledged not to use nuclear weapons against non-nuclear states. The George W. Bush administration indicated that it would use them if necessary as a preventative step...

An almost equal formidability in the arsenals of the United States and Russia now exists as when I left office. There has been a reduction in numbers, but both arsenals are still capable of total destruction of the other country. I think the mutuality of that attack would probably still be as important a responsibility, though not as vivid, for incumbent presidents as it was for me. I was fully committed to respond if I was informed of a threat of nuclear weapons use against my country. With our landbased silo missiles, I know I had about a 26-minute interval from the time of launch until they struck Washington, DC, or New York, and I was prepared to respond and destroy Russia as much as I could as well. We could have wiped out every city in Russia with a population of over 100,000 or more with nuclear warheads from one of our submarines, which were almost totally invulnerable. I devoted a lot of my time to following up on what my predecessors had done in office when dealing with President Brezhnev, Gromyko, Chernenko and other associates. We very laboriously, from a position of strength, negotiated the SALT II Treaty, which was never ratified by the US Senate but remained intact for at least seven years. It was originally meant to last for five years. It was never violated by either side for seven years.

Brezhnev and I both agreed that we would move very dramatically toward a SALT III agreement, where we would have a much more substantive reduction in total nuclear arsenals, but unfortunately the Soviet invasion of Afghanistan made it almost impossible after December 1979 for us to negotiate further... So that was a problem when I was in office, but the same basic threat exists, because of a potential mistake by those who handle our arsenals on both sides. I think the use of nuclear weapon is much less likely now, obviously, than it was before but we still have nuclear weapons triggered for immediate use, and there is a problem with control over the remaining Soviet arsenals.

I've been very pleased lately to at least see speeches made by President Obama about this topic. Whether or not we have a follow up in that respect by the United States and Russia, and then by the other nuclear powers, still remains to be seen.

constitute a new risk," Amb. Gumbi said.

Ms. Alison Kelly, the Director of Disarmament and Non-Proliferation in the Irish Foreign Ministry, said, "The main issues have unfortunately changed little in the last decade," due to lack of progress on universality, nuclear doctrines, reductions in nuclear forces, security assurances, nuclear weapon-free zones, negotiation of a treaty on fissile material, and testing of nuclear weapons. "2010 will be judged in the short term on whether [the RevCon] agrees real progress across the spectrum of issues of importance to NPT states parties, incorporating practical and concrete measures," she said, "In the longer-term, it will be judged by whether commitments undertaken since 1995 are implemented and processes set in train prove irreversible." Therefore a starting point at the RevCon should be "a clear re-statement of purpose and a reaffirmation of undertakings of both nuclear weapon and non-nuclear weapon states," she said, "I hope that the political space has opened up sufficiently for this to be achieved and that the rhetoric of high-level statements by nuclear weapon and non-nuclear weapon states will translate into such clear and categorical commitment and create a solid basis for new undertakings."

There was a broad understanding of what such undertakings might be. While not all the diplomats identified with the entire list and not all interpreted the issues in the same way, there nevertheless was a great deal of common ground on the issues that must be addressed at the RevCon, in particular deep cuts in

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nuclear arsenals and doctrinal changes by the NWS, the CTBT and FMCT, the 1995 Middle East resolution, the Iranian nuclear program, the relationship between the "nuclear renaissance" and proliferation, and institutional issues, in particular how to deal with compliance issues.

CTBT and FMCT: The entry-into-force of the CTBT and negotiations for an FMCT - goals incorporated into the 13 Practical Steps - remain unfulfilled. While Consultation participants agreed that there is a new momentum on both issues, serious roadblocks remained. On the CTBT side, there is little movement towards ratification by all Annex 2 countries (a breakout session was held on this topic, see page 13).

Nuclear technology: The right to nuclear technology for peaceful purposes as enshrined in the NPT has been coming under scrutiny on both the proliferation and energy fronts. Panelists urged a number of steps to ensure any expansion of civilian nuclear use does not become a proliferation threat. Such proposals included strengthening the IAEA capacities, examining multilateral approaches to managing the nuclear fuel cycle, and encouraging greater use of renewable energy.

The Middle East: One common thread was that the RevCon has to deal substantively with the Middle East resolution of 1995. Diplomats cited the various proposals for advancing the issue while acknowledging the multiple issues impeding progress (see the report on the breakout session on the Middle East on page 14).

Doctrine: The US Nuclear Posture Review (NPR) - though not yet finalized during the Atlanta Consultation - was a focus of diplomats' attention. Without knowing what the NPR would say, participants hoped the review would be evidence of a new orientation by the United States on nuclear issues. (The report on the breakout on this topic is on page 16.)

North Korea and Iran: While acknowledging the two situations are different, panelists saw that the two cases exploited weaknesses in the Treaty regime. A common theme was to stress how these issues not only damage the Treaty but also the interests of many countries, especially those that wish to expand their access to civilian nuclear technology.

Institutionalization of NPT: The controversies over the Iranian and North Korean nuclear programs have sharpened the already contentious debate over how to deal with issues of compliance and, by extension, ideas for institutional changes in the NPT process. Proposals for annual meetings and a standing secretariat for the Treaty were framed in the context of being able to deal with crises threatening the viability of the NPT.

There was a divergence of opinion about how the states should handle negotiations during the RevCon. Amb. Park suggested that the Review would benefit from working with small, informal groups that would represent "traditional groups," as was the case in Copenhagen for the climate change negotiations. Acknowledging that the process could be criticized as not democratic or transparent, he said it



Ambassador Park of South Korea speaking with Ambassador Burk of the United States, with Ambassador Graham looking on

would be valid because of the representative nature of the group. The problems would arise if the group was created during the negotiations. "So my advice [to President-Elect Cabactulan] is to form such a group in advance... to avoid negative repercussions," Amb. Park said. However, Amb. Gumbi argued for

THE FOLLOWING IS AN EXCERPT FROM THE KEYNOTE ADDRESS BY UN HIGH REPRESENTATIVE SERGIO DUARTE:



UN High Representative Sergio Duarte

[There is] an ever-expanding list of "conditions" that have been put forward by various officials and scholars from nuclear weapon states - conditions that have to be in place before nuclear disarmament can be seriously considered. Some have even gone so far as to say that unless there are ironclad assurances or "guarantees" against further proliferation, the nuclear weapon states may not take meaningful steps toward disarmament.

We all understand that disarmament must meet certain standards, including the agreed criteria of transparency, irreversibility, verification, and binding commitments. Yet this outpouring of new preconditions for disarmament is posing a major challenge to the prevailing understanding that non-proliferation and disarmament should proceed in parallel and in a mutually reinforcing way...

All of these considerations make forecasting the outcome of the 2010 NPT Review Conference an extraordinarily difficult undertaking. One very primitive indicator of a successful outcome would of course be a consensus Final Declaration that would go beyond mere reiteration of commitments, and instead contain at least some kind of action plan to foster the implementation of all provisions of the Treaty, thus enhanc-

ing its significance and credibility. I noticed that the last Atlanta Consultation in January 2005 called for a "balanced approach" to the issues of nuclear disarmament and non-proliferation. Yet its sound recommendations were not heeded and the Review Conference concluded with what was almost universally viewed as a disappointing outcome.

The outcome of the next Review Conference will be determined largely by the extent that the states parties as a whole perceive that the rights and obligations prescribed in the Treaty are being faithfully and responsibly exercised and observed by all parties. This requires that all parties have the opportunity to participate in the review process and that the review leads to the fulfillment of the Treaty's objectives to the satisfaction of all.

inclusivity. "(The NPT) is all our baby," he said, all 186 states "should be involved." That is important because in the past there has been "a paralysis of multilateralism," so the RevCon needs to show a commitment to multilateralism. "It is our collective wisdom that will take us somewhere, not the wisdom of a few," he said, "so we have to do something collectively."

Ambassador John Duncan, the Permanent Representative of the United Kingdom to the Conference on Disarmament, rather than focusing on the issues that could trip up the Review Conference, discussed the political strategy - even the philosophy - he saw as being needed for the RevCon to succeed. He said the NPT has been damaged not only because of the past decade of deadlock, but also the United Nations - and by extension, the NPT process a still retains "a hierarchical approach



UK Ambassador John Duncan and Ambassador Boniface G. Chidyausiku, Chairman of the 2009 NPT PrepCom

and by extension, the NPT process - still retains "a hierarchical approach" to decision-making.

This "interconnected" world is not a feudal society, yet the current system is "imposing a feudal structure to an interconnected society... The effect is really quite damaging" since it "dis-empowers and leads to

people absolving themselves of responsibility," leaving it to the "higher-up" parties to resolve. In this case, the "higher-up" parties are the major powers party to the Treaty. For example, while the NWS have made deep cuts in their nuclear arsenals, other states still talk about the NWS failure to implement the Treaty. Therefore, in trying to understand the dynamics of how behavior affects the issues of the NPT, "the decade of deadlock ... has been extraordinarily damaging," the extent to which we are only "beginning to understand...It is a major task to set ourselves back on track." To do this, governments "need to empower the center ground" in a process of engagement. The US is following up its "rhetoric of engagement with action," he said, noting in particular Amb. Susan Burk's discussions with many of the states parties.

THE ROLE OF THE UNITED STATES

The single most marked change in atmosphere between the Atlanta Consultation II in 2005 and the 2010 session was the optimistic view of the role of the United States and Washington's willingness to reengage in multilateral diplomacy. President Obama's speech in Prague in April 2009 was seen as the turning point, demonstrating that the US government is engaged on these issues at the highest level.

In the opening session, the Hon. Douglas Roche, O.C., Chairman Emeritus of the MPI, quoting John F. Kennedy, said, "Let us not negotiate out of fear, but let us never fear to negotiate." In this vein, Senator Roche placed the greatest responsibility on the United States, which he called upon to join efforts on a global prohibition treaty. He cited two reasons for this leadership role. "First," he maintained, "it is in its own direct security interest to head off the breakdown of the non-proliferation regime. Second, it is the right thing to do in the interests of humanity."

THE FOLLOWING IS AN EXCERPT FROM THE ADDRESS BY AMBASSADOR SUSAN BURK, THE US SPECIAL REPRESENTATIVE OF THE PRESIDENT FOR NUCLEAR Non-proliferation:

There are issues in which the US will not be able to agree at this time and there are other issues in which we will be able to agree. The focus has been very much on disarmament and I appreciate that that is the pre-eminent concern right now. As we approach the Review Conference, look at the NPT and the whole notion of fulfilling the NPT, we have to be more mindful of the three pillars of the agreement [which] are integrally related, they are inter-dependent. I use the term mutually reinforcing... It's important to remember that as we make progress in one area we need to make progress in the other areas as well.

Without non-proliferation, it becomes too risky to expand nuclear energy... We understand that without disarmament, international support for non-proliferation will be insufficient to meet the challenges that the regime is facing today, challenges of non-compliance, challenges of access to sensitive materials, withdrawals from the Treaty. Without safe access to the peaceful uses of nuclear energy, a key element of the basic bargain of the NPT is called into question.. I understand that the focus here is on disarmament. It is important that as we look at this, the United States is looking at the Treaty in its totality. The Treaty is more than the sum of its parts and how all these pieces fit together for the betterment of the international community.

As we approach strengthening the NPT and looking at the Review Conference, in the first instance, our efforts to renew the nuclear bargain require us to reinvigorate the disarmament portion of the NPT, and the president has spoken very eloquently on that matter. He understands that that needs to be done, he has said in Prague and as others have quoted, he is seeking to reduce the numbers of nuclear weapons, he is seeking to reduce the role of nuclear weapons. He is committed to working on a new START agreement. He and President Medvedev are personally involved in that negotiation and it will be finished. He is committed to securing the ratification of the Comprehensive Test-Ban Treaty and as I said earlier the United States is not testing, hasn't tested and has no intention of testing. We are committed to working multilaterally in the CD to negotiate a new treaty that ends the production of fissile materials. So we have a bilateral initiative, a unilateral [initiative], and a multilateral commitment all on the agenda.

THE FOLLOWING IS AN EXCERPT FROM *International Security on the Road to Zero*, the keynote address by Dr. Nancy Gallagher, Center for International and Security Studies at Maryland:

If the primary function of Cold War arms control was to stabilize mutual deterrence between two roughly equal powers, now the primary function should be to provide mutual reassurance among many diverse states with widely differing capabilities and complex relationships. As part of our strategy to convince Russia and China to do more on nuclear reductions and non-proliferation, we should be trying to provide more concrete and credible reassurance about how the US and its allies intend to use their current non-nuclear strategic advantages, and how we intend to develop them in the future. This means using our current advantages in information, advanced technologies, and military capabilities in ways that improve the security and well-being of all countries rather than provide gains for us at others' expense. It also means supporting equitable rules about access to, and use of, these twenty-first century sources of power, so that other countries do not feel that we are trying to keep them in a perpetually subordinate position.

An obvious step would be to formally renounce coercive prevention as the guiding principle for the US national security strategy. But we will not be able to reduce the salience of nuclear weapons if we default back to making deterrence the dominant principle of security policy, albeit with some modifications for growing challenges such as catastrophic terrorism, anti-satellite weapons, and cyber-security. Instead, if we want the rest of the world to accept or even welcome US conventional military dominance without retaining large nuclear arsenals or developing other asymmetrical ways to offset US advantages, then we should be developing, discussing, and using those capabilities in ways that benefit everyone. Deterrence will still have a residual role in security policy, but our guiding objective should be to place progressively more emphasis on mutual reassurance.

