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# Middle Powers Initiative Report

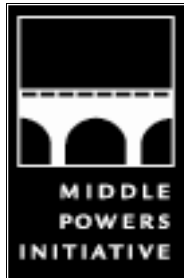
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## **The Article VI Forum** New Imperatives and Openings for a Nuclear Weapon-Free World

### **Report of the Sixth Meeting**

Berlin, Germany  
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# The Berlin Article VI Forum

## New Imperatives and Openings for a Nuclear Weapon-Free World

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## LETTER FROM THE CHAIRMAN

Dear Friends, Colleagues, Participants and all other Readers,

It is my honor and pleasure to present to you the report of the sixth meeting of the Article VI Forum, entitled *A Global Public Good of the Highest Order: New Imperatives and Openings for a Nuclear Weapon-Free World*. This consultation was convened with the support of, and hosted by, the Government of Germany in the historic Rathaus Schöneberg in Berlin. On behalf of MPI, I wish to extend my deepest thanks to the government, my former colleagues in the Auswärtiges Amt, and the staff of the Rathaus for their great hospitality.

The point of departure of this meeting was the recent openings for going beyond proposals to action towards a world free of nuclear weapons. Pre-eminent among those openings are the new US administration's intent to engage in multilateral work for nuclear non-proliferation and disarmament, calling, *inter alia*, for a high-level dialogue among nuclear weapon states on how to move towards elimination of nuclear weapons; and the UN Secretary-General's call for fulfilment of the NPT's Article VI through complementary measures including negotiation of a nuclear disarmament framework or convention.

The consultation was one of the most rewarding that the MPI has organized so far. It contained an astonishing number of different insights into all the complicated issues that need to be tackled and resolved, on the path first down to low numbers and small arsenals, and then down to zero nuclear weapons. The six different panels of diplomats, researchers and other experts were extraordinarily interesting and followed by intense debate.

This MPI meeting was the first one not chaired by MPI's creator (and now Chairman Emeritus) Douglas Roche. He will always be an inspiration for us. He has promised me to continue his ground-breaking work together with us all towards the goal now closer than at any time after 1945: worldwide nuclear disarmament.

Sincerely,

Amb. Henrik Salander  
Chairman, Middle Powers Initiative

## FOREWORD

The Middle Powers Initiative has been based on two metaphors: a bridge between countries and a route discovered by pathfinders. These metaphors express the ways in which MPI is committed to working for a nuclear weapons free future. There are times for consensus building and there are times for forward leaning proposals. I believe that both of these modalities were deftly expressed in the Berlin Article VI Forum.

We must consolidate support to fulfill existing commitments made at the 2000 Review of the NPT. We must also seize the present momentum to advance nuclear disarmament in new ways. The support for nuclear disarmament expressed by new heads of state and eminent persons along with the Secretary General of the UN has opened up political space for bold proposals. However, the unfinished business of incremental progress must not be neglected. It is our commitment to make sure both of these processes are advanced through out work.

Senator Douglas Roche, O.C. has exemplified this combination of practical bridge building and visionary leadership for decades and has led MPI into a structure able to serve the international community in a unique manner. He decided, when he reached eighty years, that he should step down as Chairman of MPI. His creativity, insights, and hard work were central in developing MPI. There were serious concerns whether the challenge of finding an appropriate new chairman could be met. The success of this very substantive and stimulating Article VI Forum under the new Chairman of MPI, Ambassador Henrik Salander, has confirmed that Senator Roche was again correct when he assured us that a dynamic, knowledgeable, and experienced new Chairman could be found.

Let us all join in an expression of gratitude to the Foreign Ministry of Germany for hosting this Article VI Forum and in welcoming Henrik Salander as the new Chairman of MPI.

Sincerely,

Jonathan Granoff  
President, the Global Security Institute

## EXECUTIVE SUMMARY

The sixth Article VI Forum was held in Berlin, January 29-30, 2009, with the theme *New Imperatives and Openings for a Nuclear weapon-Free World*. Convened with the support of the Government of Germany, the Forum explored how the non-proliferation and disarmament agenda can be pursued in this period of transition. The forum participants looked at many of these changes - especially the vocal support for abolition by establishment thinkers in key countries – as a source of optimism for the various immediate and long-term initiatives, tempered by the understanding that there are numerous counter-trends.

The following governments participated in the Berlin Article VI Forum: Australia, Austria, Belgium, Brazil, Canada, Egypt, Germany, Ireland, Italy, Japan, Mexico, the Netherlands, Norway, South Africa, South Korea, Sweden, and Switzerland. In addition, representatives of the United Nations and NATO attended.

