



Modest Proposals for a Critical Moment

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**Address to United Nations Secretary General's Advisory Board on Disarmament
Matters
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It is an honor and privilege to address this Board. Your expertise in policy, diplomacy, and international law gives me pause and has caused me to reflect deeply on these words.

In 1965, I met Robert Kennedy while working in Washington. A small group of interns listened in rapt attention as he explained how close we were to the end of civilization during the Cuban Missile Crisis. I will never forget how he emphasized that the challenge of eliminating nuclear weapons before they eliminate us is the litmus test for humanity at this critical moment. Success or failure on this issue will determine our moral standard and our capacity to be led by reason and law to security or to oblivion through fear, the quest for power, and apathy.

The institutional framework for addressing the threat has been crippled. The Conference on Disarmament cannot achieve a working agenda. The First Committee of the General Assembly cannot create working committees with a focus on non-proliferation and disarmament concerns. The 2005 Review Conference of the Nuclear Non-Proliferation Treaty (NPT) could not even achieve a consensus statement. Without these venues for dialogue, discussion, debate and consensus building efforts to control, constrain and eliminate nuclear weapons are hindered critically.

Over 96% of the approximately 30,000 nuclear weapons remain in the hands of Russia and the United States. Without leadership from both of these countries the crisis will be difficult to overcome. As an American with a proud tradition of dissent and criticism of government policies¹ I feel comfortable addressing my great nation's failures to lead in this area. I venture to say that other countries have evidenced stubbornness and placed parochial self interests above global common security as well, but I will refrain from addressing their shortcomings and stick closer to home.

The Secretary General on September 13, 2005, in addressing the press regarding the 2005 Summit of Heads of State said, in reference to their Final Statement:

“The big item missing is non-proliferation and disarmament. This is a real disgrace. We have failed twice this year. We failed at the NPT and we failed now.”

I have attached a brief outline of how we have come to this conundrum as Exhibit A titled *Unintelligent Design* and Exhibit C titled *The Nuclear Non-Proliferation Treaty and Its 2005 Review Conference, A Legal and Political Analysis*. I have emphasized the responsibility of the US in not leading to fulfill previous commitments toward progress in this field that had been promised at the 1995 Review and Extension Conference and at the 2000 NPT Review Conference. In fact, the US position at the 2005 NPT Review in large part denied being held to account for previous commitments. This position undercut the institution. For if previous commitments, whether they be understood as political or legal, are marginalized, then what status is there to a new commitment in that forum?

There was no dearth of practical proposals to reduce threats, reinforce non-proliferation, and downgrade the likelihood of the use of a nuclear weapon. One need only to look at the Chairman's working paper of Main Committee I (NPT/CONF.2005/MC.I/1) which expressed a near common vision arising from the 1995 Extension and the 2000 Review process that could have served as a foundation for making the world so much safer.

And that common vision is consistent with past proposals arising from this prestigious Advisory Board.ⁱⁱ Let me honor your clear exposition in characterizing the NPT as a first line of defense against both state and non-state proliferators and your highlighting the fact that without multilateral disarmament the legitimacy of counter-proliferation disappears. You have called for the prompt entry-into-force of a Comprehensive Test Ban Treaty and immediate commencement of negotiations on a treaty prohibiting the production of fissile materials for weapons purposes and focused on reductions leading to elimination of non-strategic (tactical) nuclear weapons. And, like Main Committee I of the NPT 2005 Review, you expressed support of the realization of the Thirteen Steps of the 2000 NPT Review. I would venture to say that nearly every country in the world even today could find common ground with these recommendations.

Yet, not all countries will accept this common vision now. If one looks at the recent reorganization of priorities and personnel in the US State Department reported in yesterday's newspapers, it is unlikely that any progress on multilateral cooperative security based on promoting international legal norms will be forthcoming from that institution of the United States. (Exhibit B) And, even though this common vision has wide support, it is clear that the ambassadors who are aware of its value do not have the political capacity to bring it effectively into public debate, nor to manifest it in policies.

Thus, we are in a crisis.

In the 1980's, the Six Nation Initiative helped break a deadly downward spiral that was driven by the Soviet Union and the U.S. Heads of State of Argentina, Greece, India, Mexico, Sweden, and Tanzania, made quiet diplomatic interventions to Moscow and Washington, at the highest levels, to good effect. Beginning in 1984 they persisted until 1989. The process was begun by Parliamentarians for Global Action but, once the pump was primed, the Heads of State picked up their own momentum. Practical suggestions

helped move the then two superpowers toward clear progress.ⁱⁱⁱ (Exhibit D for an outline of the Initiative).

The Secretary General has built up enormous good will with nearly all nations of the world. His office and his persona exemplify balanced judgment and generate earned respect. A team of Heads of State should be convened to discuss how they could best reinvigorate the multilateral venues so desperately required by the world to ensure our collective security. They could decide whether to engage in making their strategy public or discreet.

They could take on a modest agenda that could be advanced in Moscow and Washington. It could include the following:

1. De-alerting. In advancing this subject Senator Sam Nunn in a June 21, 2004, speech at the Carnegie International Non-Proliferation Conference quoted President Bush as having said, "The United States should remove as many weapons as possible from high-alert, hair-trigger status – another unnecessary vestige of Cold War confrontation. Preparation for quick launch – within minutes after warning of an attack – was the rule during the era of superpower rivalry. But today, for two nations at peace, keeping so many weapons on high alert may create unacceptable risks of accidental or unauthorized launch. So, as president, I will ask for an assessment of what we can safely do to lower the alert status of our forces."^{iv} We agree.
2. Fissile Material Cut Off Treaty with adequate compliance mechanisms. There is a strong bipartisan foundation for political support in the US and Russia has in the past advanced FMCT issues.
3. Reductions of non-strategic nuclear weapons. If the people of the world knew that there are between 7,000 and 20,000 of these devices and that they are the most likely to be stolen, the most portable, and thus the most dangerous, public demand would be enormous. Austria, Sweden and Ukraine proposed a comprehensive approach at the 2005 NPT Conference worth advancing, NPT/CONF.2005/PC.III/
4. Comprehensive coordinated approach for control over the nuclear fuel cycle with IAEA inclusion in the process to ensure international cooperation and universal legitimacy.

And, most importantly, they could pressure the two countries still holding the world at risk with their launch on warning posture to make clear their mutual commitments to fulfilling their duties to obtain the elimination of nuclear weapons.

Also, the United Nations and the Secretary General are Nobel Peace Laureates. Each of the past six years there has been a Summit of Nobel Peace Laureates in Rome, Italy. It has been hosted by the City of Rome and the Gorbachev Foundation of Italy. Nearly all the Peace Laureates and Laureate organizations have attended. Powerful statements concerning nuclear weapons have been issued.^v There are a number of former Heads of State amongst the group. For example, Mikhail Gorbachev, Lech Walesa, Willem De Klerk, Oscar Arias, Nelson Mandela, Kim Dae-Jung and Jimmy Carter have taken strong

positions on nuclear disarmament. Their prestige and collective voice is needed to amplify the issue in the minds of the public. The Secretary General could call for a Summit of Nobel Peace Laureates and Laureate organizations to gather at the United Nations to address the critical threat posed by nuclear weapons and to further work to establish peace in all its aspects. Such an august gathering at the United Nations could not be ignored.