President Jimmy Carter spoke at length about how he approached various nuclear challenges during his presidency and beyond, including those with North Korea, the Middle East, South America and, of course, the Soviet Union. His work was centered on his long-standing belief that "it's better, if you have a threat of this kind, to communicate on the highest possible level of diplomacy, so at least both sides can understand each other and the threats are minimized." He urges policymakers today to share in this belief, and apply the lessons learned from his achievements to the present challenges in Iran, Pakistan and elsewhere.

Advocates of nuclear disarmament often cite the Prague speech as a significant marker on the journey towards the realization of a world without nuclear weapons. The panel on *Fulfilling the NPT: President Obama's Vision* brought together one current and two former high ranking American officials to discuss the relationship between Obama's vision and the political realities that met him in Washington.

Ambassador Thomas Graham, head of the 1995 US delegation, opened the discussion by outlining non-proliferation and disarmament efforts by different US administrations since Eisenhower. While every US President since the dawn of the nuclear age has taken steps to curb proliferation and in some cases reduce the US' stockpile of nuclear weapons, Amb. Graham noted that President Obama "unquestionably placed the current US administration generally and [himself] personally squarely behind an activist program in nuclear arms control and non-proliferation." It is also a time of great difficulty, said Amb. Graham, because of the many serious crises that were left at the end of 2008 and against which only limited progress has been made, such as the world economic downturn, climate change, North Korea, Afghanistan, Iran, Iraq, and Palestine.

The US Special Representative of the President for Nuclear Non-proliferation, Ambassador Susan Burk, reiterated President Obama's commitment to the goals outlined in his Prague speech. She stressed the importance of the three pillars of the NPT--non-proliferation, disarmament, and reliable access to nuclear energy--and the way in which they are interrelated. Without progress on non-proliferation it becomes

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increasingly risky to export peaceful nuclear energy technologies, she said. Progress on non-proliferation is not possible without progress on disarmament by the nuclear weapon states. She noted that in each of these areas the United States is working on unilateral, bilateral, and multilateral steps to strengthen the NPT.

Ambassador Robert Grey, head of the 2000 US delegation, looked at a number of campaign promises made by then-candidate Obama and assessed his administration one year in. The promises ranged from securing all nuclear material within four years to negotiating a new START agreement with the Russian Federation. He concluded that while progress has been made, the majority of the initiatives outlined by President Obama are still ongoing or in the process of negotiations. Amb. Grey contended that while progress on some of the initiatives has come slower than some would have liked, many domestic and international factors have worked against the administration; notably the worldwide economic downturn compounded by two ongoing military conflicts. Amb. Grey also attributed intricacies of the American political system, such as congressional districting and parliamentary rules and procedures, that also contribute to the slow pace of progress on the arms control front. Such political realities make it exceedingly difficult for the Obama administration to make swift progress on its nuclear disarmament agenda, notably ratification of a new START and CTBT. He argued that if a new START treaty is finalized, progress towards CTBT ratification has been made, and the Nuclear Posture Review reinforces President Obama's Prague agenda, the international community should view these events as a real commitment on the part of the United States to move towards a world without nuclear weapons.

THE ROLE OF MIDDLE POWERS

The NPT bargain from the non-nuclear weapon states' perspective is not only the commitment to forswear the acquisition of nuclear weapons but also to actively work for nuclear disarmament. Therefore, the focus on the NWS' role in fulfilling the NPT is only part of the equation. The engagement of the non-nuclear weapon (NNWS) states parties is crucial to the viability of the Treaty. As Ms. Inga M. W. Nyhamar, the Deputy Director-General, Section for Disarmament, Non-proliferation and Export Control of Norway, said during the plenary, *Fulfilling the NPT: A Global Undertaking*, "All nations have a role to play and the responsibility to contribute to shape a post-nuclear weapons era."

While the speeches by President Obama and other world leaders on the subject of disarmament is heartening, President Carter feared that, "without the effective end position of middle powers and others, we won't see any real



Mr. Donald Sinclair, Director General of the
International Security Bureau in the Canadian
Department of Foreign Affairs, with ICNND
Chairman Gareth Evans and Ambassador Klaus-Peter
Gottwald, Commissioner of the Federal Government
for Arms Control and Disarmament in the German
Ministry of Foreign Affairs

move made between the United States, Great Britain, France, China and Russia to comply with their commitment to the Non-Proliferation Treaty any more than they have complied in the past." He called upon those gathered at the Carter Center to "be very fervent in our efforts."

A Global Undertaking was the companion to the session on President Obama's Vision, focusing on the role of middle powers in fulfilling the non-proliferation and disarmament agenda. Ms. Nyhamar cited the CTBT and FMCT as two initiatives in which NNWS play important roles. NNWS "must also contribute to a watertight non-proliferation regime," she said, with improved safeguards and assurances that there are

no diversions of technology. But the most important contribution of NNWS to the overall security situation is "about the strategic approach to nuclear weapons, what role and importance we actually give them in our security politics." She noted the importance that both the US Nuclear Posture Review (NPR) and NATO Strategic Concept are being reviewed at the same time. These are "key documents," she said, adding that she hoped the NPR "translates the vision of President Obama's into practical steps."

She said Norway and Germany had urged a review of nuclear weapons in NATO doctrine in 2007. The idea was greeted with broad support but "no standing ovation." No one expects NATO to be a nuclear disarmament organization, she said, but a doctrine review could be "a reflection of the importance of disarmament in protecting the security of its member states" and would be in conformity with the 13 Practical Steps. In shaping a new strategic concept, it is "encouraging that the United Sates has shifted from being an opponent to a partner in these efforts." While NATO's extended deterrence has prevented proliferation, "if we are serious about reaching zero, then that nuclear umbrella has to be folded up sooner or later," she said.



Dr. John Stremlau of the Carter Center with Ms. Inga Nyhamar, Deputy Director-General Section for Disarmament, Non-proliferation and Export Control of the Norwegian Ministry of Foreign Affairs

While a balanced approach to fulfilling all three pillars of the NPT is a basic understanding, Ambassador Luiz Filip de

Macedo Soares, the Permanent Representative of Brazil to the Conference on Disarmament, argued that the compliance requirements of NWS and NNWS are unequal. Disarmament "is an obligation to do something," while non-proliferation "is an obligation not to do something. They are asymmetrical," he argued. In addition, he said, "There is no such thing as a category of nuclear weapon states... Every country that possesses nuclear weapons does so on a particular basis, on a different fundamentals, with different interests. We cannot simply assimilate all of them." Amb. Soares also addressed doctrine questions, in particular the nuclear umbrella. Nothing that Brazil was not under a NWS' protection, he said such arrangements "place certain responsibility on the shoulders of countries that belong to military alliances and enjoy the so-called nuclear umbrella."

In the panel on the US role, Amb. Burk also discussed the role of middle powers. She noted that while the United States is ready to lead on the issues, Washington cannot do it alone. A successful Review Conference (RevCon) will require help from all parties. She highlighted the fact that the Review Conference is a single point in time. While much attention will focus on the outcome of the conference the hard work required to strengthen the NPT will continue long after the conference closes.

BREAKOUT SESSIONS

Three breakout sessions focused on issues that are regularly linked to the success of the Review Conference: the entry-into-force of the CTBT; progress on fulfilling the 1995 resolution on the Middle East; and a fundamental reconsideration of nuclear weapons in strategic doctrine.

CTBT

A long-time concern of the NPT review process is the fate of the entry-into-force of the CTBT and its significance to the NPT. Amb. Thomas Graham opened the discussion with an overview of the historical significance to the NPT.

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nificance of the CTBT. Part of the initial conception of the NPT included the idea that the NPT should be based on balanced obligations, where banning nuclear testing is the quid pro quo of non-proliferation. Three of the first four Review Conferences failed to produce consensus because the NWS would not agree to a test ban; as a result, in 1995, one of the key reasons NNWS agreed to the indefinite extension of the NPT was because of the commitment to have a CTBT within one year. Amb. Graham said the failure to ratify and EIF of the CTBT in the past fifteen years has significantly undermined the legitimacy of the NPT. India is considering resuming testing, and there is a high likelihood that North Korea will conduct another test. Whereas the NPT alone has yet to prevent these challenges to non-proliferation, EIF of the CTBT will serve to increase the strength and legitimacy of the NPT.

In light of this crisis of legitimacy, EIF of the CTBT has major implications for the future of the non-proliferation regime. According to Mr. Jean du Preez, the Chief of External Relations for the Comprehensive Test-Ban Treaty Organization (CTBTO), the current international climate towards the CTBT is showing strong support; President Obama's Prague speech demonstrates a renewed US commitment to the CTBT, which has galvanized faith in multilateral disarmament. However, some concerns still remain. US ratification is seen as the primary vehicle to encourage other Annex 2 states, but US ratification appears unlikely without trade-offs from the administration to modernize the nuclear arsenal. The potential impact, Mr. Aaron Tovish, the International Campaign Manager for the 2020 Vision Campaign of Mayors for Peace, noted, is that such a trade-off both undermines the Treaty and other Annex 2 states may use the same strategy to secure ratification, further weakening the legitimacy of the CTBT. The momentum for US ratification may also be significantly impacted by the results of the 2010 midterm congressional elections.

Although the common mindset is that if the US ratifies, other Annex 2 states will automatically follow, in reality this is not a foregone conclusion, Mr. du Preez said, therefore a concerted effort must be made to influence both the US and other states to promptly ratify the CTBT. One caveat noted was that states parties should ensure that the final document of the NPT Review Conference does not undermine the goals of the CTBT. A strong NPT combined with EIF of the CTBT is vital to strengthening the non-proliferation regime and eliminating the global threat of nuclear weapons.

Middle East Resolution

The Middle East session intended to illuminate some of the ways in which the very local conflict in the very tiny area of Israel/Palestine has very global implications. Arms control experts and practitioners understand well the importance of the Middle East to the strength and credibility and viability of the NPT, and, thus the importance to global security at large. Thus it is equally important to understand and support the Middle East peace process, which can stymie or facilitate efforts within the NPT context. Mr. Nathan Stock, Assistant Director of the Carter Center's Conflict Resolution program, provided a brief overview of the current state of the Israeli-Palestinian conflict and the role that the relations with and behavior of Syria and Lebanon plays in the conflict. He made it clear that a setback with these peace processes-which are separate but interminably intertwined-or a renewed outbreak of violence anywhere in the region, engenders paralysis on all



GSI Senior Officer Rhianna Tyson Kreger chaired the breakout session on the Middle East, with panelists Dr. Hossam Aly of the Egyptian Mission to the UN on her left and Mr. Nathan Stock, Assistant Director of the Conflict Resolution Program of the Carter Center to her right. Mr. Les DeWitt of the Fund for Peace Initiatives looks on.

fronts of progress. Mr. Stock offered also his views on the next steps forward, such as ending the siege of

Gaza, Hamas' recognition of Israel and the renunciation of violence.

He intimated, too, that an Arab-Israeli peace would have positive effects, even if indirectly, on the possibility of Iranian peace with Israel, insofar as it would reduce the number of states supporting Iran's belligerent posture and reduce the chances that hostilities between Israel and Iran could spread to Arab countries, particularly Lebanon. Likewise, an Israeli attack on Iranian nuclear facilities, he maintained, would draw in Hezbollah, and thus Lebanon, and potentially neighboring states.

Mr. Hossam Aly, a counselor from the Egyptian Mission to the UN, provided an brief overview of Egypt and other Arab states' view on the importance of the Middle East resolution of 1995, reminding participants that it was a requisite to Arab states' acquiescence to the indefinite extension, and the need for follow up measures at the 2010 RevCon.

He also briefly recalled the broad spectrum of talks held under the Middle East Arms Control and Regional Security (ACRS) auspices, and the history of the proposals on a nuclear/WMD free zone, maintaining that Egypt's focus on a NWFZ in the Middle East is principle, not country-based, citing as an example Egypt's vote in the IAEA to refer Iran to the Security Council.

Egypt's and others' proposals throughout this review cycle seek both a renewed commitment to implement "without further delay" the 1995 resolution as well as new practical measures that move us from rhetoric to implementation. These proposals also call for follow up measures, such as a special UN conference on the subject which would report to the NPT review.

EXCERPT FROM THE SPEECH OF HON. DOUGLAS ROCHE, O.C., CHAIRMAN EMERITUS OF MPI:

Those who claim that nuclear weapons are still necessary do not usually oppose "eventual" nuclear disarmament, but they are so insistent on the modernization of nuclear weapons for "security" purposes today that they drive forward the nuclear arms race. We can see the trap ready to ensnare us: the elimination of nuclear weapons supposedly must always remain an "eventual" goal, meaning that the goal is so far over the horizon as to be meaningless. In retaining "eventual," nuclear defenders will so solidify the justification for nuclear weapons that proliferation is bound to occur, and the more proliferation in the years and decades ahead the harder it will be to even claim that nuclear disarmament has legitimacy. The nuclear weapons cycle, 65 years old, must be broken now before a new and exceedingly dangerous spurt of nuclear proliferation takes place.

The idea that it will be satisfactory just to have fewer nuclear weapons must be discarded. It was not sufficient just to have a little slavery or to improve somewhat the conditions of life for slaves. Apartheid for only a few blacks was not acceptable. Colonial domination by outside rulers, as long as they were friendly, could not be tolerated. Slavery, apartheid and colonialism were social evils that had to be completely eliminated. So too, nuclear weapons are a social evil, in fact the ultimate evil.

The doctrinists throw up all sorts of false arguments: nuclear weapons cannot be disinvented, we cannot stop cheaters, nuclear disarmament will pave the way to conventional wars. All these arguments have been rejected by numerous commissions. No one is talking about "unilateral" nuclear disarmament. Nor can mutual disarmament be done overnight. What is required is an irreversible commitment by all states to achieve a world free from nuclear weapons. Were the nuclear weapon states to make such a commitment, they would not only save the Non-Proliferation Treaty from further erosion, but gain the moral authority to call on the rest of the world to curb the proliferation of these inhumane weapons.