The opening session of the Article IV Forum featured addresses by Ambassador Henrik Salander, Chairman of the Middle Powers Initiative (MPI); Deputy Foreign Minister Gernot Erler of Germany; and H.E. Sergio Duarte, UN High Representative for Disarmament Affairs. While each speaker examined the challenges of disarmament, it was mutually agreed that there are new opportunities for such efforts. All three made particular note of *Wall Street Journal* op-ed pieces by former US statesmen George Schultz, Henry Kissinger, William Perry, and Sam Nunn as benchmarks of a changing disarmament landscape. Additionally, statements made by President Obama served as a promising basis for a new US commitment to nuclear disarmament. Mr. Duarte saw this opening as an opportunity for “new imperatives,” adding that Secretary-General Ban Ki-moon’s plan for disarmament as a critical advancement of the debate.

The panel on *US -Russian Security Relationship* featured experts from both countries. Prof. Anatoli Diakov, the Director of the Moscow Institute of Physics and Technology, said that after decades of arms reduction dialogue, Russia and the US have a shared understanding of nuclear dangers, but have still “not become true allies.” He said stark differences remain on several core issues hampering progress on renewing or replacing START. However Hon. Jan Lodal, Past President of the Atlantic Council of the United States and former US Under-Secretary for Defense, pursued a different tack, stressing the importance of framing bilateral discussions within the context of nuclear abolition. Bilateral negotiations should not “get in the way” of global abolition efforts. The nuclear threat, he maintained, is not a bilateral issue.

In *Resolving Challenges to the Non-Proliferation Regime*, panelists explored means to prevent current challenges from undermining the Non-Proliferation Treaty (NPT) and the non-proliferation and disarmament regime in general. Whether Iran, North Korea or the US/India nuclear sharing deal, panelists called for the broadest possible approaches in dealing with the issues, arguing that the problems had various, deep and complex causes and effects, making simple unilateral or even bilateral solutions unlikely. For example, the case was made that a drive for a Middle East Nuclear Weapon-Free Zone had to be a part of any solution in the region.

Panelists during the session on *Opening: Reviewing NATO Strategic Concept* agreed that the US nuclear weapons based in five European NATO countries are anachronistic, counter to the obligations of the NPT and a drag on any real rapprochement between the Alliance and Russia.

Focusing on the April 2009 NATO Summit and the possibility that the Alliance will review its Strategy Concept – including the nuclear weapons component – the panelists urged a thorough review of the Concept. They linked a revision of the concept to the need to eliminate tactical nuclear weapons from Europe. Both the presence of the weapons and the strategy envisioning their use were called “wildly out of synch” with public opinion, thus the speakers also stressed the importance of involving parliamentarians, civil society, and experts in the review.

A myriad of short- and long-term initiatives to advance the disarmament and non-proliferation agenda were covered in the two-part panel on *Strengthening and Transforming the Regime*. The contentious issue of balancing Article IV rights to nuclear power and the need to prevent proliferation was addressed by several speakers in this session. Broadly speaking, there are two tracks for trying to solve this problem: making nuclear power more proliferation-proof and weaning countries and industries off nuclear power in favor of renewable energy sources. Both lines were discussed during this panel, focusing, respectively, on Multilateral Enrichment Sanctuary Project and International Renewable Energy Agency. Other topics covered under this heading included the feasibility of a Fissile Material Cut-Off Treaty; the new the International Commission on Nuclear Nonproliferation and Disarmament, co-chaired by Japan and Australia; the International Institute for Strategic Studies report on *Abolishing Nuclear Weapons*; and the new opportunities for getting holdout states to ratify the Comprehensive Test Ban Treaty, thus moving it closer to entry-into-force.

On the panel, *Openings for a nuclear weapons convention*, participants highlighted existing initiatives, including the five-point plan by the UN Secretary-General for comprehensive non-proliferation and disarmament, including a call for negotiations to ban nuclear weapons globally, such as the Nuclear Weapons Convention (NWC). Panelists argued that this instrument incorporates incremental steps, is comprehensive, and is consistent with the commitments under the NPT. The need for civil society to engage and educate elected representatives was also raised.



In his concluding remarks, Amb. Salander characterized the consultation as “a very rich discussion [with] an astonishing number of different angles and inroads” on the issues before the Forum, including how to engage the nuclear weapon states.