The perception that nuclear weapons in the hands of a few is sustainable must be disabused. As His Holiness Pope Benedict XVI, in his message for the Celebration of World Day of Peace, January 1, 2006, titled *In Truth, Peace*, said:

"What can be said, too, about those governments which count on nuclear arms as a means of ensuring the security of their countries? Along with countless persons of good will, one can state that this point of view is not only baneful but also completely fallacious. In a nuclear war there would be no victors, only victims. The truth of peace requires that all —whether those governments which openly or secretly possess nuclear arms, or those planning to acquire them— agree to change their course by clear and firm decisions, and strive for a progressive and concerted nuclear disarmament. The resources which would be saved could then be employed in projects of development capable of benefiting all their people, especially the poor."

This religious voice must be echoed with the secular chorus of leaders who have won Nobel Peace Prizes in such a manner that the people of the world cannot ignore them. For if we ignore solving the issue of the continued reliance of nuclear weapons, we risk ignoring a future for our children. The proposition that these devices are good for some and not for others is a moral statement without foundation. We persist in stating that the weapons themselves are more of a problem than any problem they seek to solve and that threatening to use them as a means of pursuing security diminishes our humanity. As Senator Alan Cranston used to say, "They are unworthy of civilization." The challenge of addressing this threat reminds us that our destiny is either collective or not at all.

Thank you for the privilege of addressing you this morning.

ⁱ "Dissent is the highest form of patriotism," Thomas Jefferson. "May we never confuse dissent with disloyal subversion," Dwight D. Eisenhower. "We must never confuse dissent with disloyalty. When the loyal opposition dies, I think the soul of America dies with it," Edward R. Murrow. "In a democracy, dissent is an act of faith," J. William Fulbright. "Without debate, without criticism, no administration and no country can succeed – and no republic can survive," John F. Kennedy.

ⁱⁱ An excellent analysis can be found in an article by Harold Muller, *Reviving the Disarmament Regimes: Recommendations of the High Level Panel and Secretary-General's Advisory Board, Disarmament Diplomacy*, Issue No. 80, Autumn, 2005. In the article he also highlights the High Level Panels call for de-alerting of nuclear arsenals.

ⁱⁱⁱ Christos A. Frangonikolopoulos, The Six-Nation Initiative for Disarmament, A Third Party in the Arms Control Process, <http://www.kent.ac.uk/politics/research/kentpapers/Frangonikolopoulos.html>

^{iv} Sam Nunn, De-Alerting Nuclear Weapons, June 21, 2004,
http://www.fcni.org/issues/item_print.phpitem_id=931&issue_id=49

^v <http://www.nobelpeace-summit.org/index-en.asp>

Below are portions of the Final Statement from the Nobel Peace Laureate Summits:

From the 2005 Final Statement:

While expressing regret that some African nations spend too much on conventional weapons, we commend the entire African continent for becoming a nuclear weapons free zone. It is absurd that the nations with nuclear weapons refuse even to pledge not to use nuclear weapons against all nuclear weapons free nations.

As in past years, we reiterate our insistence that the existence of nuclear weapons is morally unacceptable and condemn military doctrines allowing their use. We demand progress by the nuclear weapons states in fulfilling their disarmament obligations under the Nuclear Non-Proliferation Treaty. The corrosion of the non-proliferation regime is a danger to world peace.

From the 2004 Final Statement:

Preserving and strengthening the Nuclear Non-Proliferation Treaty. We reject double standards and emphasize the legal responsibility of nuclear weapons states to work to eliminate nuclear weapons. We call for continuation of the moratorium on nuclear testing pending entry into force of the Comprehensive Test Ban Treaty, and for accelerating the process of verifiable and irreversible nuclear arms reduction. We are gravely alarmed by the creation of new, usable nuclear weapons and call for rejection of doctrines that view nuclear weapons as legitimate means of war-fighting and threat pre-emption.

From 2003 Final Statement:

The threat of weapons of mass destruction remains with us. We call for an immediate end to the newly resurgent arms race, which is being fueled by a failure to universally ratify a treaty banning nuclear testing, and by doctrines that lower the threshold of use and promote the creation of new nuclear weapons. This is particularly dangerous when coupled with the doctrine of pre-emption.

For some to say that nuclear weapons are good for them but not for others is simply not sustainable. The failure of the nuclear weapons states to abide by their legal pledge to negotiate the elimination of nuclear weapon, contained in the Nuclear Non-Proliferation Treaty, is the greatest stimulus to their proliferation.

Nuclear weapons are immoral and we call for their universal legal prohibition. They must be eliminated before they eliminate humanity.

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Exhibit A

UNINTELLIGENT DESIGN: RESULT, INSECURITY

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Preface:

In the March 2005 National Defense Strategy of the United States, in the section addressing the Changing Security Environment, a new definition of US vulnerability, very much at odds with US traditional advocacy of promoting law and diplomacy as a means of achieving security appears:

“Our strength as a nation state will continue to be challenged by those who employ a strategy of the weak using international fora, judicial processes, and terrorism.”¹

This attitude toward international fora and judicial process embodied in arms control agreements and other instruments of cooperative security stymied even the Heads of State of the world to such an extent that they were simply unable to address the crisis in their recent Summit. On September 13, 2005, in addressing the Press regarding the September 2005 Summit at the UN of Heads of State in reference to their Final Statement, Secretary General Kofi Annan said:

“The big item missing is non-proliferation and disarmament. This is a real disgrace. We have failed twice this year: we failed at the NPT [Non-Proliferation Treaty Conference], and we failed now.”²

The consequences of this profound failure of will brought about by institutional deadlock is grave.

The UN *High-Level Panel on Threats, Challenges and Change*, issued a report in December of 2004 titled *A More Secure World: Our Shared Responsibility*. The panel was headed by Anand Panyarachun, a former prime minister of Thailand, and included Brent Scowcroft, the United States national security adviser under the first President Bush; Yevgeny Primakov, a former prime minister of Russia; Qian Qichen, a former foreign minister of China; and Amr Moussa of Egypt, secretary general of the League of Arab States. It stated in relevant part:

“We are approaching a point at which the erosion of the nuclear regime could become irreversible, and result in a cascade of proliferation.”³

¹ *National Defense Strategy of the United States*, United States Department of Defense, March 2005, http://www.globalsecurity.org/military/library/policy/dod/nds-usa_mar2005.htm

² Press conference by Kofi Annan, September 13, 2005, <http://www.un.org/News/briefing/docs/2005/sgsm10089.doc.htm>

³ *A More Secure World: Our Shared Responsibility*, The High-level Panel on Threats, Challenges and Change, published by the United Nations, November 2004, <http://www.un.org/secureworld/>

It is our belief that this critical situation has arisen either through unintentional gross negligence or an intentional design that undermines the institutional capacity of the international community to cooperate in achieving an effective nuclear nonproliferation disarmament regime.

Below is a chronology of events that indicate a pattern of corroding legally constituted institutions through procedural maneuvers that prevent substantive dialogue, debate, discussion and cooperation on core issues relating to nonproliferation and disarmament.