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Beyond the possibility of a regional arms race, Mr. Aly asserted that inaction on this issue would "shed some very serious doubts on the feasibility of the NPT itself," and stressed the particular responsibility of the three depositary states - the US, UK and Russia - to work towards an acceptable solution.

The discussion was lively, and, as they tend to do when talking about the Middle East, emotions ran high. There was a lengthy discussion on the absence of an Israeli perspective on the panel, or in NPT discussions at large, or in the case of the latter, at least a visible Israeli presence. The lack of direct Israeli participation points to a role that non-governmental actors could possibly fill: unconstrained by national interests, NGOs could possibly convene officials from all sides to discuss strengthening security on in the broad manner that is needed, such as that which the Carter Center does.

Doctrine/Extended Deterrence



Dr. John Burroughs, Executive Director of the Lawyers Committee on Nuclear Policy, chaired the session on Doctrine/Extended Deterrence

The breakout on *Doctrines/Extended Deterrence* was chaired by Dr. John Burroughs, the Executive Director of the Lawyers Committee on Nuclear Policy. Other panelists included Ambassador Klaus-Peter Gottwald, the Commissioner of the Federal Government for Arms Control and Disarmament of Germany, Ms. Marit Nybakk, MP of Norway, and Ms. Uta Zapf, MP of Germany.

Amb. Gottwald explained that the security situation has changed since the Cold War, and that there now exists a differentiated threat, where the concept of "nuclear deterrence" may not work reliably, such as against threats such as those posed by Somali pirates, Iraq, and Afghanistan. While there are "good arguments" for radical changes in strategic doctrines on the path to nuclear disarmament, Amb. Gottwald said, "There is a very undesirable tendency to play it safe in matters of security." Nevertheless, new approaches are necessary. Taking the example of NATO, he said the Strategic Concept under review needs to "very thoroughly and very objectively try to examine and to analyze what role nuclear weapons still can and should play in such a concept."

A broader strategic proposition must include "an unequivocal commitment by all nuclear weapon states to a nuclear weapon weapon-

free world" and a political commitment that "all nuclear weapon states should unilaterally declare non-first use." He also drew attention to tactical weapons, which he describes as being "militarily obsolete." Therefore, he said, "In the double context in the new arms control dynamic of the global zero and the review of NATO Strategic Concept, we intend to work for a withdrawal of the remaining tactical nuclear weapons from Germany. Our foreign minister has made it very clear that this is a point on which we will engage in a serious debate with the United States and our other allies." He concluded by suggesting that the changes currently facing NATO will require a "serious adoption" of these strategies.

Ms. Nybakk's remarks primarily focused on NATO, and how its nuclear strategy is hindering Obama's "vision of a nuclear-free world;" in other words, NATO must not be an obstacle to such ambitions. According to Ms. Nybakk, who is chair of the Standing Committee on Defense in parliament, the simple solution for NATO is to denuclearize, but it should also, as a consensus organization, seek to engage

EXCERPT FROM THE SPEECH OF H.E. MR. LIBRAN CABACTULAN, PRESIDENT OF THE 2010 NPT REVIEW CONFERENCE:

We need to engage ourselves and discuss nuclear disarmament and non-proliferation with an open mind and a sense for a common purpose of our being. We have to negotiate, work very hard and change certain long-established attitudes and rigid positions so that we together can craft a planned future that obviates a nuclear cataclysm...

I also gathered that at least three issues may be accorded some focus. First is the issue of universality. It is has been said that the total comfort zone of disarmament relies on the participation of all countries... The outlier states must be engaged, and states parties must discuss and come up with creative ideas on how to engage them.

The second issue relates to a nuclear weapons convention. NGOs are very keen on the Convention. What seems to be the position of middle power countries on this?

The third issue is on institutional support to the NPT Treaty. Various views on [this] issue were brought to my attention. It was emphasized to me, for instance, that institutional support can be relevant to the question of Article X of the Treaty on withdrawal. It was even mentioned to me that when North Korea violated the NPT, there was nothing that the states parties could do to defend the integrity of the Treaty and, in fact, nothing that could be done for similar infringements in the future within the 90-day period prescribed in Article X. Of course, there is the United Nations Security Council, and it is comforting to know that a body exists to deal with serious problems on international security. Yet, the deficiencies relating to the Security Council were also stressed to me; for instance, in reference to the reaction of countries to Security Council Resolution 1887. From my consultations with states parties, what they are saying is that state parties have contractual obligations under the NPT, and the contracting parties themselves must be given the first opportunity to defend the integrity of the Treaty.

Russia because they have an undeterminable amount of tactical nuclear weapons, and work towards reducing the fears of the Balkan states and new members of NATO, especially if NATO is changing their nuclear strategy. Ms. Nybakk also went on to affirm the same sentiments expressed by Secretary-General Ban Ki-moon regarding disarmament and the achievement of the Millennium Development Goals (MDGs); both concepts are intertwined in the sense that if disarmament is achieved, the MDGs in the developing world can effectively and successfully be realized.

Dr. Burroughs contended that a policy of no first use is not as much of a solution to the nuclear dilemma as some believe, at least in relations among states with nuclear weapons. So long as counterforce doctrines and capabilities remain in place, there will be pressure for maintenance of large, diverse, and modernized nuclear arsenals. ("Counterforce" refers to attacks on an enemy's nuclear forces.) The same problem applies to the related policy that the sole purpose of nuclear weapons is to deter their use by other states. This policy appears to differ from no first use in that it does not expressly rule out preemptive attacks against enemy nuclear forces.

Dr. Burroughs outlined other possible approaches. One is a non-use commitment. From a lawyer's point of view, this would not as such necessarily rule out reprisals aimed at preventing further attacks. However, reprisals themselves must meet requirements of international humanitarian law, notably discrimination, so in fact reprisals with nuclear weapons would be contrary to law. To have a complete prohibition of use of nuclear weapons, the Chemical Weapons Convention provides a model. In that Treaty, states under-

take "never to use chemical weapons in any circumstance."

THE COMPASS POINT OF ELIMINATION

From the beginning of the Consultation, speakers stressed that the elimination of nuclear weapons was not only necessary, but inevitable. Taking this insight to heart, MPI rearranged the last day of the

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Consultation to take full advantage of the emerging debate on elimination. In his opening presentation, Amb. Salander compared today's crossroads to the similar fork in the road facing states parties in 1995: "One direction leads towards elimination of nuclear weapons. The other road represents 'business as usual', which means sleepwalking into something that may well be a nightmare." The difference, Ambassador Salander pointed out, is the compass point. In 1995, the compass point was the indefinite extension. "The compass point now," he asserted, "is elimination."



Mr. Alyn Ware, PNND Global Coordinator, and Uta Zapf, Member of the Bundestag and Co-President of PNND

Senator Roche framed his support for an NWC with the view that, despite the recent signs for optimism, "the idea that it will be satisfactory just to have fewer nuclear weapons must be discarded" and only "an irreversible commitment by all states to achieve a world free from nuclear weapons" will help us break the nuclear weapons cycle, save the NPT "from further erosion" and imbue the nuclear weapon states with "the moral authority to call on the rest of the world to curb the proliferation of these inhumane weapons."

Mr. Granoff, the President of the GSI, contended that, in order for nuclear weapon states to realize the goal of non-proliferation of nuclear weapons, "they must be seen to start preparing for a convention. [It is] the only credible way of fulfilling the NPT in the long run." Dr. Rebecca Johnson, who chaired the plenary session *Avenues to a Nuclear Weapons Convention*, reminded participants that the NWC "isn't just about disarmament, you know... it's about non-proliferation if done properly." Furthermore, Dr. Johnson, the Executive

Director of the Acronym Institute for Disarmament Diplomacy, argued that the cooperation engendered through NWC negotiations "will help in identifying what else needs to be done in other institutions, how to strengthen them, and how to reframe the role of non-proliferation and security...Its about fulfilling the NPT in a holistic and compatible manner relevant to the interconnected globalized world today."

The Hon. Gareth Evans, the Co-Chair of the International Commission on Nuclear Non-Proliferation and Disarmament (ICNND), said the Commission was not able to "come up with a date certain of getting to zero." However, "the issues of verification, the issues of enforcement, the psychological involved in countries giving up their last weapon, the basic geopolitical issues of ensuring sufficient stability in regions of great volatility at the moment with the tectonic plates that are shifting globally-all those issues are going to make life God-awful in moving from those low numbers which we think is readily achievable to zero." In his keynote address, Mr. Evans said, "Frankly without that commitment to zero we're never going to be confident that we've made the world as safe as it has to be against these impossibly indiscriminate and inhumane weapons."

Mr. Alyn Ware, Global Coordinator of the Parliamentarians for Nuclear Non-proliferation and Disarmament (PNND), echoed this call, and called for "exploratory work," including short and long term steps such as creating the mechanisms that will be required for fissile material protection, warhead destruction, compliance, verification and other transparency mechanisms. Without such exploratory work, Sen. Roche said, we fall victim to "the trap ready to ensnare us: (that) the elimination of nuclear weapons supposedly must always remain an 'eventual' goal, meaning that the goal is so far over the horizon as to be meaningless."

Mr. Ware called initiatives such as Security Council resolutions 1540 and 1887 "building blocks towards the legal norm to move towards abolition." In order to move the process forward now, Mr. Ware suggest-

EXCERPT FROM THE REMARKS MADE BY MR. JONATHAN GRANOFF, PRESIDENT OF THE GLOBAL SECURITY INSTITUTE:

No one has offered any good reason why we should keep nuclear weapons. Not one representative of any country has said, "Well you know the weapons really do bring some kind of good." Nuclear weapons are more of a problem than any problem they seek to solve. They corrode our morality; they corrode our aspirations for a sustainable future. Nuclear weapon states are not existential enemies, yet this and future generations remain at risk. The willingness to destroy so much and so

many people - what does that say about who we are? What is this really about? It's not just about saving a treaty at a conference. It is about changing the way humanity uses the gifts of science, social organization, power and technology and the role of the state in fulfilling it first duty of protecting its citizens. Nuclear weapons remain a central and fundamental challenge of our time.

With respect to the barometer of success for the upcoming NPT Review Conference it is interesting that there has been very little discussion regarding affirmation of the specific excellent previous commitments of 2000. Should there be an explicit affirmation of what remains of the 13 practical steps? Should the standard be the creation of a new forward looking consensus document? It is possible that the standard for success is more subtle this time. The goal



of disarmament has never been so forcefully advanced at such a high level of political discourse in recent times. A criteria for success might be found in how this question is answered: Is there momentum, clear momentum going towards the elimination of nuclear weapons? Has a consensus on moving forward toward the elimination nuclear weapons coming out of the NPT conference been advanced? How that is articulated may not depend on a final text. Political commitments can be expressed in many ways. In the context of the Review Conference what I believe is essential will be the extent to which governments actually are convinced it is in their interest to strengthen non-proliferation constraints, diminish the currency of nuclear weapons, and for nuclear weapon states to actually articulate and commit on how they will make disarmament operational. Additionally it will remain important to empower civil society to activate the larger public. The purpose must remain to propel our own governments to change their behavior toward nuclear weapons and activate an appropriate sense of urgency to eliminate them. This alone will generate the necessary political capacity to obtain legally binding disarmament instruments and actions.

ed the establishment of a like-minded group of countries that support the Secretary-General's plan, noting that there already exists the semblance of such a group, which has held two informal meetings already. The Review Conference could agree to undertake the start of a preparatory process for a nuclear weapons convention, or a package of agreements, and task the management of this process to this group. Further, the group could circulate a working paper at the Review Conference that builds on the ideas contained in the Costa Rican/Malaysian paper that has been submitted this review cycle.

Ms. Uta Zapf, MP, PNND Co-President and Chairwoman of the German Bundestag's Subcommittee on Disarmament, Arms Control and Non-proliferation, dissected the typical arguments for voting against the General Assembly resolution on a Nuclear Weapons Convention, and argued that an NWC would help to fulfill the NPT.

She acknowledged that an NWC may contravene existing policy, such as NATO's 1999 Strategic Concept and the 2003 US Nuclear Posture Review, but noted with optimism that "both strategies of NATO and of

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the United States are under revision." She also noted the seemingly contradictory messages of some world leaders, such as French President Nicolas Sarkozy, who "plead(s) for denuclearization while clinging to the modernization of the Force de Frappe," or even President Obama, who vows to work towards abolition while "retain(ing) a strong, safe, secure and reliable nuclear deterrent." For Ms. Zapf, negotiations on a Nuclear Weapons Convention is the "way out of this dilemma," an argument echoed by Dr. Johnson. A framework-bound process, Ms. Zapf argued, would "organize an incremental and parallel process for disarmament," while making it "easier for non-NPT states to join negotiations."

The Model Nuclear Weapons Convention, argued Dr. Jurgen Scheffran of the Research Group Climate Change and Security at the University of Hamburg and one of the original drafters of the model treaty, was designed to be both incremental as well as comprehensive. He emphasized that the model treaty, drafted by an international consortium of engineers, scientists, lawyers, and physicians, was not intended to be a final product, but rather a tool to "launch a process," and "serve as a catalyst for launching real negotiations." A NWC, he argued, should not be seen as wholly separate from the NPT, or the CTBT, or START. Rather, all of these treaties are "building blocks" that "merge under the NWC umbrella." Seen in this way, the "comprehensive versus incremental" paradigm is rendered irrelevant, he said.