*A public forum sponsored by the Friedrich-Ebert Foundation (FES) entitled “The Path to a Nuclear Weapons-Free World” was held the evening before the opening of the Berlin Article VI Forum. The panelists focused on how new developments on the international scene – primarily the new government in the United States – presented opening for moving the debate on a nuclear weapons-free world forward. Panelists believed that progress on a number of fronts – including the comprehensive test ban treaty, strategic arms negotiations, nuclear policy reviews – were now possible under an Obama administration. The panelists were Ms. Pia Bungarten of FES; Ms. Regina Hagen of the International Network of Engineers and Scientists against Proliferation, Mr. Jan Lodal, the former President of the Atlantic Council of the US; MPI Chairman, Amb. Henrik Salander; and Ms. Uta Zapf, MP. The event was moderated by Ms. Xantbe Hall of IPPNW Germany and Mr. Christos Katsioulis of the FES. (Pictured: Lodal, Zapf, Salander, and Hall).*

## OPENING SESSION

In opening the Forum, **Ambassador Henrik Salander**, the new Chairman of MPI, said that, while there is transformation in key countries on the horizon, “whether this is promising or problematic we don’t know yet.” He said middle power countries have to ask themselves what they want from the nuclear weapon states. While the “easy answer is a nuclear weapon-free world, I think a clearer answer might be that we want a *paradigm shift* – a radical change in the tone and above all in the content of the discussion between governments about nuclear weapons” (see box on page 8).

In his welcoming remarks, **Deputy Foreign Minister Gernot Erler** of Germany emphasized the need for a successful NPT review conference in 2010 that re-affirms non-proliferation efforts and re-energizes commitment to nuclear disarmament. Erler pointed out that the time for movement on the disarmament agenda is more promising given recent arguments made by the four US and four German elder statesmen and statements made by President Obama. Min-



*Ambassador Henrik Salander, MPI Chairman  
and Deputy Foreign Minister Gernot Erler of Germany*

ister Erler also noted the need for NATO to determine a security strategy that will contribute to disarmament and non-proliferation, while pointing out that NATO has already acknowledged its decreasing reliance on nuclear security (see box on page 7). Additionally, he outlined US ratification of the Comprehensive Test Ban Treaty (CTBT), a follow up to the START Treaty, and negotiations on a re-energizing of a Fissile Material Cut-off Treaty (FMCT) as critical actions for the US to further the disarmament and non-proliferation agenda. “The international community cannot afford to be passive. We need a renewed effort to strengthen the international non-proliferation regime in all its aspects - including nuclear disarmament,” he said.

Given the landscape of “new imperatives” that are emerging in light of the four American elder statesmen and the Secretary-General of the United Nations, **Mr. Sergio Duarte**, the UN High Representative for Disarmament Affairs, emphasized de-legitimizing nuclear weapons unequivocally with the goal of complete disarmament, not simply disarmament of some. Such action means states upholding previous disarmament commitments, particularly those of the NPT. Mr. Duarte said a nuclear weapons convention would make commitments to the NPT binding and to create an impetus for countries to internalize the disarmament agenda. Such steps are based on and adhere to the vision of Secretary-General Ban Ki-moon’s five-point plan for nuclear disarmament (see box on page 11).

In responses from the floor, participants urged the German government to open up a new Strategic Concept for nuclear weapons within NATO on the premise that they offer no deterrent value. Erler responded by saying that NATO is open to starting a disarmament discussion and that it must decide on a mandate for a new Strategic Concept in at its April Summit.



## *Deputy Foreign Minister Gernot Erler of Germany*

I am very pleased that with the support of the German Foreign Office this year's Article VI Forum on nuclear disarmament takes place in Berlin, at the Rathaus Schöneberg. When US President Kennedy held his famous speech here in 1963, underlining the determination of the free world to stand up for Berlin, the existential threat of nuclear weapons was present in everybody's mind. Today, almost twenty years after the end of the Cold War, the acute feeling of insecurity of those times has faded. The menace of nuclear weapons being used has receded. But we must not be deluded: it has not gone away. In fact, stemming the proliferation of nuclear weapons continues to be one of the most pressing questions in international security policy.

Unfortunately, the insufficient progress in nuclear disarmament and the proliferation threats I just referred to have not yet met a unanimous response by the international community. To the contrary: differences of perception and diverging priorities with regard to non-proliferation and disarmament objectives have led to the failure of the 2005 NPT Review Conference. They continue to challenge the ongoing review process. Renewed failure at the next conference in 2010 would seriously further erode the credibility not only of the NPT but of the multilateral non-proliferation and arms control system as a whole.

The international community cannot afford to be passive. We need a renewed effort to strengthen the international non-proliferation regime in all its aspects, including nuclear disarmament. It is encouraging that the debate on nuclear disarmament has been given new impetus. The broad debate that we need on the role of nuclear weapons in future security policy and how to create the conditions for further nuclear disarmament must also be conducted within NATO. Not the least due to our insistence disarmament and non-proliferation will be on the agenda of the NATO summit this spring. NATO's strategic concept is based on a broad understanding of the term security. The Alliance states very clearly that in today's security environment the significance of nuclear forces has decreased.