- 1) **October 2005: Failure of the First Committee to approve a draft resolution setting up four committees.** At the First Committee of the General Assembly of the United Nations which is tasked with addressing Disarmament and International Security a draft resolution by six nations – Canada, Mexico, New Zealand, Sweden, Kenya, and Ireland – sought to establish four ad hoc committee to deal with four crucial and inter-locking disarmament issues: nuclear disarmament, a fissile materials cut-off treaty, prevention of an arms race in outer space and negative security assurances. The sponsoring countries⁴ received highly aggressive communications from the United States which so vigorously opposed the creation of these committees for discussion that the resolution was not even officially tabled.
- 2) **July 2005: US and India deliberately undermine the core bargain of the NPT.** On July 18, 2005, the governments of India and the United States signed a joint declaration on new strategic partnership. While the declaration included promising counter-terrorism initiatives, it also pledged the Bush administration to seek an agreement with Congress to improve civilian nuclear technology transfers to India. India is a nuclear weapon state, is not a party to the NPT and has never committed itself to disarm. The joint declaration undermines a core bargain of the NPT: in exchange for not developing nuclear weapons states are promised access to nuclear energy. The U.S. is making no such demands on India, thus giving the largest nuclear weapon state outside the NPT a unilateral exemption.⁵ At the same time, the United States insists that Iran, a party to the NPT, should not receive the same kind of technology. This makes the standard for technological access not based on treaty law, but whether the United States approves or disapproves of a particular government. Whether one likes Iran or India is not relevant, this new policy undermines legal norms and values, in particular the NPT.
- 3) **May 2005: Institutional deadlock of the NPT Review Conference.** The NPT, when enacted in 1970, provided that it would be reviewed after 25 years to determine whether it would be indefinitely extended. In addition to the promise of access to nuclear energy, countries renouncing nuclear weapons were promised that the five nuclear weapons states – US, China, Russia, France, and UK – would negotiate universal elimination of nuclear

⁴ Joint Statement read by Canada in the First Committee debate, October 12, 2005
<http://www.reachingcriticalwill.org/political/1com/1com05/statements/statements.html>

⁵ "The U.S.-India Nuclear Deal: Taking Stock" by Fred McGoldrick, Harold Bengelsdorf, and Lawrence Scheinman, *Arms Control Today*, Arms Control Association, October 2005. http://www.armscontrol.org/act/2005_10/OCT-Cover.asp

weapons. Every country in the world except India, Pakistan, Israel, and now North Korea are members of the NPT. It was indefinitely extended in 1995 based on a bargain to create a review process to measure progress in disarmament by the five nuclear powers to the Treaty; at the 2000 review conference, that commitment was reaffirmed and new, concrete commitments were made, such as making cuts irreversible, strengthening IAEA safeguards, lowering the status of nuclear weapons in policy planning, and increasing the verifiability of agreements relating to nuclear weapons. The failure in May of the 2005 review conference to come to even the most minimal consensus was largely the result of the United States' absolute refusal to include any references to the 1995 and 2000 commitments, thus eviscerating the sobriety of any previous commitments. Such a position at the second Review Conference, to the effect that past commitments are not subject to review, undermines the legitimacy of the process and by implication undermines any country's capacity to rely on any commitment the United States might presently make at the NPT since walking away without accountability has been formally asserted as a valid course of conduct. While downplaying disarmament obligations, the U.S. position was to make the review conference only referendum on proliferation threats – first and foremost North Korea and Iran. Iran naturally opposed being singled out and also opposed any proposals to limit access to the nuclear fuel cycle by non-nuclear states. The vast majority of nations were therefore caught in-between, arguing that the balance between disarmament and nonproliferation must be maintained. The conference “missed a vital opportunity to strengthen our collective security against the many nuclear threats to which all states and all peoples are vulnerable,” said U.N. Secretary General Kofi Annan. He warned that states’ “inability to strengthen their collective efforts is bound to weaken the treaty and the broader NPT-based regime over time.”

- 4) **Institutional deadlock of the CD.** The Conference on Disarmament is the sole on going body for negotiating multilateral arms control treaties. Since producing the Chemical Weapons Convention and the Comprehensive Test Ban Treaty (CTBT) in the 1990s, the CD has failed to even agree to an agenda. The CD operates by consensus and this consensus rule has been used, not as it was intended to ensure that any agreement has total support and thus maximum legitimacy, but as a de facto veto over any substantive debate. After the CTBT was concluded the general agreement to work on a treaty banning the production of weapons-grade nuclear materials (fissile materials). The first disagreement was over whether the ban should cover only existing stockpiles or future production. This was resolved up to a point by agreeing that this issue should be settled in the negotiations, not in the creation of the mandate. No one country blocked the debate on this problem, thus demonstrating how the consensus rule should work. However, China then said it would not discuss a fissile ban without simultaneous negotiations on the weaponization of space. The United States refused. After several years of deadlock, China delinked the two issues, but then the United States returned with a new demand in 2004 – any fissile ban could not include provisions for verification.⁶ No other country

⁶ "US proposes 'no verification' Fissban to be negotiated at the Conference on Disarmament," Disarmament Diplomacy, Issue No. 78, July/August 2004. <http://www.acronym.org.uk/dd/dd78/78shorts.htm>

accepts this precondition. This is where the CD now stands, no discussion of a fissile materials ban or any other nonproliferation issue and complete procedural deadlock.

- 5) **July 2001: Rejection of the verification protocol for the BWC.** An early and unambiguous sign of how the current administration planned to deal with disarmament agreements was the handling of the proposed Biological Weapons Convention protocol on verification. The BWC was completed in 1975 with the intention that a verification protocol would be added later. In 1996, the parties to the BWC established an ad hoc group to devise a verification protocol and requested the group to complete its work by 2001. At the July 2001 meeting of the ad hoc group (the last before the November review conference), the United States simply declared that the United States would never accept a verification protocol to the treaty, in effect stopping all discussion on how to utilize the treaty to protect the world from biological weapons.⁷ The treaty has never recovered from this assault.

- 6) **Failure to utilize the expertise of UNMOVIC.** The UN Monitoring, Verification and Inspection Commission (UNMOVIC) is the subsidiary body of the Security Council charged since 1999 with inspecting weapons of mass destruction sites in Iraq. UNMOVIC still exists even though its inspectors have not been in Iraq since shortly before the March 2003 invasion. It still releases quarterly reports (UNMOVIC was the first to report that WMD-related equipment was showing up in Jordanian scrap heaps) and still has a staff of 60 and a roster of more than 300 experts on call. Often overlooked is the fact that UNMOVIC is now a treasure trove of data and expertise, not only on Iraq's WMD programs, but on how international arms control inspections can function. The former director general of UNMOVIC, Hans Blix, has suggested the expertise of UNMOVIC be converted into a new permanent verification body - especially in the fields of missiles and biological weapons where there is no formal inspection or monitoring bodies. A debate among Security Council members (there has never been a public meeting on the subject) has been going on this year as to the fate of UNMOVIC.⁸ Permanent council members France and Russia, as well as Canada and Japan, have proposed various ways to institutionalize the UNMOVIC expertise. The United States (as well as the interim government of Iraq) favors simply closing the entire operation. This abhorrence of international cooperative security based on the rule of law harms national and international security interests.