CONCLUSIONS

"Without a successful NPT and particularly successful Review Conference in 2010, there is no hope for a nuclear weapon-free world," said Senator Roche in his closing remarks, "So we have got to have the NPT on good, solid grounds and then move forward." Whether a NWC or a framework of agreements, he said it needs to be "something of a comprehensive manner so the scale of reductions of the US and Russia now being discussed certainly brings the weapons down into the range where I think the other three would have very little reason to justify absenting themselves from comprehensive discussions."

In the closing of the Consultation, Mr. Granoff defined the criteria for success at the Review Conference. "Is there momentum, clear momentum going towards the elimination of nuclear weapons? Is there a consensus on moving forward toward the elimination nuclear weapons coming out of the NPT conference?" he asked. "Now if that takes the form of a variety of agreements or a final agreement I really don't know... But the success will be the extent to which you empower civil society to activate the larger public and empower our own governments to change their behavior toward nuclear weapons."

APPENDIX I:

Statement by Ambassador Henrik Salander, Chairman

Conference Program

ROSTER OF PARTICIPANTS

ACKNOWLEDGMENTS & SUPPORTERS

"Compass Point of Elimination: Finding the Path" Henrik Salander, Chairman, Middle Powers Initiative Atlanta Consultation III, 21-22 January 2010 The Carter Center, Atlanta, Georgia, USA.

President Carter, dear friends, former colleagues,

It's an honor for me to lead off the third Middle Powers Initiative Consultation in the city of Atlanta and the inspiring Carter Center, home not only of a great President but also a Nobel Peace Price winner – two lifetime accomplishments, miraculously emanating from the same physical person, with a level of integrity and wisdom that might almost scare us mere mortals, but which also encourages and challenges us. Thank you, Mr. President, for inviting the Middle Powers Initiative here.

Ten years ago I was sitting here as a Swedish diplomat, preparing to take over the coordinating position of the New Agenda Coalition, which at the time was little more than a year old. The coalition was sweating over its input into the upcoming 2000 NPT Review Conference, in rather low spirits. A few years earlier there had been an almost optimistic outlook towards the conference: the NPT had been extended indefinitely and seemed to hold up reasonably well. No nuclear tests had taken place for a while. An entry-into-force of the test-ban seemed possible. And the fissile material negotiations were almost starting.

But the optimism had changed completely in less than two years. India and Pakistan had tested nuclear weapons, the CTBT had been defeated in the United States senate, and the fissile negotiations had drowned in the Geneva quagmire. So when we sat here ten years ago, most of us were worried.

But then the situation changed unexpectedly again: the Review Conference ended successfully and was in fact one of the few occasions in the latest fifteen years where nuclear-weapon states and non-nuclear-weapon states did not speak in monologues but actually tried to enter into a dialogue, creating mutual benefit.

My point is: this happened not least because of the first Atlanta Consultation in January 2000. In that session in the Carter Center the first seeds were sown to what became direct negotiations months later between the five nuclear-weapon states and the New Agenda Coalition, resulting in the thirteen practical steps in the direction of nuclear disarmament. Admittedly, the success turned out to be short-lived, because of changed positions in some capitals, especially Washington and Paris – but the agreement is still valid, and the steps are still benchmarks.

Let's hope that something similar will happen again, even that a seed will be sown in this Consultation. But we must assume that events do not repeat themselves, at least not exactly. Therefore we must constantly look for opportunities and unexpected chances, like we did ten years ago.

* * *

Today, there is a feeling that the upcoming Review Conference is extremely important. We thought so also in 2005. For about a year now, many of us have alternated between hope and despair when looking ahead at May. 2005 was a dramatic failure by States Parties, and it has been widely assumed that this year's Review Conference <u>must</u> succeed (in relative terms) if the non-proliferation regime is to stay alive. And perhaps that's correct.

I don't have to go into any descriptive detail, before an audience like this, regarding the notable milestones that we have passed during the latest couple of years. Starting with the Wall Street Journal articles by the four statesmen, they include the UN Secretary-General's speech on October 24th, 2008, with his five-point plan, President Obama's Prague speech last April, the Security Council meeting and resolution in September, and the Evans-Kawaguchi Commission report, just to mention some of the most significant. So something <u>has</u> happened, and some signs are good – some even better than in decades. But what is happening under the surface?

I venture to suggest that today's situation is similar to 1995; the difference being that instead of standing before an all-or-nothing decision regarding the indefinite extension of the NPT, States Parties now stand before a fork in the road – one direction leads towards elimination (or prohibition, as I prefer to say) of nuclear weapons. The other road represents "business as usual", which means sleepwalking into something that may well be a nightmare.

The compass point in 1995 was indefinite extension - the compass point now is elimination. The difference is that in 1995 a decision was mandatory, formally necessary, because of the Treaty; whereas today the regime may still limp forward even if the nuclear-weapon states succeed in postponing agreement on steps towards elimination, which they can be expected to try to do.

The indefinite extension would not have taken place without specific pledges in 1995 from the nuclear-weapon states regarding both systematic and progressive efforts in the direction of disarmament, and regarding the Middle East. Five years went by, with backward steps on the CTBT and nothing much on the rest of the bargain. Then in 2000, concessions were again made by the nuclear-weapon states, but after that nothing substantive has happened to make good on the promises. The CTBT and the FMCT have yielded nothing so far, literally nothing, whereas progress on disarmament is debatable, at best. Cuts in numbers have certainly been made, but for most non-nuclear-weapon states it doesn't really matter much whether the nuclear five have 6000 or 400 warheads each, as long as the <u>role</u> of nuclear weapons in security policies remains the same, in essence.

Within these areas, some kinds of agreements will be necessary in May, making it clearer than today what kind of multilateral process the nuclear five are willing to undertake.

But not only that: in a similar way (although less formally mandatory) as when promises about a CTBT and an FMCT were necessary in 1995 to make the NPT sustainable, it is today necessary to start preparing for a nuclear weapons convention in order to obtain the benefits of non-proliferation and of a sustainable NPT. This holds true not only for non-nuclear-weapon states, wanting disarmament, but also for nuclear-weapon states, which may not want to disarm.

Why? Because in order for nuclear-weapon states to realize the goal they themselves have set up as the most important - that no more states obtain nuclear weapons - they

must be seen to start preparing for a convention, since that is the only credible way of fulfilling the NPT in the very long run. In other words, they must start preparations, taking tangible practical steps, in order to show a true commitment to the NPT and be able to enjoy continued benefits from it.

But wouldn't "business as usual" be sufficient? Some reductions? Some efforts to get the CTBT and FMCT into place?

No, it wouldn't, not for the longer run. Such efforts alone, important and necessary as they are, may buy time, but in the longer run real steps towards prohibition are indispensable also to the security of nuclear-weapon states. Otherwise there will be many more nuclear-armed states in a few decades from now, and everybody's security will be diminished.

John F. Kennedy pressed a similar point already before the NPT became reality, one could argue, and we still have only eight nuclear arsenals in the world. Yes. But today everybody understands that in, say, 2050, there will definitely not still be eight nuclear-weapon states around. There will be either many more – or fewer. It is completely inconceivable – impossible – that all other states will let eight states have a monopoly on ultra-violent weapons, for a hundred years or more, denying all other states what they themselves regard as security-enhancing arsenals. It will simply not happen. That's why the only long-term and effective alternative to proliferation is elimination.

This is also why the continued policies of the nuclear-weapon states are puzzling, and in fact self-defeating. (I am talking about <u>actual</u> policies here, not declarations, or President Obama's Prague speech.) They counteract and obstruct the stated goals of the governments themselves. They perpetuate a world which is not in the nuclear-weapon states' own interests. Therefore those policies are, simply and frankly, not very smart. That was the underlying and implicitly self-critical message of the Wall Street Journal articles.

So in addition to the <u>moral</u> imperative and the <u>military</u> zero-sum game, we have here a third strong argument for elimination: possessing nuclear weapons is counterproductive and therefore <u>unintelligent</u>. It creates a vicious circle which increases risks indefinitely and therefore doesn't offer security.

We all know the immediate counterarguments: <u>one</u>, every state must agree on elimination and act accordingly, in a verifiable manner, and one can never be convinced of that. <u>Two</u>, nuclear weapons cannot be un-invented. <u>Three</u>, a world government is needed before nuclear weapons can be eliminated.

My own views on these three perennials are, in brief: <u>one</u> – exactly, that's why we must start working on an airtight convention. <u>Two</u> – of course the scientific and technical knowledge cannot be undone, but the weapons can be controlled and prohibited, and after that, breakout capacity can also be controlled – not easy, but definitely possible. And <u>three</u> – no, the weapons will not be eliminated by a utopian all-powerful world government; but by key states with responsible leaders, after they recognize irreversibly, in their self-interest, that continued so-called "deterrence", generating new threats and new nuclear-armed states, is much riskier for them than it is to leave reliance on nuclear weapons behind.

The fourth frequent reasoning, the <u>uncertainty</u> argument, has been officially forwarded by nuclear-weapon states, and is quite self-defeating. It maintains that the long-

term uncertainties of the future require continued reliance on nuclear weapons. But <u>any</u> country can argue that, some perhaps more convincingly, and it is anyway false.

* * *

The big challenge now is how to integrate the <u>steps</u>, which are necessary but not sufficient, with the <u>vision</u> of a nuclear-weapon-free world and the start of preparations for work towards its realization.

The four statesmen called steps "actions" and stated that without them, the vision will not be seen as possible – and without the vision, actions will not be seen as fair or urgent. That's very well defined. And the good news now, the difference, is that we have got what most of us asked for: US leadership.

But as we all know, from President Obama down to frustrated Geneva negotiators: it is relatively easy to talk about a nuclear-weapons-free world, but it's very difficult to get work started on even one of the many steps towards it, like the FMCT.

Among the steps, some meet with consensus, at least in principle: verified deep reductions of the two largest arsenals, including stored weapons and legally binding instruments; a fissile material production stop; and the test-ban in force. These are agreed, but not realized by NPT parties, since around fifteen years.

There are further steps that are equally necessary but also not sufficient, and which do not yet meet with consensus. Like the first three, they have been described and analyzed in Middle Powers Initiative Briefing Papers and identified as priorities in our Article VI Forums, after the review breakdown in 2005. Among them are: security assurances – multilateral regulation of the fuel cycle – de-alerting of launch-ready weapons – no-first use pledges – and improved governance of the NPT itself.

These too, as you know, have been around for decades and proposed in countless UN resolutions, the thirteen steps, by the Canberra Commission and the Blix Commission, the Wall Street Journal articles, and by the UN Secretary-General and President Obama. But please note that the Secretary-General's package differs somewhat from the others. He held up the possibility of a strongly verified nuclear weapons convention – either that, or a framework of interlocking instruments. He lifted the debate, and the nuclear weapons convention has now stepped forward, from a slightly utopian idea to a fully pragmatic and even logical instrument for strengthening the security of nations. It represents the combination of the vision and the steps.

It is often said that work on a nuclear weapons convention is premature. But much more seldom is added what would make time <u>ripe</u> for such work. I believe that preparation for, and even negotiation of, a convention can proceed in parallel with, and in fact stimulate, preparation and negotiation of other measures. The ICNND puts it well when it says that it is not too early to start now on further refining and developing the concepts in the model convention, making its provisions as workable and realistic as possible.

* * *

If elimination of nuclear weapons is a <u>compass point</u>, and a direction to go, how can governments take out the right compass bearing? MPI's answer is: only in cooperation. Governments must start to cooperate more deeply, about both steps and vision, and a way

of doing that, MPI believes, is to be urged on by the compass bearing of a nuclear weapons convention.

That said, the MPI will not push positions of its own in this regard, only try to help non-nuclear-weapon states push theirs. Governments have difficult analyses and decisions in front of them. One of our aims in the Middle Powers Initiative is to point to options for those decisions, especially for influential countries <u>without</u> nuclear weapons. We try to do that in our Briefing Papers and through our Article VI Forums.

Even at best, MPI can only be a pathfinder, who can be of some assistance in illuminating the path. But governments must of course walk the path themselves. I hope that we have helped illuminate the path somewhat through our two latest Briefing Papers, from October and two weeks ago. We can also assist more directly in the start of preparatory work leading towards realization of the vision. We can arrange consultations, and we can be of assistance in establishing contact groups or other forms of preparatory processes. But the actual processes must be driven by governments.

Although we have different roles, governments and NGO's may now finally be able to embark together upon the greatest project in the history of mankind: the elimination of nuclear weapons.

Thank you.

The Atlanta Consultation III: "Fulfilling the NPT"

January 20-22, 2010 All events to be held at the Carter Center in Atlanta, Georgia, USA.

Wednesday, January 20

6 - 7 pm: Reception (Library Lobby)

7 - 9pm: Dinner and Opening Event (Cypress Room)

Welcoming remarks: Amb. Henrik Salander, Chairman, Middle Powers Initiative

Presenters:

Hon. Gareth Evans, AO QC, Co-Chair, International Commission on Nuclear Non-Proliferation and Disarmament: Eliminating Nuclear Threats: A Practical Agenda for Global Policymakers

Mr. Tomosaburo Esaki, Principal Deputy Director, Arms Control and Disarmament Division, Ministry of Foreign Affairs, Japan

Moderator: Ms. Rhianna Tyson Kreger, Senior Officer, Global Security Institute

Musical performances courtesy of the Atlanta Opera

Thursday, January 21

9 - 11am: Opening Plenary: Compass Point of Elimination

Chair: Mr. Jonathan Granoff, President, Global Security Institute Amb. Henrik Salander: Compass Point of Elimination: Finding the Path

H.E. Mr. Sergio Duarte, UN High Representative for Disarmament Affairs

President Jimmy Carter

The Hon. **Douglas Roche**, OC, Chairman Emeritus, MPI: Ending a Long Love Affair

11 - 11:30 am: coffee break

11:30 am - 12:45pm: Plenary: Fulfilling the NPT: President Obama's Vision Chair: Amb. Thomas Graham, Chairman, Bipartisan Security Group Panelists:

Amb. **Susan Burk** Special Representative of the President for Nuclear Non-proliferation (US)

Amb. Robert Grey, Director, Bipartisan Security Group

1 - 2:30 pm: Lunch

2:45 - 4 pm: Plenary: Fulfilling the NPT: A Global Undertaking

Chair: Mr. **Alyn Ware**, Global Coordinator of Parliamentarians for Nuclear Non-proliferation and Disarmament

Panelists:

Ms. **Inga M. W. Nyhamar** Deputy Director General, Section for Disarmament, Non-proliferation and Export Control (Norway)

Amb. **Park In-kook**, Permanent Representative of the Republic of Korea to the United Nations

Amb. Luiz Filip de Macedo Soares Permanent Representative of Brazil to the Conference on Disarmament

4 - 4:30pm: coffee break

4:30 - 6pm: Breakout Sessions I

Advancing the CTBT:

Mr. **Jean du Preez,** Chief, External Relations and International Cooperation Section, CTBTO;

Amb. **Thomas Graham**

Mr. **Aaron Tovish,** International Campaign Manager for the 2020 Vision Campaign of Mayors for Peace

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Mr. **Hossam Aly,** Counsellor, Permanent Mission of Egypt to the United Nations

Ms. Rhianna Tyson Kreger

Mr. **Nathan Stock**, Assistant Director of the Conflict Resolution Program, The Carter Center

Security doctrines/extended deterrence:

Dr. John Burroughs, Executive Director, Lawyers' Committee on Nuclear Policy Dr. Klaus-Peter Gottwald, Policy Commissioner of the Federal Government for Arms Control and Disarmament (Germany)

Ms. Marit Nybakk, MP (Norway)

6 – 7 pm: free time/ private tour of the Carter Presidential Library (optional)

7 – 9pm: Dinner

Rev. Tyler Wigg-Stevenson Director, Two Futures Project

Prof. David T. Ives Executive Director, Albert Schweitzer Institute at Quinnipiac

University

Friday, January 22, 2010

9 - 10:30am: Plenary: Strategies for the NPT Review Conference

Chair: Mr. Jonathan Granoff

Panelists:

Amb. **John Duncan**, Permanent Representative of the United Kingdom to the Conference on Disarmament

Amb. Leslie Gumbi, Chief Director of United Nations and Disarmament & Non-Proliferation Directorates (South Africa)

Ms. Alison Kelly, Director, Disarmament and Non-Proliferation (Ireland)

10:30 - 11am: coffee break

11 am - 12:30pm: Plenary: Avenues to a Nuclear Weapons Convention

Chair: Dr. **Rebecca Johnson**, Executive Director, The Acronym Institute for Disarmament Diplomacy;

Panelists: Dr. **Jurgen Scheffran,** Research Group Climate Change and Security, University of Hamburg

Mr. Alyn Ware

Ms. **Uta Zapf**, MdB (Germany)

12:45 – 2pm: Lunch

Speaker: Dr. **Nancy Gallagher**, Associate Director for Research at the Center for International and Security Studies, Maryland

2:15 - 2:45pm: Reports from the Breakout Sessions

2:45 – 4pm: Closing: *Towards the NPT Review Conference*:

The Hon **Douglas Roche**, OC

Ambassador **Libran Cabactulan**, President-Elect of the 2010 NPT Review Conference

Discussion

Adjournment

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APPENDIX II:

"A Global Undertaking: Realizing the Disarmament Promise of the NPT," Briefing paper for the Atlanta Consultation III



Middle Powers Initiative Briefing Paper

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A Global Undertaking: Realizing the Disarmament Promise of the NPT

Briefing paper for the Atlanta Consultation III: Fulfilling the NPT

January 21-22, 2010

THE MIDDLE POWERS INITIATIVE

A Program of the Global Security Institute www.gsinstitute.org

Through the Middle Powers Initiative (MPI), eight international non-governmental organizations (the Albert Schweitzer Foundation, Global Security Institute, International Association of Lawyers Against Nuclear Arms, International Network of Engineers and Scientists, International Peace Bureau, International Physicians for the Prevention of Nuclear War, Nuclear Age Peace Foundation, and the Women's International League for Peace and Freedom) are able to work primarily through "middle power" governments to encourage and educate the nuclear weapons states to take immediate practical steps that reduce nuclear dangers and commence negotiations to eliminate nuclear weapons. MPI is guided by an International Steering Committee, chaired by Ambassador Henrik Salander of Sweden.

www.middlepowers.org

ACKNOWLEDGEMENT

This Middle Powers Initiative Briefing Paper was prepared by Dr. John Burroughs, Executive Director of the New York-based Lawyers Committee on Nuclear Policy (LCNP). LCNP is the UN office of the International Association of Lawyers Against Nuclear Arms.

www.lcnp.org

FOREWORD

As we begin the pivotal year of 2010, the Middle Powers Initiative is pleased to be making its contribution by hosting the Atlanta Consultation III – Fulfilling the NPT - at the Carter Center in January, aimed at helping to ensure a positive and forward-looking outcome for the May Review Conference of the Nuclear Non-Proliferation Treaty. The Atlanta Consultation III will continue the tradition of the 2000 and 2005 consultations in working to build common strategies to strengthen and preserve the NPT.

I am glad to be able to present our Briefing Paper for the Consultation: A Global Undertaking: Realizing the Disarmament Promise of the NPT. This paper follows directly from our October 2009 paper Making Good on the Promises: From the Security Council Summit to the 2010 NPT Review. These two reports combined present an analysis of recent events and offer practical and substantive recommendations for advancing the nuclear non-proliferation and disarmament agenda.

I wish to thank Dr. John Burroughs, the Executive Director of the Lawyers Committee on Nuclear Policy, for writing this paper.

Sincerely,

Ambassador Henrik Salander Chairman, Middle Powers Initiative

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A Global Undertaking: Realizing the Disarmament Promise of the NPT

EXECUTIVE SUMMARY

From President Barack Obama's Prague speech to the UN Security Council Summit, 2009 was an extraordinary year of commitments at the highest levels to the objective of a world free of nuclear weapons. This year, 2010, must be the year for action, for setting in motion irreversible processes to achieve that objective. Middle powers must capitalize on the momentum at this spring's pivotal Nuclear Non-Proliferation Treaty (NPT) Review Conference.

This Middle Powers Initiative (MPI) Briefing Paper is intended to inform the January 2010 Consultation in Atlanta sponsored by MPI and the Carter Center in anticipation of the Review Conference. In this paper, MPI recommends that middle power countries take the following positions in preparing for the Review Conference:

Reducing the Role of Nuclear Weapons

- reaffirm the NPT commitment to a diminishing role for nuclear weapons in security policies as a step toward non-use in any circumstance and the elimination of the weapons;
- oppose counterforce and countervalue doctrines;
- phase out extended nuclear deterrence and strengthen regional cooperative security mechanisms;
- end the deployment of nuclear weapons on foreign territories;
- reaffirm the NPT commitment to strengthen assurances of non-use of nuclear weapons against non-nuclear weapon states;

The Disarmament Process

- reaffirm the NPT unequivocal undertaking to eliminate nuclear arsenals;
- commend US-Russian negotiations regarding a START replacement treaty and support NPT commitments to further US and Russian reductions and to multilateral reductions leading to elimination;
- call for all states with nuclear weapons to declare the size of their stockpiles and to commit not to increase them;
- reaffirm the NPT commitment to lower the operational status of nuclear forces;
- support an NPT commitment to establish a comprehensive, UN-based accounting system covering size of nuclear arsenals, nuclear weapon delivery systems, fissile material stockpiles, and spending on nuclear forces;
- support an NPT commitment to commence preparatory work, deliberations and negotiations on a convention or framework of instruments for the sustainable, verifiable

and enforceable global elimination of nuclear weapons;

Measures Making the World Safer Now and Establishing Elements of a Nuclear Weapon-Free World

- support early entry-into-force of the Comprehensive nuclear Test-Ban Treaty (CTBT); oppose conditioning ratifications on deals for entrenching and expanding weapons complexes, retaining the option of designing and manufacturing modified or newdesign warheads, and modernizing delivery systems; and call for the closure of all nuclear test sites;
- negotiate for a Fissile Materials Cut-off Treaty (FMCT) that goes beyond a ban on future production for weapons purposes and safeguards materials not designated for weapons programs;
- support an NPT commitment to initiatives to create a zone free of nuclear, biological, and chemical weapons in the Middle East;
- support the establishment of a nuclear fuel bank, work toward the global multinationalization of the nuclear fuel cycle, and join and support the International Renewable Energy Agency;
- support proposals to improve NPT governance;
- support an NPT commitment to make the Additional Protocol a standard for compliance with non-proliferation obligations.

Part I of this Briefing Paper outlines the matrix of commitments and proposals to be considered at the Review Conference. Part II addresses reducing the role of nuclear weapons with regard to assurances of non-use against non-nuclear weapon states, doctrine, and extended nuclear deterrence and nuclear sharing. Part III examines the disarmament process, including verified reductions; de-alerting; transparency, reporting, and benchmarks; and a legal framework for elimination. Part IV concerns measures making the world safer now and establishing elements of a nuclear weapon-free world: the CTBT; FMCT; nuclear weapon-free zones, the Middle East, and North East Asia; regulation of nuclear fuel production and supply; improved NPT governance; and the Additional Protocol and other non-proliferation and safety measures. MPI's central contention is that implementation of the steps now on the agenda must visibly and substantively demonstrate the intent to achieve the elimination of nuclear weapons.

I. The Matrix of Commitments

1. In his seminal April 5, 2009 speech in Prague, President Obama said: "The existence of thousands of nuclear weapons is the most dangerous legacy of the Cold War. No nuclear war was fought between the United States and the Soviet Union, but generations lived with the knowledge that their world could be erased in a single flash of light.... Today, the Cold War has disappeared but thousands of those weapons have not. In a strange turn of history, the threat of global nuclear war has gone down, but the risk of a nuclear attack has gone up. More nations have acquired these weapons. Testing has continued. Black market trade in nuclear secrets and

nuclear materials abound[s]. The technology to build a bomb has spread. Terrorists are determined to buy, build or steal one. Our efforts to contain these dangers are centered on a global non-proliferation regime, but as more people and nations break the rules, we could reach the point where the center cannot hold.... [A]s the only nuclear power to have used a nuclear weapon, the United States has a moral responsibility to act. We cannot succeed in this endeavor alone, but we can lead it, we can start it. So today, I state clearly and with conviction America's commitment to seek the peace and security of a world without nuclear weapons. I'm not naive. This goal will not be reached quickly – perhaps not in my lifetime. It will take patience and persistence. But now we, too, must ignore the voices who tell us that the world cannot change. We have to insist, 'Yes, we can.'"

- 2. In a less well-known but also important speech in Moscow on July 7, 2009, Mr. Obama said: "The notion that prestige comes from holding [nuclear] weapons, or that we can protect ourselves by picking and choosing which nations can have these weapons, is an illusion. In the short period since the end of the Cold War, we've already seen India, Pakistan, and North Korea conduct nuclear tests. Without a fundamental change, do any of us truly believe that the next two decades will not bring about the further spread of these nuclear weapons? That's why America is committed to stopping nuclear proliferation, and ultimately seeking a world without nuclear weapons. That is consistent with our commitment under the Nuclear Non-Proliferation Treaty. That is our responsibility as the world's two leading nuclear powers. And while I know this goal won't be met soon, pursuing it provides the legal and moral foundation to prevent the proliferation and eventual use of nuclear weapons."
- 3. Calls for achievement of a nuclear weapon-free world have continued to pour in from other quarters as well, notably from UN Secretary-General Ban Ki-moon. On September 9, 2009, at the UN/NGO conference in Mexico, "For Peace and Development: Disarm Now!," he placed his October 2008 five-point proposal for disarmament in a broader context: "There can be no development without peace and no peace without development. Disarmament can provide the means for both. 'We the peoples' have the legitimate right to challenge the leaders of the international community by asking these questions: What are you doing to eliminate nuclear weapons? How will you fund your fight against poverty? How will we finance mitigation of, and adaptation to, climate change and the protection of our environment? These are global goods that every government and every individual in the world should strive to achieve together in the spirit of renewed multilateralism.... Disarmament can help lead the way to a renewed multilateralism and that is why I have made it a number one priority."
- 4. The historic UN Security Council Summit held September 24, 2009 added momentum to the drive for a nuclear weapon-free world. In their statements, heads of state embraced the objective of elimination of nuclear weapons. Prime Minister Yukio Hatoyama of Japan said: "The vision of a world without nuclear weapons proposed by President Obama this April has encouraged and inspired people around the world. It is high time for us to take action." Resolution 1887 adopted by the Summit reflects the agenda laid out by President Obama in Prague and key NPT commitments. While the resolution contains no innovations on disarmament, it references the NPT disarmament obligation and the 1995 and 2000 NPT conference outcomes; endorses US-Russian negotiations on nuclear arms reductions; calls for bringing the CTBT into force and commencing negotiations on an FMCT; and comprehensively sets forth safety and non-proliferation measures to reduce the risk of a nuclear weapons catastrophe.