These events did not just happen; they were the results of deliberate policy decisions. The only question is whether they were intentionally designed to undermine the core of international cooperative security or whether it was an unintentional consequence. The result is the same and the alternative method of pursuing security – ad hoc application of counter proliferation, or the

⁷ "A Turning Point to Nowhere? BWC In Trouble as US Turns Its Back on Verification Protocol," Jenni Rissanen, *Disarmament Diplomacy*, Issue No. 59, July-August 2001. <http://www.acronym.org.uk/dd/dd59/59bwc.htm>

⁸ "Looking Back: The UN Monitoring, Verification and Inspection Commission" Trevor Findlay, *Arms Control Today*, Arms Control Association, September 2005. http://www.armsscontrol.org/act/2005_09/LookingBack-UNMOVIC.asp

use of force, the use of militaries, the use of violence, the reliance on war is simply not a reasonable alternative to the promotion of the rule of law. What is ironic is that the practical result of the inspection regime in Iraq during the early 1990s, which was founded on international cooperation and law, was the actual destruction of Iraq's weapons of mass destruction at a low cost and without blood shed. The application of force has cost enormous blood and treasure but removed no weapons of mass destruction. Is this an acceptable example of our future?

Exhibit B

State Department Sees Exodus of Weapons Experts¹

By Warren P. Strobel
Knight Ridder Newspapers

WASHINGTON - State Department officials appointed by President Bush have sidelined key career weapons experts and replaced them with less experienced political operatives who share the White House and Pentagon's distrust of international negotiations and treaties.

The reorganization of the department's arms control and international security bureaus was intended to help it better deal with 21st-century threats. Instead, it's thrown the agency into turmoil and produced an exodus of experts with decades of experience in nuclear arms, chemical weapons and related matters, according to 11 current and former officials and documents obtained by Knight Ridder.

The reorganization was conducted largely in secret by a panel of four political appointees. A career expert was allowed to join the group only after most decisions had been made. Its work was overseen by Frederick Fleitz, a CIA officer who was detailed to the State Department as senior adviser to former Undersecretary of State John Bolton, a critic of arms agreements and international organizations.

Bolton's nomination to be the U.S. ambassador to the United Nations was nearly derailed last year by allegations that he'd harassed and bullied his staff. Some State Department weapons experts from offices that had clashed with Bolton were denied senior positions in the reorganization, even though they had superior qualifications, the officials and documents alleged.

Fleitz, who works for Robert Joseph, Bolton's successor, later telephoned State Department employees who signed a letter protesting the moves and registered his displeasure, one official said.

The political appointees who crafted the shakeup sought and received assurances from the State Department's legal and human resources offices that what they were doing was legal.

But other officials charge that it violated long-standing management and personnel practices.

"The process has been gravely flawed from the outset, and smacks plainly of a political vendetta against career Foreign Service and Civil Service (personnel) by political appointees," a group of employees told Undersecretary of State for Management Henrietta Fore on Dec. 9, according to notes prepared for the meeting.

A dozen State Department employees delivered a rare written dissent to Fore and W. Robert Pearson, the director general of the Foreign Service, on Oct. 11. Some also sought, but failed to

¹ Strobel, Warren P., "State Department Sees Exodus of Weapons Experts," [Knight Ridder](http://www.realcities.com/mld/krwashington/news/nation/13814730.htm) February 7, 2005, <http://www.realcities.com/mld/krwashington/news/nation/13814730.htm>

get, a stay from the Justice Department to stop the plan.

Joseph, the undersecretary of state for arms control and international security, said in a telephone interview Tuesday that the changes might have been painful to some but were necessary.

"Reorganizations are never easy. They inevitably mean change," he said. "The reorganization ... was essential to better position us to further the president's strategy against WMD (weapons of mass destruction) proliferation and (Secretary of State Condoleezza Rice's) emphasis on transformational diplomacy."

"Yet the reorganization also offers important new professional opportunities for the employees of the State Department," he said.

Much more than personnel disputes are at stake, said the officials who are critical of the changes.

They said they were concerned that Rice, who announced the changes last July but apparently hasn't been deeply involved in their execution, will be deprived of expertise on weapons matters. Among those who have left is the State Department's top authority on the nuclear Non-Proliferation Treaty, the cornerstone of the international regime to curb the spread of nuclear arms.

"We had a great group of people. They are highly knowledgeable experts," said former Assistant Secretary of State John Wolf, who frequently clashed with Bolton. "To the extent they now are leaving State Department employ, or U.S. government employ, it's a real loss to State Department. It's a real loss to the government."

A half-dozen current department officials expressed the same view, but spoke on condition of anonymity because, they said, they feared retaliation.

Jonathan Granoff, the director of the Global Security Institute, an arms control advocacy group, said the loss of State Department arms-control expertise was especially worrisome because the only mechanism for verifying U.S. and Russian nuclear arms cuts - the 1991 START I treaty - is due to expire in less than three years.

That also will eliminate the most effective way of verifying that the former rivals are abiding by their Non-Proliferation Treaty commitments to eliminate their nuclear arsenals eventually, he said. "Rather than nurture our experts, the administration seems to have brought in neophytes without a passion for progress in this field and, worse, undermined the international institutions that are most effective in stopping proliferation," he said.

More broadly, the clash is the culmination of a generation-old battle over arms control.

In one corner are specialists who argue that negotiated arms agreements help U.S. security; in the other are those who argue that the United States should rely mostly on the threat of force, sanctions and other unilateral steps to curb the spread of dangerous weapons and maintain a credible deterrent against an attack.

When she announced the reorganization, Rice declared that more than deterrence and arms control treaties are necessary to safeguard America. "We must also go on the offensive against outlaw scientists, black-market arms dealers and rogue state proliferators," she said.

Bush has demanded maximum presidential flexibility on national security matters, avoiding major new arms treaties and pushing the limits of executive power on issues from domestic eavesdropping to the treatment of terrorism suspects.

Many career government experts didn't dispute the need to reorganize U.S. policy offices that deal with weapons of mass destruction. But they said they worried that future administrations with a view different from Bush and Rice's would have to build the expertise they'd need from scratch.

An inquiry by Knight Ridder has found evidence that the reorganization was highly politicized and devastated morale:

-Thomas Lehrman, a political appointee who heads the new office of Weapons of Mass Destruction Terrorism, advertised outside the State Department to fill jobs in his office. In an e-mail to universities and research centers, a copy of which was obtained by Knight Ridder, he listed loyalty to Bush and Rice's priorities as a qualification.

Lehrman reportedly recalled the e-mail after it was pointed out that such loyalty tests are improper.

-Specialists in the department's old Nonproliferation Bureau, which frequently battled Bolton on policy toward Iraq, Iran and North Korea, largely were frozen out of important jobs when offices in that bureau merged with those in another.

"Bolton had blood in his eyes for the Nonproliferation Bureau," said another official who's still working at the State Department.