5. In a significant development at the fall 2009 session of the UN General Assembly (UNGA), the United States joined in co-sponsoring Japan's resolution, "Renewed determination towards the total elimination of nuclear weapons" (A/RES/64/47). It was also supported by Russia and the United Kingdom, and received an overwhelmingly positive vote, with 171 in favor, two opposed (India and the DPRK), and eight abstentions. It thus helps identify current common ground. However, two NPT nuclear weapon states, France and China, abstained. France objected to the omission of any reference to disarmament steps taken by it and the United Kingdom, and opined that the resolution could have better promoted a "concrete approach" to disarmament. China stated that in current circumstances relevant measures endorsed by the resolution are not practical and viable, possibly referring to the call for all nuclear weapon states to undertake reductions and the invitation for them to agree on transparency measures.

6. In preparing for the NPT Review Conference, and in framing the wider agenda for achievement of a nuclear weapon-free world, states can draw on a well-developed set of commitments and proposals, reinforced and further elaborated in 2009. They include: the 1995 NPT Principles and Objectives for Nuclear Non-Proliferation and Disarmament; the 2000 NPT Practical Steps for disarmament; draft recommendations of the 2009 NPT Preparatory Committee (PrepCom); UN General Assembly resolutions - "Renewed Determination," "New Agenda," "Nuclear Disarmament" (Non-Aligned Movement), and others; UN Security Council Resolution 1887; the Secretary-General's five-point proposal for disarmament; reports of the WMD ("Blix") Commission and the International Commission on Nuclear Non-proliferation and Disarmament (ICNND); and proposals of civil society groups, campaigns, and initiatives, among them Global Zero, the Nuclear Security Project, and the Middle Powers Initiative and its Article VI Forum launched in the wake of the failed 2005 NPT Review Conference. Through a series of meetings of the Forum, MPI identified seven priorities for the NPT review process: verified reduction of nuclear forces; standing down of nuclear forces (de-alerting); negotiation of a FMCT; bringing the CTBT into force; strengthened negative security assurances; regulation of nuclear fuel production and supply; and improved NPT governance. (See "Towards 2010: Priorities for NPT Consensus," April 2007.) MPI remains convinced that those measures warrant priority, and they are integrated into the analysis and recommendations of this Briefing Paper.

II. Reducing the Role of Nuclear Weapons

7. In 2000, NPT states parties made a vital commitment to a "diminishing role for nuclear weapons in security policies to minimize the risk that these weapons ever be used and to facilitate the process of their total elimination." However, in ensuing years, that commitment was honored more in the breach than in the observance, especially by France, Russia, and the United States, each of which enunciated doctrines expanding the role of nuclear weapons. In Prague, President Obama promised to reverse this trend, at least for the United States, saying: "To put an end to Cold War thinking, we will reduce the role of nuclear weapons in our national security strategy, and urge others to do the same." The world well understands the importance of doctrines. They imply retention of capabilities, and they assume the alleged security benefits of nuclear weapons and therefore promote proliferation. The "Renewed Determination" resolution includes the commitment to a diminishing role in an operative paragraph. In regard to the reviews of nuclear postures undertaken by the United States and Russia, in revising NATO's "Strategic Concept," due to be completed by 2011, and in reasserting, supporting, and developing 2000 commit-

ments at the 2010 Review Conference, middle powers should focus upon guarantees of non-use to non-nuclear weapon states; revision of strategic doctrines; and limiting and ending nuclear "extended deterrence" and nuclear sharing.

A. Negative Security Assurances

8. A foundation for reducing the role of nuclear weapons is the ongoing effectiveness of assurances of non-use of nuclear weapons to non-nuclear weapon NPT states parties made by the NPT nuclear weapon states in 1995. The 1995 NPT Principles and Objectives provide: "[F] urther steps should be considered to assure non-nuclear weapon states party to the Treaty against the use or threat of use of nuclear weapons. These steps could take the form of an internationally legally binding instrument." Non-nuclear weapon states have noticed the failure to take such steps; it is one of the reasons some states assert they are not motivated to take on further non-proliferation obligations absent fulfillment of promises by the nuclear weapon states. The Middle Powers Initiative has identified reinforcement of the assurances, including through a legally binding instrument, as a priority for the NPT review process. UN Security Council Resolution 1887 acknowledges the importance of the matter, affirming that the assurances "strengthen the nuclear non-proliferation regime." While significant, this provision falls short of "further steps." The International Commission on Nuclear Non-proliferation and Disarmament recommends that the 2010 NPT Review Conference agree on the need for NPT nuclear weapon states and other states possessing nuclear weapons to give unequivocal assurances of non-use to all states in compliance with the NPT, supported by a binding Security Council resolution. The ICNND's other proposals for the Review Conference outcome also deserve close attention.

B. Doctrines

- 9. The statement of the International Committee of the Red Cross (ICRC) to the 2009 UNGA First Committee provides a good framework for assessing doctrines on use of nuclear weapons. The statement reads in part: "The ICRC notes that in 1996 the International Court of Justice confirmed that the principles of distinction and proportionality found in international humanitarian law apply to nuclear weapons. In applying these principles to nuclear weapons the Court concluded that 'the use of nuclear weapons would generally be contrary to the principles and rules of international humanitarian law.' Given the unique characteristics of nuclear weapons the ICRC, as a humanitarian organization, goes beyond a purely legal analysis. Nuclear weapons are unique in their destructive power, in the unspeakable human suffering they cause, in the impossibility of controlling their effects in space and time, in the risks of escalation and in the threat they pose to the environment, to future generations, indeed, to the survival of humanity. The ICRC appeals to all States to ensure that these weapons are never used again, regardless of their views on the legality of such use."
- 10. The policies of nuclear weapon states, and of NATO, should reflect the operating reality, which is the extremely high threshold reflected in non-use of nuclear weapons since 1945 for even considering use of nuclear weapons. They should convey that the sole purpose of possessing nuclear weapons pending their elimination is to signal the unacceptability of their use by other states. And they should pave the way for the only lawful and civilized stance: that nuclear weapons will not be used in any circumstance whatever.

11. While embracing these perspectives, many diplomats and many in civil society are reluctant to delve into the details of nuclear postures. This is understandable, due to the awful nature and apparently technical character of the subject matter. Nonetheless, at a minimum, doctrines imply the retention and development of capabilities, and therefore decisively affect prospects for disarmament. Accordingly, it is important to strongly oppose counterforce doctrine, which requires readiness to carry out a comprehensive nuclear attack against an enemy's nuclear capabilities. The doctrine is a Cold War recipe for nuclear war fighting. It implies maintaining nuclear forces in a quick-launch status, capable of carrying out a preemptive strike, and increases pressures to resort to nuclear weapons in a crisis. In the US-Russian context, it is also perceived by many to require maintenance of large and complex arsenals, both to carry out counterforce attacks and to have usable nuclear weapons that would survive such an attack. In the November/December 2009 Foreign Affairs, Keir Lieber and Daryl Press argue that US counterforce capabilities and doctrines are necessary to a credible threat to use nuclear weapons against nuclear-armed regional enemies. That approach assumes and reinforces a future of proliferation and war. Any "countervalue" doctrine projecting second strikes against cities should also be firmly opposed.

C. Extended Nuclear Deterrence and Nuclear Sharing

- 12. With regard to the geopolitical underpinnings of nuclear postures, it is essential that US allies communicate that "extended deterrence" is not a justification for an expansive role of nuclear weapons. Alliances do not have to depend on nuclear weapons for deterring aggression; non-nuclear military power is quite robust. Nor should diplomacy, trade incentives or conflict prevention be neglected. Alternative security approaches, like the North East Asia nuclear weapon-free zone long advocated by civil society, have to be developed. Japanese Prime Minister Hatoyama's remarks at the Security Council Summit were promising in this regard. He explained the security benefits that would arise from "the creation of a nuclear weapon-free zone, when coordinated between the five nuclear weapon states the Permanent Five and non-nuclear weapon states in the region." It is also encouraging that Egypt reportedly has rejected the notion of installing extended nuclear deterrence in the Middle East, instead reiterating the need for a regional zone free of weapons of mass destruction. All states now part of nuclear alliances should take steps to reduce and phase out the role of nuclear weapons in their security doctrines.
- 13. An *intermediate* step in fulfilling the NPT commitment to a diminishing role in alliance arrangements regarding nuclear weapons would be to affirm that the weapons serve only to signal the unacceptability of use of nuclear weapons by other states. The new Japanese government should insist on that position with the United States, as it seems poised to do. The Democratic Party of Japan has said that a policy of no first use should be discussed with the United States. The Foreign Minister, Katsuya Okada, has expressed support for such a policy. NATO countries also have the obligation to limit the role of nuclear weapons in the revision of NATO's Strategic Concept, to be adopted at the Lisbon summit in late 2010 or early 2011. In 1998, Germany sought to persuade the United States of the merits of a no first use policy, only to be firmly rebuffed. NATO countries should press the matter again, this time with an administration whose leader has been eloquent on reducing the dangers posed by nuclear weapons and seeking their elimination.

- 14. Finally, it is well past time to end the deployment of US nuclear weapons on the territory of several NATO allies (Belgium, Germany, Italy, the Netherlands, and Turkey) including both weapons under sole US control and weapons subject to release to those allies for employment in time of war. That arrangement sends the wrong signal to the world by elevating the political value of nuclear weapons, and serves as a terrible precedent for other states possessing nuclear arsenals to consider "sharing" their own nuclear weapons. A promising development is the new German government's announcement that it will advocate within NATO for the withdrawal of remaining nuclear weapons from Germany and Europe.
- 15. Also heartening is another in the series of op-eds by former statesmen, this one entitled "Toward a Nuclear Weapon-free World" and published in the Netherlands on November 23, 2009 by Ruud Lubbers (former Prime Minister of the Netherlands), Max van der Stoel (former Minister of Foreign Affairs), Hans van Mierlo (former Minister of Defense and of Foreign Affairs), and Frits Korthals Altes (former Minister of Justice). They wrote: "As a member of NATO, the Netherlands should also make itself clearly heard in the upcoming revision of NATO's Strategic Concept.... Given the clear indications that the United States takes nuclear disarmament very seriously and that the original objective of deterrence has lost its validity, we need to ensure that neither the United States nor the other NATO allies wait for each other. The Netherlands should play an active role so that the revision of the Strategic Concept will lead to the withdrawal of American nuclear weapons from the territories of non-nuclear weapon states."

III. The Disarmament Process

A. Verified, Irreversible Reductions Leading to Elimination

- 16. The "Renewed Determination" resolution highlights the role of the principles of verification, irreversibility, and transparency in the process of reducing and eliminating nuclear arsenals. It is significant that the United States and Russia in supporting the resolution have committed to those principles, which are rooted in the 2000 NPT commitments. In his remarks at the Security Council Summit, UK Prime Minister Gordon Brown elaborated on application of the principles, importantly implying that international not only bilateral monitoring is necessary. He stated that nuclear weapon states "should commit to making irreversible the steps on disarmament that we have already taken; we should work together to map out the next steps on the road to the elimination of nuclear weapons. Credibility is the key, and the International Atomic Energy Agency already undertakes detailed inspections. We need to be more transparent if we are rapidly and verifiably to reduce nuclear weapons globally."
- 17. The 1991 Strategic Arms Reduction Treaty (START) expired on December 5, 2009. The United States and Russia are presently seeking to agree on a START replacement treaty that would, per the July 2009 Joint Understanding, limit each side to no more than 1675 deployed strategic warheads and between 500 and 1100 strategic delivery vehicles. The Obama administration then hopes to negotiate a much more ambitious agreement that would further reduce strategic warheads, reduce non-strategic warheads, and provide, for the first time, for verification of the dismantlement of withdrawn warheads. The result would be verified limits on the entire nuclear arsenals, not just deployed strategic warheads, of both sides.

- 18. When US and Russian arsenals are sufficiently reduced, a matter as to which other states with nuclear weapons should be consulted, the stage would be set for multilateral negotiations on reductions. All states with nuclear weapons should now declare the size of their stockpiles and commit not to increase them. This would generally build confidence, and facilitate deep US-Russian reductions and commencement of multilateral negotiations.
- 19. The START replacement agreement now under discussion would not fundamentally alter the nuclear balance of terror between the United States and Russia. The 2002 Strategic Offensive Reductions Treaty set a ceiling of 2200 strategic deployed warheads; the START replacement would lower the ceiling but not enough to qualitatively change the relationship. Its main virtue would be that it would reinvigorate the process of reduction and ensure continued fulfillment of the verification and monitoring functions once met by START. The stakes and the obstacles would be much higher with respect to a subsequent agreement.
- 20. Observers concur that Russia now attaches great importance to its nuclear forces in view of its degraded security and military posture. Russia is concerned about its security position vis-àvis the United States and NATO, in light of such factors as US wars waged on its periphery, the color revolutions in Ukraine and Georgia, and NATO expansion. In military terms, Russia is concerned about reducing its nuclear arsenal while the United States spends huge sums to maintain a highly sophisticated and effective military, and makes advances in non-nuclear strategic strike systems, engages in research and development regarding strategic anti-missile systems, and holds open the option of deploying space-based strike and interceptor systems. Russia's statement to the First Committee of the General Assembly on October 15, 2009 made clear that in negotiations after a START replacement is agreed, it will want to address all three types of non-nuclear strategic systems. Russia also may prove resistant regarding non-strategic nuclear arms reductions.
- 21. Whether the United States would alter its overall strategic posture to facilitate deep bilateral reductions opening the way to multilateral reductions remains to be seen. The Obama administration cancelled plans for deployment of ICBM interceptor systems in Europe, but research and development continues, and the medium-range systems to be deployed instead may one day be given a long-range capability. One adverse sign was the US Senate's unanimous adoption of a provision on military spending in 2010 that bars expenditures to implement reductions pursuant to a treaty with Russia unless the President certifies that it does not limit US "ballistic missile defense systems, space capabilities, or advanced conventional weapons."
- 22. Middle power countries should commend the United States and Russia for negotiating regarding a START replacement treaty and insist on commitments at the Review Conference to further US and Russian reductions and to multilateral reductions leading to elimination. US and Russian reductions can be either negotiated or unilateral, and the 2000 NPT commitment to unilateral reductions should be preserved. Negotiations can be derailed by domestic or international developments. It remains the case that the United States and Russia, and other states with nuclear weapons, can and should undertake unilateral reductions, as Jan Lodal and Ivo Daalder recommend in their 2008 Foreign Affairs piece, "The Logic of Zero."
- 23. Also essential is working for changes in security architecture that will make Russia and the United States comfortable with making truly deep reductions and facilitate multilateral negotia-

tions. Cogent observations are found in the January 9, 2009 International Herald-Tribune op-ed, "Toward a Nuclear-Free World: A German View," by four former statesmen, Helmut Schmidt (former chancellor of the Federal Republic of Germany), Richard von Weizsäcker (former president), Egon Bahr (former minister), and Hans-Dietrich Genscher (former foreign minister). They said: "Barack Obama called in Berlin for Cold War mindsets to be overcome. This ties in with the ideas discussed following the end of the Cold War under the motto, 'security stretching from Vancouver to Vladivostok.' Gorbachev was unable to realize his vision of a European house; Russian President Dmitri Medvedev has now called for a new pan-European security structure. We recommend giving this opportunity careful consideration. Security and stability for the northern hemisphere can only be achieved through stable and reliable cooperation among America, Russia, Europe and China."