One of the government's top experts on the U.N. International Atomic Energy Agency, which helps stem the spread of nuclear weapons but disputed the Bush administration's claims about Iraq's weapons programs, returned from two and a half years at IAEA headquarters in Vienna, Austria, and was blocked from assuming an office directorship that had been offered to him, the officials and a complaint document said.

The post, which oversees U.S. diplomacy regarding international efforts to contain suspected nuclear-weapons programs such as those in Iran and North Korea, went to a more junior officer who numerous officials said shared Bolton's views.

Five higher-ranking officers were passed over, the document says, adding that none had negative work histories "aside from intimations that they were not as 'trusted' politically by the political management level."

In August 2005, the officer chosen for the job sent an e-mail sarcastically titled: "A Nobel for the IAEA? Please." The agency and its director general, Mohamed ElBaradei, were awarded the Nobel Peace Prize in October.

-None of the most senior posts in the new organization was filled by a woman, although several highly qualified female candidates were available.

-The effort was at odds with the recommendations of four December 2004 reports by the department's inspector general, also obtained by Knight Ridder.

The reports praised the nonproliferation unit as "having remained center stage following the events of September 11, 2001." The unit it merged with, the Arms Control bureau, was described as "largely in search of work."

A third unit overseen by Bolton - and now Joseph - which deals with overseeing compliance with arms treaties, was recommended for downsizing. Instead, it's been expanded.

Mark Fitzpatrick, a veteran nonproliferation expert who recently left the State Department, said he was worried about what he called an "exodus" of qualified specialists from the department.

"It seems about a dozen or so have left since the merger came about, many out of frustration," said Fitzpatrick, who's now at the International Institute for Strategic Studies in London. "I'm concerned that the ability of the merged bureaus to provide to Condoleezza Rice the same kind of high-quality advice they provided Colin Powell on the very dire proliferation issues facing the world will be diminished by the exodus."

The American Foreign Service Association, which represents foreign service officers, wrote to Rice on Nov. 28, citing allegations that political considerations drove the reorganization.

Dissidents had a second meeting last month with Fore, the undersecretary of state for management.

Key arms-control issues since President Bush took office:

The Bush administration's arms control policies began with a refusal to submit a global treaty to ban underground nuclear-test blasts indefinitely for Senate ratification.

The administration withdrew the United States from the 1972 Anti-Ballistic Missile Treaty and blocked international efforts to conclude a pact on verifying compliance with a global biological-weapons ban.

The administration also rejected a mechanism for verifying that the United States and Russia are adhering to a 2002 accord to cut deployed nuclear warheads, has embraced new uses for nuclear arms and is spending billions modernizing and improving the U.S. arsenal.

Exhibit C

THE NUCLEAR NON-PROLIFERATION TREATY AND ITS 2005 REVIEW CONFERENCE

A LEGAL AND POLITICAL ANALYSIS

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Nuclear weapons continue to pose the greatest threat to the survival of humanity, and their destructive capacity is so enormous that it is difficult to comprehend.¹ It is noteworthy that the very first resolution of the General Assembly of the United Nations called for the elimination of atomic bombs.² The atomic bomb used against Hiroshima in 1945 was about 12.5 kilotons, the equivalent of 12,500 tons of TNT. By the mid 1950s both the United States and Soviet Union developed nuclear weapons in the megaton range, equivalent to 1,000,000 tons of TNT, some in excess of 20 megatons. One megaton would compare to a freight train stretching from New York to Los Angeles loaded with TNT.³ Thousands remain on hair trigger alert and over 30,000 remain in the world. The horror of these devices is appropriately enormous.⁴

Public appreciation of these devices is inadequate. General George Lee Butler, who as former Commander-in-Chief of U.S. Strategic Air Command (1991-92) and U.S. Strategic Command (1992-94) was responsible for all nuclear forces in the U.S. Air

¹ "The UN in its 1991 report found that '(n)uclear weapons represent a historically new form of weaponry with unparalleled destructive potential. A single large nuclear weapon could release explosive power comparable to all the energy released from the conventional weapons in all past wars.'" Moxley, Charles J. Jr., Nuclear Weapons and International Law in the Post Cold War World, p. 398, 2000. (quoting, World Health Organization, United Nations, "Effects of Nuclear War on Health and Health Services," 7, 2nd ed. 1987; see also, Department for Disarmament Affairs, United Nations, "Nuclear Weapons: A Comprehensive Study," 1991.

² Resolution I (1) was adopted unanimously on January 24, 1946 at the First Session of the General Assembly of the United Nations. See *Model Nuclear Weapons Convention*, U.N. GAOR 52nd Sess., Agenda Item 71, at 11, U.N. Doc A/C.1/52/7 (1997).

³ Graham, Ambassador Thomas Jr., Commonsense on Weapons of Mass Destruction, p. 10, 2004.

⁴ Admiral Stansfield Turner, former Director of the United States Central Intelligence illustrated the affects: "The fireball created by a nuclear explosion will be much hotter than the surface of the sun ... and will be hundreds or thousands of times brighter than the sun at noon. If the fireball is created by the detonation of a Megaton nuclear weapon, for example, within roughly eight to nine tenths of a second each section of its surface will be radiating about three times as much heat and light as a comparable area of the sun itself... This flash of incredibly intense, nuclear driven sunlight could simultaneously set an uncountable number of fires over an area close to 100 square miles."

Turner, Stansfield, Caging the Nuclear Genie, 127-28, Note 7, app. A., 1997. According to Turner there is presently the power of nearly 1 million Hiroshima type bombs in today's approximately 30,000 nuclear warheads, *supra* at 9.

Force and Navy, stated forcefully, “Despite all the evidence, we have yet to fully grasp the monstrous effect of these weapons, that the consequences of their use defy reason, transcending time and space, poisoning the Earth and deforming its inhabitants.” Nuclear weapons he concluded are “inherently dangerous, hugely expensive and militarily inefficient.”⁵ The Nuclear Nonproliferation Treaty (NPT)⁶, the central legal instrument containing and constraining their spread, is essential to our security. According to Ambassador Robert T. Grey, a former U.S. arms control negotiator, the NPT is “in many ways an agreement as important as the UN Charter itself.”⁷

The NPT arose because intelligence estimates during the 1960s reported that by the end of the 1970s there would be twenty five to thirty states with nuclear weapons integrated into their national arsenals and ready to use. Because of the success of the NPT we do not now have dozens of nuclear weapons states threatening civilization, creating a nightmarish world where it would clearly be impossible to keep these devices out of the hands of terrorists and where nearly every crisis would risk “going nuclear.”⁸

The treaty came into force in 1970 and has effectively stopped constrained proliferation. Its success is based on a careful bargain. As Ambassador Thomas Graham, Jr., who led the U.S. negotiating team at the 1995 Extension Conference of the NPT said: “In exchange for a commitment from the non nuclear weapons states (today, some 182 nations) not to develop or otherwise acquire nuclear weapons and to submit to international safeguards intended to verify compliance with the commitment (Article 2), the NPT nuclear weapon states promised unfettered access to peaceful nuclear technologies (e.g. nuclear power reactors and nuclear medicine; Article 4), and pledged to engage in disarmament negotiations aimed at the ultimate elimination of their nuclear arsenals (Article 6).”⁹ To understand the strains of today on the treaty, a brief review of its history is valuable.