B. Standing Down Nuclear Forces (De-alerting)

- 24. The United States and Russia each are currently estimated to have about 1,000 warheads capable of launch within minutes of an order to do so. In Prague, President Obama asserted that "the threat of global nuclear war has gone down," but in terms of capabilities the threat very much remains. It is also too little remarked that serious tensions, with at least seeming potential for escalation into armed conflict, occasionally arise between the two countries, as in relation to Georgia and the 2008 Russian-Georgian war, and could easily arise in the future. The Cold War-style nuclear relationship must be brought to an end, to reduce ongoing risks and to facilitate disarmament.
- 25. The "Renewed Determination" resolution calls for "measures to reduce the risk of an accidental or unauthorized launch of nuclear weapons and to also consider further reducing the operational status of nuclear weapons systems" In 2007 and 2008 (A/RES/62/36 and A/RES/63/41), a broadly supported resolution sponsored by Chile, Malaysia, New Zealand, Nigeria, Sweden and Switzerland (joined by Malaysia in 2008) called for "further practical steps to be taken to decrease the operational readiness of nuclear weapons systems, with a view to ensuring that all nuclear weapons are removed from high alert status." The resolution was not offered in 2009 in deference to consideration of the matter in current reviews of nuclear postures.
- 26. A report released at the First Committee, *Reframing Nuclear De-Alert*, comprehensively analyzes the question and recommends that de-alerting be brought back into arms control dialogue between the United States and Russia and generally. The report was prepared by the EastWest Institute and supported by Switzerland and New Zealand. At an event launching the report, General (ret.) Eugene Habiger, former Commander in Chief of United States Strategic Command, strongly supported de-alerting, and said that it is feasible from a military point of view; what is required is a political decision.
- 27. Since its inception, the Middle Powers Initiative has called for de-alerting, and in recent years identified it as one of the priorities for the 2010 NPT review process. De-alerting could be pursued within or in connection with US-Russian nuclear arms reduction negotiations, and also could be a topic for wider consideration by states with nuclear arsenals. **Middle powers should press for a renewal of the 2000 commitment to de-alerting at the Review Conference.** Consideration should be given to specifying means of implementation, for example formation of an international commission to provide guidance and report on progress.

C. Transparency, Reporting and Benchmarks

28. One of the 2000 Practical Steps provides for "regular reports, within the framework of the NPT strengthened review process, by all States parties on the implementation of Article VI." In accordance with this provision, NPT nuclear weapon states have provided general statements regarding, e.g., reductions of deployed weapons, and some have also declared their arsenal size and fissile material holdings. However, there is nothing even resembling a comprehensive authoritative international accounting of warhead and fissile material stockpiles, nuclear weapons delivery systems, and spending on nuclear forces. Non-governmental researchers make valiant efforts to fill the gap, but their assessments are mostly estimates based only partly on official information. The need for an authoritative accounting system is obvious: it would provide baselines for evaluating progress in disarmament, and enable the identification of objective benchmarks for progress. Nuclear arms control and disarmament for too long has depended on commitments and intentions, with the exception of US-Russian/Soviet bilateral arms control agreements, which do set objective limits. It is time for benchmarks to be set, as the WMD Commission recognized, and establishing an accounting system is a first step in that direction.

29. In his October 24, 2008 five-point proposal for disarmament, Secretary-General Ban stated: "The nuclear weapon states often circulate descriptions of what they are doing to pursue these goals, yet these accounts seldom reach the public. I invite the nuclear weapon states to send such material to the United Nations Secretariat, and to encourage its wider dissemination. The nuclear powers could also expand the amount of information they publish about the size of their arsenals, stocks of fissile material and specific disarmament achievements. The lack of an authoritative estimate of the total number of nuclear weapons testifies to the need for greater transparency." Middle power countries should seek a commitment at the Review Conference to establishment of a comprehensive, UN-based accounting system covering size of nuclear arsenals, nuclear weapon delivery systems, fissile material stockpiles, and spending on nuclear forces.

D. Legal Framework for Elimination

30. Fundamentally, only a binding global agreement can firmly establish the obligations not to possess, use, or threaten to use nuclear weapons. Unquestionably, there are major challenges to overcome in developing an institutional system that would reliably provide for verified and enforceable elimination of nuclear warheads and delivery systems and successfully manage nuclear power. It is worth considering reaching agreement, through a framework approach, on the basic norms prior to detailed negotiation of all matters relating to verified elimination and its enforcement.

31. The challenges can in part be addressed through measures on the standard international agenda – the CTBT, FMCT, regulation of nuclear fuel production and supply, etc. - so long as they are negotiated and implemented with the objective of a nuclear weapon-free world in mind. It is also imperative, however, to squarely address the nature of the overall framework; the challenges will not go away just because they are ignored. Moreover, measures now apparently within reach may in fact remain unattainable while a nuclear weapon-free world is not even on the horizon. In that circumstance, they may be perceived as primarily aimed at preserving the ad-

vantage of powerful states and deemed unacceptable. It must be clearly enunciated and intended that the steps are meant to lead to a world free of nuclear weapons, not to maintain an unsustainable two-class nuclear world. That intention is best conveyed by creation of a process expressly devoted to achieving the global elimination of nuclear forces.

- 32. Every year since 1997, the General Assembly has adopted a resolution calling upon all states immediately to fulfill the disarmament obligation affirmed by the International Court of Justice by commencing multilateral negotiations leading to an early conclusion of a nuclear weapons convention. In 2009, the resolution (A/RES/64/55) was adopted by a vote of 124 to 31, with 21 abstentions. Ban Ki-moon has also repeatedly lent his authority to this approach, beginning with his October 24, 2008 address, in which he stated that the model convention he has circulated to UN member states is a "good starting point" for negotiations to fulfill Article VI through a convention or framework of instruments.
- 33. At the Security Council Summit, several heads of states expressed support for a convention prohibiting and eliminating nuclear weapons globally. While noting that for the time being the NPT "remains the core" of the regime, President Heinz Fischer stated that "Austria supports the idea of a nuclear weapons convention equipped with a sophisticated verification mechanism." Hu Jintao, President of China, stated that "the international community should develop, at an appropriate time, a viable long-term plan composed of phased actions, including the conclusion of a convention on the complete prohibition of nuclear weapons." On behalf of Viet Nam, President Nguyen Minh Triet endorsed the Non-Aligned Movement position paper for the Summit, invoked the continuing "urgent demand of mankind" for "nuclear disarmament leading to the total elimination of nuclear weapons," and called for "early commencement of negotiations on an international nuclear disarmament agreement." India has also raised its voice, most recently on September 29, 2009, when Prime Minister Manmohan Singh reiterated its proposal for negotiation of a nuclear weapons convention.
- 34. Negotiation of a convention is not only the demand of a large majority of the world's countries; it is widely supported by civil society. This was illustrated by the NGO declaration, "Disarming for Peace and Development," adopted at the Mexico City conference, whose second point reads: "Promptly commence negotiations on a convention prohibiting and eliminating nuclear weapons globally within an agreed, time-bound framework." The ICNND report reflects and contributes to the mainstreaming of the convention approach. It states: "Work should commence now, supported by interested governments, on further refining and developing the concepts in the model convention now in circulation, with the objective of having a fully-worked through draft available to inform and guide multilateral disarmament negotiations as they gain momentum." The ICNND does not support the near-term commencement of negotiations, positing that it is premature until further steps are taken to reduce and marginalize nuclear arsenals. However, it should be remembered that over the lengthy period of negotiation of the Chemical Weapons Convention, the United States and Russia also bilaterally negotiated concerning their large stockpiles. Negotiation of a convention can proceed in parallel with, and inform and stimulate, negotiation and implementation of other measures.
- 35. It is true that achieving the complete elimination of nuclear weapons will likely require complementary arms control and disarmament, notably in relation to space-based systems, anti-

missile systems, and non-nuclear strategic strike systems. However, it is established beyond doubt that nuclear disarmament is not to be held hostage to comprehensive demilitarization or like transformation of the global security landscape. The 2000 unequivocal undertaking to eliminate nuclear arsenals is separate from the commitment to the ultimate goal of general and complete disarmament. The International Court of Justice unanimously concluded that Article VI requires negotiations to be completed on "nuclear disarmament in all its aspects," not comprehensive disarmament.

36. The call for undertaking a comprehensive approach to nuclear disarmament now reflects a mature understanding of the means to be employed and the challenges to be met. Middle power countries should press for the NPT Review Conference to adopt a commitment to commencement of preparatory work, deliberations and negotiations on a convention or framework of instruments for sustainable, verifiable and enforceable global elimination of nuclear weapons.

IV. Measures Making the World Safer Now and Establishing Elements of a Nuclear Weapon-Free World

37. Credible disarmament requires the verified dismantlement of nuclear warheads and delivery systems and the verified reduction, securing and disposition of stocks of weapons-usable fissile materials. Increasingly attention has turned to those fundamental imperatives, and rightly so. But the importance of related measures must not be denigrated, measures that help prevent horizontal proliferation, vertical proliferation – nuclear arms racing, and, in a nuclear weapon-free world, breakout. Among them are three that the Middle Powers Initiative has identified as priorities: the Comprehensive nuclear Test-Ban Treaty, the Fissile Materials Cut-off Treaty, and multilateral regulation of nuclear fuel production and supply. Other matters warranting attention at the NPT Review Conference include, without limitation, nuclear weapon-free zones in the Middle East and North East Asia, improved NPT governance and the Additional Protocol.

A. Comprehensive Nuclear Test-Ban Treaty (CTBT)

38. The "Renewed Determination" resolution calls for hold-out states to sign and ratify the CTBT "at the earliest opportunity with a view to its early entry-into-force and universalization." It is indeed important to bring the CTBT into force. The CTBT inhibits qualitative nuclear arms racing, and is a high barrier to new states acquiring warheads deliverable by missile. But it is also important that the CTBT be made legally effective "without conditions," as provided by the first of the 13 Practical Steps adopted by the 2000 NPT Review Conference. While the phrase could be interpreted as referring to qualifications directly attached to ratifications transmitted to the treaty depository, more broadly it weighs against ratification packages, implicit or explicit, whose domestic effect is to reinforce and enhance capabilities for long-term maintenance and modernization of nuclear arsenals. Conditioning approval of the CTBT on "modernizing" an arsenal would be contrary to a principal stated objective of the treaty, advancing the process of nuclear disarmament.

39. Unfortunately, strong efforts are underway in the United States to tie ratification of the CTBT to commitments to modified or new-design warheads and new weapons production facilities, and also to modernization of delivery systems. The US Congress has appropriated \$32.5 million for work in 2010 on design of non-nuclear components of a "refurbished" nuclear bomb,

the B-61, currently deployed in Europe. Congress has also appropriated \$97 million for design of a new facility to produce the plutonium cores of warheads at Los Alamos Laboratory, the Chemistry and Metallurgy Research Replacement Nuclear Facility, and \$94 million for design of the Uranium Processing Facility at Oak Ridge, Tennessee, which would build secondaries for warheads. Construction is slated to begin this spring of a replacement Kansas City Plant in Missouri for production of non-nuclear components of warheads. The new facilities would provide the capability to build up nuclear forces should that be deemed necessary and to produce modified or new-design warheads.

- 40. While supporting early entry-into-force of the CTBT, middle power countries should oppose conditioning approval of the CTBT, in the United States and other countries, on deals for entrenching and expanding weapons complexes, retaining the option of designing and manufacturing modified or new-design warheads, and modernizing delivery systems. Building weapons facilities that among other things provide the capability for expanding arsenals runs contrary to the 2000 principle of irreversibility. Modified or new-design warheads, despite denials to the contrary, are likely to add military capabilities to nuclear forces, contrary to the 2000 commitment to a diminishing role of nuclear weapons in security policies. This is currently taking place in the "life-extension" program for the W-76, the main US warhead for submarinelaunched ballistic missiles. A high price was already paid in the United States for the CTBT in the 1990s, in the form of commitments to supercomputing and experimental facilities and to "subcritical" testing known collectively as "Stockpile Stewardship." A new anti-disarmament package accompanying CTBT ratification in the United States will surely complicate the already difficult task of obtaining ratifications from India and Pakistan. A far better path would be for the United States, Russia and other states with nuclear arsenals to demonstrate good faith by closing their test sites, as at least France has already done.
- 41. Additionally, middle power countries should be wary of making a successful NPT Review Conference outcome contingent upon progress in obtaining CTBT ratifications. The timing of US ratification is uncertain, and there are eight other countries that must ratify before the treaty enters into force. Moreover, at least among the NPT nuclear weapon states, the longstanding moratorium on testing holds and appears likely to continue to do so. Further, making CTBT ratification the central sign of fidelity to NPT disarmament commitments plays into the hands of those who seek to extract the maximum anti-disarmament price for its ratification.

B. Fissile Materials Cut-off Treaty (FMCT)

42. For the first time since 2004, in 2009 the General Assembly adopted the resolution entitled "Treaty banning the production of fissile material for nuclear weapons or other explosive devices" (A/RES/64/29). Adopted without a vote, the Canada-sponsored resolution urges "the Conference on Disarmament to agree early in 2010 on a programme of work that includes the immediate commencement of negotiations" on an FMCT. Other expressions of support for FMCT negotiation came from the "Renewed Determination" resolution and Security Council Resolution 1887. The latter calls on the Conference on Disarmament (CD) to negotiate an FMCT "as soon as possible." It also refers approvingly to the CD's program of work encompassing three other priority items, discussions not excluding negotiations on assurances of non-use of nuclear weapons against non-nuclear weapon states, prevention of an arms race in outer space, and systematic and progressive efforts leading to elimination of nuclear weapons.

- 43. In its explanation of vote on the FMCT resolution, Pakistan stated that its support for the resolution is without prejudice to its position that the CD should adopt a holistic approach to its agenda. Pakistan also emphasized that a fissile materials treaty must be a genuine disarmament measure that takes into account its "legitimate security concerns." Iran stated that the CD should have a balanced program "responsive to the priorities of all member states." Israel qualified its support with the contention that a fissile materials treaty would not address the "poor track record of compliance" with "existing obligations" in the Middle East.
- 44. At high levels, governments need to come to grips with the concerns of Pakistan, which is currently producing materials for weapons and building new facilities to produce plutonium for weapons. For its part, India is constructing a fast breeder reactor, to be kept outside safeguards, that will be fueled with reactor-grade plutonium, of which India has a large and growing stockpile, and will produce weapons-grade plutonium. A ban on producing materials for weapons if coupled with a verified ban on using "civilian" plutonium for weapons would cap South Asian arsenals at nearly equal levels of up to a few hundred weapons each. As part of the US-India nuclear deal, India committed to "working with the United States for the conclusion of a multilateral [FMCT]." This has, however, not yet been put to any test. China is another key player. It seems to remain concerned about the effect of an FMCT capping the size of its arsenal on its overall strategic position, in view of US pursuit of advanced non-nuclear strike systems and missile interceptor systems. The most significant challenge to an FMCT may come from Israel, which appears to view an FMCT as likely to compromise its policy of opacity and to lead to further demands for dismantlement of its arsenal.
- 45. When negotiations begin, middle power countries should strongly support an FMCT that comprehensively prevents use of existing materials outside military programs for weapons acquisition and that facilitates disarmament. As the International Panel on Fissile Materials has well explained, this requires, inter alia, applying safeguards to all weapons-usable materials, including "civilian" plutonium, materials declared excess to military "needs", and highly enriched uranium for submarine propulsion; that is, all fissile material that is not in weapons or is not assigned to weapons. To maintain this principle, the panel also recommends that all future arms reductions require the fissile material from withdrawn weapons to be placed under safeguards. An Additional Protocol type inspection regime that enables detection of undeclared activities is also desirable. In addition to increasing confidence that no materials are produced for weapons, this would have the salutary effect of significantly decreasing discrimination between weapon and non-weapon countries. Regrettably, it seems that the Obama administration has decided on taking a narrow approach to the treaty, while calling for a parallel voluntary initiative on transparency, safeguards on existing materials, and placing "excess" materials under safeguards. The scope of the treaty is a matter as to which a concerted effort by middle power countries could have an effect.

C. Nuclear Weapon-Free Zones, the Middle East, and North East Asia

46. The role of regional nuclear weapon-free zones (NWFZs) in reinforcing and advancing the denuclearization of much of the planet has been highlighted this year with the entry-into-force of two treaties creating NWFZs in Africa (Treaty of Pelindaba) and in Central Asia (Treaty of Semi-palatinsk). A conference of NWFZs will be held in New York just prior to the NPT Review Confer-

ence. The NGO declaration adopted at the Mexico City conference includes ambitious recommendations for the NWFZ meeting to consider: "Consolidate existing nuclear weapon-free zones, promote cooperation between members of such zones, and create new zones, with the goal of achieving, in the near future, a global nuclear weapon-free zone."

- 47. In his remarks at the Security Council Summit, Austrian President Fischer said: "Nuclear weapon-free zones contribute significantly to sustainable stability. Regions like the Middle East would benefit from such a regime." As the WMD Commission explained, initiating steps toward a zone in the Middle East would contribute greatly to a longer-term solution to the peace and security challenge posed by the Israeli arsenal, the Iranian nuclear program, and the initiation or intensification of nuclear programs by other states in the region. One such step recommended by the Commission would be a regional freeze on any reprocessing or enrichment activities.
- 48. Prospects for a Middle East zone will likely have a direct bearing on the outcome of the NPT Review Conference. The 1995 NPT resolution calling for establishment of a Middle Eastern zone free of nuclear, biological, and chemical weapons will again be a focus of attention. The draft recommendations considered at the 2009 NPT PrepCom contain useful elements, among them convening a conference on a Middle East zone and appointing a special coordinator. **Middle power countries should make it a top priority to work for agreement on a provision regarding the Middle East at the Review Conference.**
- 49. As noted earlier, the proposal for a North East Asia nuclear weapon-free zone has gained traction with the advent of the new Japanese government. Additionally, support for the proposal will come from a working group composed of parliamentarians from the Republic of Korea and Japan, established in 2009 through the Parliamentarians Network for Nuclear Non-Proliferation and Disarmament. A regional zone, and the process of creating it, could contribute to the sustainable denuclearization of the Korean peninsula. The DPRK would relinquish its nuclear arsenal and nuclear weapons capabilities, and receive in return binding assurances against use of nuclear weapons long a top concern of DPRK leadership. By providing Japan and the Republic of Korea binding assurances against use of nuclear weapons, a zone could also facilitate their lessening or ending reliance on US nuclear weapons for defense.

D. Multilateral Regulation of Nuclear Fuel Production and Supply

50. Security Council Resolution 1887 "[e]ncourages the work of the IAEA on multilateral approaches to the nuclear fuel cycle, including assurances of nuclear fuel supply and related measures, as effective means of addressing the expanding need for nuclear fuel and nuclear fuel services and minimizing the risk of proliferation, and urges the IAEA Board of Governors to agree on measures to this end as soon as possible." In his statement at the Summit, then IAEA Director-General Mohamed ElBaradei observed: "I have proposed the establishment of a low enriched uranium bank to assure States a guaranteed supply of nuclear fuel for their reactors to that they might not need their own enrichment or reprocessing capability. A number of complementary proposals have also been made in that regard. Our ultimate goal, however, should be the full multinationalization of the fuel cycle as we move towards nuclear disarmament." The Middle Powers Initiative has backed Mr. ElBaradei's position as a priority for a successful NPT review process. However, MPI also recommends that states strive to increase reliance on renewable sources of energy and to this end join and support the International Renewable Energy

Agency. As the International Panel on Fissile Materials observed in its 2009 report: "Even with stringent and equitable new rules to govern nuclear power, its continued operation and certainly any global expansion will impose serious proliferation risks in the transition to nuclear disarmament."

51. Progress has been slow regarding "multilateral approaches to the nuclear fuel cycle." In the IAEA Board of Governors, in 2009 the relatively modest step of establishing a fuel bank has run into considerable skepticism and opposition, despite assurances that it would not preclude countries from acquiring enrichment or reprocessing capabilities, only provide an incentive not to do so. The General Assembly and NPT review proceedings similarly have not provided any guidance, and the recent vague call by the Security Council might not gain support in those more inclusive bodies. This indicates that full success in preventing the spread of nationally-controlled nuclear fuel production capabilities will in the end require movement on internationalizing in some form existing capabilities in states with nuclear arsenals and a few others (currently Brazil, Germany, Iran, Netherlands, and Japan).

E. Improved NPT Governance

52. To promote implementation of both non-proliferation and disarmament obligations, a stronger NPT institutional capability is needed, as Canada, Ireland, and other states have urged. The provisions of the NPT regarding mechanisms for inducing or compelling implementation are weaker than those of conventions on biological and chemical weapons. Administrative support is provided by the UN Office for Disarmament Affairs, which is under-resourced and has no authority between review proceedings. Impartial, expert compliance assessment is limited in scope with respect to non-proliferation, since the IAEA is charged by its Statute and safeguards agreements only with monitoring nuclear materials to ensure their non-diversion to weapons. Compliance enforcement with respect to non-proliferation is left largely to the Security Council. There are no treaty provisions for compliance assessment or enforcement with respect to disarmament. At a minimum, states parties need to establish a secretariat and a mechanism for holding meetings of state parties to address issues of withdrawal and of compliance with both disarmament and non-proliferation requirements. A further key innovation would be a standing bureau or executive council capable of addressing issues on short notice. These matters should be seriously considered at the Review Conference.

F. The Additional Protocol and Other Non-Proliferation and Safety Measures

- 53. As President Obama said in his remarks at the Security Council Summit, Resolution 1887 endorses "a global effort to lock down all vulnerable nuclear material within four years," an Obama administration priority. He added that the United States "will host a summit next April to advance that goal and to help all nations achieve it." Expanding this effort beyond its primary locus, Russia, will be challenging, but the goal has been set. The "Renewed Determination" resolution similarly but more vaguely "encourages every effort to secure all vulnerable nuclear and radiological material."
- 54. Resolution 1887 also calls for all states to ratify the Additional Protocol, which enhances the IAEA's authority to detect undeclared nuclear activities, and "encourages" supplier states to take a state's status in this regard into account in making nuclear export decisions. The resolution further highlights the Security Council's responsibility with respect to withdrawals from the NPT, and urges

supplier states to attach conditions to nuclear exports requiring that in the event of withdrawal from an IAEA safeguards agreement, safeguards would continue to apply to exported nuclear material and equipment and the supplier state would have the right to require their return.

55. It will be difficult for the 2010 NPT Review Conference to approve similar provisions. Many non-nuclear weapon states are resistant to agreeing to what they regard as further and intrusive restrictions on non-military uses of nuclear power, or in some cases on their ability to renounce the NPT obligation of non-acquisition of nuclear weapons, while a discriminatory system remains intact: the application of safeguards in NPT nuclear weapon states is limited, the prevention of further proliferation is in question, and elimination of nuclear weapons is aspirational only. The "Renewed Determination" resolution only encourages efforts to achieve universal adherence to the Additional Protocol, and the draft recommendations considered at the 2009 NPT PrepCom contain no reference to the instrument. Nonetheless, the Middle Powers Initiative recommends in particular that middle power countries work for a commitment to make the Additional Protocol a standard for compliance with non-proliferation obligations. Achieving greater confidence in prevention of the spread of nuclear weapons is good in and of itself, and also creates a better environment for progress on reduction and elimination of nuclear weapons. For the same reasons, tightening restrictions on withdrawal from the NPT is desirable.

56. At the Summit, Mr. ElBaradei made observations regarding the role of the IAEA well worth considering in development of the non-proliferation/disarmament regime at the Review Conference and elsewhere. Noting that "our verification mandate is centered on nuclear material," he said that if "the Agency is to be expected to pursue possible weaponization activities, it must be empowered with the corresponding legal authority." He also observed that "at the current level of funding, the IAEA will not be able to fulfill its mission in nuclear verification and security."

Conclusion

57. Since the failed 2005 NPT Review Conference, momentum has been building for revitalizing the non-proliferation regime and setting the course for achievement of a world free of nuclear weapons. It has been generated by middle power states, which in NPT PrepComs, the General Assembly, and elsewhere, have steadfastly upheld NPT objectives and commitments; by the WMD Commission and now the ICNND; by numerous non-governmental groups, campaigns, and initiatives, including MPI's Article VI Forum; by former statesmen declaring the imperative of reversing the erosion of the non-proliferation regime and, in the post-Cold War era, ending reliance on nuclear weapons for security; and by the new US president and other heads of state. It is now time to act decisively to turn the momentum into accomplishment. At the 2010 NPT Review Conference, middle power countries must seize this once-in-a-generation opportunity not only to envision a world of peace and security without nuclear weapons, but to generate concrete actions to make it a reality.



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Through the Middle Powers Initiative (MPI), eight international non-governmental organizations (the Albert Schweitzer Foundation, Global Security Institute, International Association of Lawyers Against Nuclear Arms, International Network of Engineers and Scientists, International Peace Bureau, International Physicians for the Prevention of Nuclear War, Nuclear Age Peace Foundation, and the Women's International League for Peace and Freedom) work primarily with "middle power" governments to encourage and educate the nuclear weapon states to take immediate practical steps that reduce nuclear dangers, and commence negotiations to eliminate nuclear weapons. MPI is guided by an International Steering Committee chaired by Ambassador Henrik Salander of Sweden.

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