During the negotiations at its creation, several prominent non-nuclear weapons states (NNWS) – Germany, Italy and Sweden, for example – would not permit the treaty to be permanent and ensured that it would be reviewed after 25 years and either be extended for a fixed period, be indefinitely extended (Article X), or end. At the 1995 Review Conference, many NNWS were extremely dissatisfied with the progress on disarmament of the nuclear weapons states (NWS) – U.S., Russia, U.K., France, and China – and argued that they would not accept the inequity of a dual global system of nuclear haves and have-nots. They demanded and obtained a bargain. It contained a Statement of Principles and Objectives for Nuclear Nonproliferation and Disarmament, which politically, if not legally, conditioned the indefinite extension of the treaty, pledging to:

⁵ Moxley, *supra* at 535 (footnote omitted) (quoting Otto Kreisher, *Retired Generals Urge End to Nuclear Arsenal*, SAN DIEGO UNION-TRIB., Dec. 5, 1996, at A1)

⁶ *See*, Treaty on the Non-Proliferation of Nuclear Weapons, July 1, 1968, 21 U.S.T. 483, 729 U.N.T.S. 161. *See also*, Roche, Douglas, *An Unacceptable Risk*, note 4, app. 99, p. 105.

⁷ *See* Bipartisan Security Group, *Status of Nuclear Non-Proliferation Treaty, Interim Report (Global Security Institute, June 2003)*, preface. The only countries not party to the treaty are Israel, India, Pakistan and, since its withdrawal, North Korea. All other countries in the world are bound by its terms.

⁸ Graham, *supra* at 10.

⁹ Graham, *supra* at 52.

- complete a Comprehensive Test Ban Treaty by the end of 1996
- reaffirm the commitment to pursue nuclear disarmament
- commence negotiations for a treaty to stop production of nuclear bomb materials
- reduce sharply global nuclear arsenals
- encourage the creation of nuclear weapons free zones
- vigorously work to make the treaty universal by bringing in Israel, Pakistan and India, who have nuclear weapons and remain outside the treaty
- enhance IAEA safeguards and verification capacity
- reinforce negative security assurances already given to NNWS against the use or threat of use of nuclear weapons against them¹⁰

The bargain to extend the treaty centered around a strengthened review process with near yearly preparatory conferences and a rigorous review every five years to ensure the promise of the NWS to achieve:

*The determined pursuit by the nuclear-weapon states of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goals of eliminating those weapons.*¹¹

Respected legal scholars have argued that compliance with commitments made to gain the extension of the treaty and at review conferences are a test as to whether good faith compliance with the treaty is taking place.¹²

Five years later, the 2000 Review Conference successfully reached a consensus on 13 Practical Steps to advance the commitments to lower the salience of nuclear weapons in policies, reinforce nonproliferation measures, and move toward the elimination of nuclear weapons. All 187 States Parties agreed on the following issues:

- 1. Signing the CTBT:** The importance and urgency of signatures and ratifications, without delay and without conditions and in accordance with constitutional processes, to achieve the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT).
- 2. Stopping Testing:** A moratorium on nuclear-weapon-test explosions or any other nuclear explosions pending entry into force of the CTBT.

¹⁰ Graham, *supra* at 53-53.

¹¹ Nicola Butler, Daniel Plesch, Steven Young, 1997 NPT PrepCom, Principles and Objectives on the Agenda, BASIC PAPERS, February 1997, No. 19.

¹² Peter Weiss, John Burroughs, Michael Spies **The Thirteen Practical Steps: Legal or Political?** May 2005, Lawyers' Committee on Nuclear Policy, <http://www.lcnp.org/disarmament/npt/13stepspaper.htm>
Series arguments have been made that such compliance has not been forthcoming. NONGOVERNMENTAL ORGANIZATIONS STATEMENTS' TO THE STATES PARTIES TO THE 7TH REVIEW CONFERENCE OF THE TREATY ON THE NONPROLIFERATION OF NUCLEAR WEAPONS, May 11, 2005, <http://www.lcnp.org/disarmament/npt/ArtVIcompliance.pdf>

- 3. Fissile Material Cut Off Treaty:** The necessity of negotiations in the Conference on Disarmament on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices. The Conference on Disarmament is urged to agree on a program of work which includes the immediate commencement of negotiations on such a treaty with a view to their conclusion within five years.
- 4. Negotiations on Nuclear Disarmament:** The necessity of establishing in the Conference on Disarmament an appropriate subsidiary body with a mandate to deal with nuclear disarmament. The Conference on Disarmament is urged to agree on a program of work which includes the immediate establishment of such a body.
- 5. Irreversibility:** The principle of irreversibility to apply to nuclear disarmament, nuclear and other related arms control and reduction measures.
- 6. Commitment to Progress on Elimination:** An unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament to which all States parties are committed under Article VI.
- 7. Upholding Existing Treaties:** The early entry into force and full implementation of START II and the conclusion of START III as soon as possible while preserving and strengthening the ABM Treaty as a cornerstone of strategic stability and as a basis for further reductions of strategic offensive weapons, in accordance with its provisions.
- 8. Implementing Existing Treaties:** The completion and implementation of the Trilateral Initiative between the United States of America, the Russian Federation and the International Atomic Energy Agency.
- 9. Progress by NNWS:** Steps by all the nuclear-weapon States leading to nuclear disarmament in a way that promotes international stability, and based on the principle of undiminished security for all:
 - Further efforts by the nuclear-weapon States to reduce their nuclear arsenals unilaterally.
 - Increased transparency by the nuclear-weapon States with regard to the nuclear weapons capabilities and the implementation of agreements pursuant to Article VI and as a voluntary confidence-building measure to support further progress on nuclear disarmament.
 - The further reduction of non-strategic nuclear weapons, based on unilateral initiatives and as an integral part of the nuclear arms reduction and disarmament process.

- Concrete agreed measures to further reduce the operational status of nuclear weapons systems.
- 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.
- The engagement as soon as appropriate of all the nuclear-weapon States in the process leading to the total elimination of their nuclear weapons.

10. Excess fissile materials under IAEA control: Arrangements by all nuclear-weapon States to place, as soon as practicable, fissile material designated by each of them as no longer required for military purposes under IAEA or other relevant international verification and arrangements for the disposition of such material for peaceful purposes, to ensure that such material remains permanently outside of military programs.

11. General and Complete Disarmament: Reaffirmation that the ultimate objective of the efforts of States in the disarmament process is general and complete disarmament under effective international control. This commitment was disjoined from nuclear disarmament obligations.

12. Reporting: Regular reports, within the framework of the NPT strengthened review process, by all States parties on the implementation of Article VI and paragraph 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament", and recalling the Advisory Opinion of the International Court of Justice of 8 July 1996.

13. Verifying: The further development of the verification capabilities that will be required to provide assurance of compliance with nuclear disarmament agreements for the achievement and maintenance of a nuclear-weapon-free world.¹³

The commitments that produced the consensus in 2000 lost the support of the U.S. Without active U.S. leadership, hopes for progress on nuclear nonproliferation and disarmament were dashed from the outset of the 2005 Review Conference, held at the U.N. in May 2005.¹⁴ The States Parties were unable to even generate a timely working agenda and 15 out of 20 days were squandered on procedural battles. The procedural squabbles masked real debate on substantive political differences. The capacity to make substantive progress on disarmament or nonproliferation was thwarted despite efforts of the world's best diplomats. Time was inadequate even though there had been four preparatory conferences beginning in 2002. Warnings of this deadlock came as early as the Preparatory Conference of 2003 when North Korea was withdrawing, Iran was under

¹³ Reaching Critical Will, <http://www.reachingcriticalwill.org/legal/npt/13point.html>; See also, Arms Control Today, NPT Review Conference Final Document, June 2000, http://www.armscontrol.org/act/2000_06/docjun.asp.

¹⁴ Carter, Jimmy. "Erosion of the Nonproliferation Treaty." International Herald Tribune 12 May 2005 <http://www.ihf.com/articles/2005/05/01/opinion/edjimmy.php>

severe criticism for its fuel program, and the U.S. administration was pushing to advance its new “bunker buster” nuclear weapon. The Mayor of Hiroshima gravely stated the dangers of failure: “We stand today on the brink of hyper-proliferation and perhaps of repeating the third use of nuclear weapons.”¹⁵

At the commencement of the 2005 Review Secretary General Kofi Annan warned when he asked delegates “to imagine, just for a minute,” the consequences of a nuclear catastrophe on a great city. He predicted the basis for the ensuing impasse accurately when he stated that “Some will paint proliferation as a grave threat. Others will argue that existing nuclear arsenals are a deadly danger.”¹⁶

The 2005 agenda was stalled along several fault lines. For example, the U.S. would not permit the commitments already made under the treaty review process to be the basis for a working agenda and focused on the proliferation threats posed by Iran and North Korea; Egypt demanded clear expositions based on previous commitments and specifically to work to make the treaty universal, and Iran bated the NWS on their failure to make progress on disarmament, specifically the U.S. for its development of low yield nuclear weapons and pursuit of space weaponization. In the end, no consensus document was generated.¹⁷

The U.S. unwillingness to specifically respond to demands to have its previous commitments reviewed placed the very integrity of the institution of the NPT at risk. For if commitments made yesterday need not be held to account today, why should any commitments made to the body of the NPT ever be taken seriously? Grave danger was done to international law this past May.

Universally respected nonproliferation goals were not seriously negotiated, not because of a poverty of valid proposals,¹⁸ but because of a failure of political will. Effective

¹⁵ Roche, Douglas. "Deadly Deadlock." Middle Powers Initiative Briefing Paper (2005), <http://www.gsinsitute.org/2005NPTpoliticalanalysis.pdf>

¹⁶ Roche, supra at 6. Secretary General Kofi Annan stated: “Tens if not hundreds of thousands of people would perish in an instant, and many more would die from exposure to radiation. The global impact would be grave. The attention of world leaders would be riveted on this existential threat. Carefully nurtured collective security mechanisms could be discredited. Hard won freedoms and human rights could be compromised. The sharing of nuclear technology for peaceful purposes could halt. Resources for development would likely dwindle. And world financial markets, trade and transportation could be hit hard, with major economic consequences. This could drive millions of people in poor countries into deeper deprivation and suffering.”

¹⁷ Johnson, Rebecca. "Politics and Protection: Why the 2005 NPT Failed." Disarmament Diplomacy 80 (2005). 30 Nov 2005 <<http://www.acronym.org.uk/dd/dd80/80npt.htm>>. For a full exposition of the statements of the participating States, reports on the proceedings and NGO Statements, the web site of Reaching Critical Will is outstanding, and gained wide spread praise from many diplomats, <http://www.reachingcriticalwill.org/legal/npt/nptindex1.html#docs>

¹⁸ The IAEA May 2005 Staff Report, Strengthening the NPT and World Security, for example, listed 7 practical issues that could have been reviewed to good effect. http://www.iaea.org/NewsCenter/News/2005/npt_2005.html

1. A five-year moratorium on building new facilities for uranium enrichment and plutonium separation. "There is no compelling reason for building more of these proliferation-sensitive

means of addressing threats posed by States leaving the treaty, or, like Iran, using the treaty to develop nuclear energy with the potential for using technical advances and fissile materials to develop weapons, as well as the failure of NWS to fulfill their pledges to take practical steps toward elimination were not achieved. The consequences of this failure are serious.

The UN *High-Level Panel on Threats, Challenges and Change*, issued a report in December of 2004 titled *A More Secure World: Our Shared Responsibility*. The panel was headed by Anand Panyarachun, a former prime minister of Thailand, and included Brent Scowcroft, the United States national security adviser under the first President Bush; Yevgeny Primakov, a former prime minister of Russia; Qian Qichen, a former foreign minister of China; and Amr Moussa of Egypt, secretary general of the League of Arab States. It stated in relevant part:

“We are approaching a point at which the erosion of the nuclear regime could become irreversible, and result in a cascade of proliferation.”¹⁹

As an eyewitness to the debacle of the NPT, I witnessed a level of cynicism that was nothing short of shocking given the importance of this legal instrument. All too many diplomats expressed concern that the U.S. was not taking international cooperative security under the rule of law seriously enough. In that regard one cannot overlook statements made this year such as the March 2005 National Defense Strategy of the United States. In the section addressing the Changing Security Environment, there is a new definition of vulnerability, very much at odds with U.S. traditional advocacy of promoting law and diplomacy as a means of achieving security:

“Our strength as a nation state will continue to be challenged by those who employ a strategy of the weak using international fora, judicial processes, and terrorism.”²⁰

-
- facilities, the nuclear industry already has more than enough capacity to fuel its power plants and research facilities," Dr. ElBaradei said.
2. Speed up efforts to convert research reactors operating with highly enriched uranium (HEU) to use low enriched uranium, and accelerate technical research to make HEU unnecessary for all peaceful nuclear applications.
 3. Establish the "Additional Protocol" as the norm for verifying compliance with the NPT. A move that would expand IAEA inspectors' access to physical structures and information about nuclear programs.
 4. Call on the UN Security Council to act swiftly and decisively on the case of any country that withdraws from the NPT.
 5. Call on all States to act on the Security Council's recent resolution 1540, to pursue and prosecute any illicit trading in nuclear materials and technology.
 6. Call on all five Nuclear Weapon States party to the NPT to accelerate implementation of their "unequivocal commitment" to nuclear disarmament. "Negotiating a treaty to irreversibly ban the production of fissile material for nuclear weapon programmes would be a welcome starting point," Dr. ElBaradei said.
 7. Acknowledge the volatility of longstanding tensions that give rise to proliferation – in regions like the Middle East and the Korean Peninsula – and take action to resolve existing security deficits and, where needed, provide security assurances.

¹⁹ *A More Secure World: Our Shared Responsibility*, The High-level Panel on Threats, Challenges and Change, published by the United Nations, November 2004, <http://www.un.org/secureworld/>

Without U.S. leadership toward international fora and judicial process embodied in arms control agreements and other instruments of cooperative security, even the Heads of State of the world will remain stymied to such an extent that they will simply be unable to address proliferation issues through diplomacy. On September 13, 2005, in addressing the Press regarding the September 2005 Summit at the UN of Heads of State in reference to their Final Statement, Secretary General Kofi Annan said:

“The big item missing is non-proliferation and disarmament. This is a real disgrace. We have failed twice this year: we failed at the NPT [Non-Proliferation Treaty Conference], and we failed now.”²¹

This institutional deadlock has arisen from a profound failure of political will to work cooperatively. It cannot be ignored. When diplomacy fails use of force, war, violence and so much bloodshed result.

Ambassador Paul Meyer of Canada summed up the situation: “We have let short term, parochial interests override the collective long term interest in sustaining this Treaty’s (NPT) integrity. We have witnessed intransigence from more than one State on pressing issues of the day, coupled with the hubris that demands the priorities of the many to be subordinated to the preferences of the few...If there is a silver lining in the otherwise dark cloud of this Review Conference, it lies in the hope that our leaders and citizens will be so concerned by its failure that they mobilize behind prompt remedial action..This is a treaty worth fighting for and we are not prepared to stand idly by while its crucial supports are undermined.”²²

We are well advised to work with our friends to rebuild cooperative security through the rule of law.

Jonathan Granoff, President of the Global Security Institute, is co-chair of the Blue Ribbon Task Force on Non-Proliferation, Senior Advisor to the Committee on National Security and Member of the Council of the International Law Section of the American Bar Association. He serves on numerous other governing and advisory boards including the Lawyers Committee on Nuclear Policy, the Lawyers Alliance for World Security, the Jane Goodall Institute, the Bipartisan Security Group, and the Middle Powers Initiative. Mr. Granoff has lectured worldwide emphasizing the legal, ethical and spiritual dimensions of human development and security, with a specific focus on the threat posed by nuclear weapons. He is an award winning screenwriter and has been featured in

²⁰ *National Defense Strategy of the United States*, United States Department of Defense, March 2005, http://www.globalsecurity.org/military/library/policy/dod/nds-usa_mar2005.htm

²¹ Press conference by Kofi Annan, United Nations, New York. September 13, 2005, <http://www.un.org/News/briefings/docs/2005/sgsm10089.doc.htm>

²² Roche, Douglas, *Beyond Hiroshima*, p. 75-76 (Novalis, 2004)

more than 50 publications. For the past four years he has had the privilege of representing the International Peace Bureau, a Nobel Peace Laureate organization, at the Nobel Peace Laureate Summit in Rome where he has chaired a special session on Terrorism and Threats to Humanity. Mr. Granoff earned his B.A. cum laude from Vassar College and his Juris Doctorate from Rutgers University School of Law.



Exhibit D

THE SIX-NATION INITIATIVE (SNI) 1984-1989

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Mission and Focus

- Monitored the arms control negotiations of the two superpowers – the USA and the USSR – with a focus on advocating steps toward nuclear disarmament (especially the banning of nuclear tests).¹

Key Players

- Formed by the NGO Parliamentarians for Global Action (PGA). Originally called Parliamentarians for World Order, PGA is “a worldwide network of parliamentarians dedicated to advancing disarmament and development issues.”²
- Some leaders were chosen because while their countries were closely allied with both the USA and USSR, they had demonstrated an ability to pursue initiatives and action independent of the superpowers.³ To maintain a sense of international legitimacy, other leaders were chosen for their affiliation with the non-aligned movement (NAM).⁴ The SNI was ultimately comprised of the Heads of State and Government of:
 - *Argentina*: President Raul Alfonsin
 - *Greece*: Prime Minister Andreas Papandreou
 - *India*: Prime Minister Indira Gandhi (1917-1984); *succeeded* by Prime Minister Rajiv Gandhi
 - *Mexico*: President Miguel de la Madrid
 - *Sweden*: Prime Minister Olaf Palme
 - *Tanzania*: President Julius Nyerere

Strategy, Highlights and Achievements

- Following the breakdown of US-USSR disarmament negotiations, “all six leaders of the SNI signed a Call for Action and met together in New Delhi in 1984 to press the two superpowers to stop nuclear testing and get on with [disarmament] negotiations. The SNI became...an effective channel for the views of many governments, parliaments, and citizens working for common security. The Initiative could not, of course, take sole credit for the resumption of Soviet-American negotiations...but it was an important element in demonstrating world support for nuclear disarmament to the two superpowers.”⁵
- Provided a focal point for NGO communities working on nuclear disarmament by serving as “a vocal, persistent and authentic voice for nuclear disarmament.”⁶
- Proposed in 1988 that the UN General Assembly commission a report outlining a UN verification system. This proposal was merged with another resolution drafted by Canada, France, and the Netherlands. The result was a final resolution asking the Secretary-General to prepare a comprehensive report on the role of the United Nations in verification.⁷

- October 25 1988, delegates “presented a concrete proposal...[for] the endorsement, in principle, of [a multilateral] international verification agency within the United Nations.”⁸ The draft resolution was entitled "Verification within the United Nations."
- Through its work as a third party arbiter, the SNI helped to revive dialogue on disarmament between the USA and USSR. One example of such work was the SNI's support of and help with facilitating negotiations on the Intermediate-Range Nuclear Forces (INF) Treaty, which eliminated all nuclear-armed ground-launched ballistic and cruise missiles with ranges between 500 and 5,500 kilometers and their infrastructure - the first nuclear arms control agreement to actually reduce nuclear arms, rather than establish ceilings that could not be exceeded.⁹

¹ Vajpayee, Shri Atal Bihari. *Address by the Prime Minister of India at the XII Non-Aligned Movement Summit*. Durban, South Africa. September 1998. [Available courtesy Federation of American Scientists, <http://www.fas.org/news/india/1998/09/980903-pmdurban.htm>]

¹ Roche, Douglas. *Scrapping the Bomb: The Role of Middle Power Countries*. The Ploughshares Monitor. Vol. 18, No. 3. September 1997

¹ Frangonikolopoulos, Christos. *Six Nation Initiative for Disarmament: A Third Party in the Arms Control Process*. The Kent Papers in Politics and International Relations. The University of Kent. 1992. [Available at <http://www.kent.ac.uk/politics/research/kentpapers/Frangonikolopoulos.html>]

¹ Ibid.

¹ Roche, *Scrapping the Bomb*.

¹ Dubey, Muchkund. *For Nuclear Disarmament*. The Hindu. March 6, 2004. [Available at http://www.southasianmedia.net/index_opinion4.cfm?id=23556]

¹ Dorn, A. Walter. *U.N. Should Verify Treaties*. Bulletin of the Atomic Scientists. Vol. 46, No. 6. July/August 1990. page 13

¹ Rao, Mr. P. V. Narasimha. United Nations 17th Plenary Meeting, 43th Session. October 4, 1988. Available at [<http://www.un.int/india/ind191.htm>]

¹ Frangonikolopoulos. *Six Nation Initiative for Disarmament*, and Anonymous. Intermediate-Range Nuclear Forces [INF]. Federation of American Scientists website. <http://www.fas.org/nuke/control/inf/>