We know what must be done. But to set things in motion and give a clear course, we need to mobilize the necessary political will. Widespread mutual mistrust between the various sides, Western and non-aligned countries, nuclear and non-nuclear weapon states, has to be overcome. Lip-service and tactical arrangements will not suffice, as we learned when the decisions of the 2000 Review Conference failed to get implemented. A common and sustained commitment to the objectives of the NPT is necessary. Reinvigorating the vision of a world free of nuclear weapons could re-establish the common sense of purpose amongst states parties that is so urgently needed.

Others asked if Germany will take a step to eliminate the first use doctrine in the NATO conference and if Germany would move to remove US nuclear weapons from Germany. Erler responded by saying that Germany has an interest in broadening its security understanding and Strategic Concept, but it is not the right time to discuss bilateral removal of US nuclear weapons from Germany.<sup>1</sup>

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<sup>1</sup>On April 10, German Foreign Minister Frank-Walter Steinmeier said these weapons "are militarily obsolete today" and their removal should be included in any disarmament negotiations (source: Der Spiegel Online, April 10, 2009.)

## ***Ambassador Henrik Salander, Chairman of the Middle Powers Initiative***

The shift of power in the world's most influential nuclear weapon state gives us some reason for hope. In several other possessor states, leadership has recently been transferred or may change in the near future. Whether this is promising or problematic we don't know yet. The general background is quite bleak ... On the other hand, let's not forget what are less conspicuous facts, but equally important ones that we may take for granted: for example that *all* non-nuclear weapon states are parties to the NPT, or that North Korea and Iran, pressing enough problems in themselves, are the only real issues of breakout from the regime. There are some encouraging things happening out there, in the media, public opinion and cyberspace. When *The Economist* writes seriously and honestly about getting rid of nuclear weapons, one must draw the conclusion that at least some stone has been turned. It seems as if the *Wall Street Journal* article two years ago by the "Gang of Four" elder US statesmen did away with political and psychological obstacles all over the world. It is clearly remarkable that four very senior individuals with such backgrounds are able to adjust their view of the world, and also to extend some credibility to people like ourselves, who have said the same things for many years.

Gradually, people everywhere have come to realise that if mankind is to mature, to separate itself from its animal ancestors, it has to get rid of barbaric and immoral weapons that threaten global annihilation, or at the very least requires the human mind at the release button to be closed off, in order for them to be used at all. As Douglas Roche has said, nuclear weapons and humanity cannot co-exist, just as slavery and human rights cannot co-exist. Nuclear weapons are in themselves a denial of the range of human rights opened up by the Universal Declaration of Human Rights.

We may actually be standing in the doorway of an imaginary room, where in a not very distant future a plan for a world free of nuclear weapons will be drawn up, through cooperative efforts by knowledgeable negotiators, urged on by far-sighted politicians and NGOs like ourselves and other forces of civil society...

## **US-RUSSIAN SECURITY RELATIONSHIP**

Two leading experts on their nations' nuclear strategies were featured on the panel on *US-Russia Security Relationship*. **Professor Anatoli Diakov**, Director of the Center for Arms Control, Energy and Environmental Studies of the Moscow Institute of Physics and Technology, provided an overview of the US-Soviet/Russian arms reduction dialogue, a crucial element of the global non-proliferation regime.

Decades of Cold War-era arms control talks led to an important, shared understanding of the nuclear dangers. By "making them partners in a great project to reduce the danger of nuclear war," he said, the superpowers laid a foundation for partnership and the building blocks for the nuclear non-proliferation regime. Still, Prof. Diakov maintained, the two former rivals have "not



become true allies,” as demonstrated by the high number of missiles still on high alert. Without further US and Russian reductions, he maintained, “it will be difficult to convince other nations of their NPT commitments.”

Under the Bush administration, there were stark differences on several core issues hampering progress on renewing or replacing Strategic Arms Reduction Treaty (START). Russia, for instance, wanted to include missiles and other delivery systems in the negotiations, including those which can be converted for conventional warhead delivery. The US had rejected the proposal to include delivery means and conventional warheads, and preferred a short, political, legally non-binding agreement. Russia maintained that, according to domestic law, the sought-after non-binding verification provisions would be illegal. Under an Obama administration, which does not chafe as the Bush administration did at the notion of legally-binding treaties, this latter point may be moot.

Another issue of crucial importance, said Prof. Diakov, is missile defense. Russian “hints” of dropping out of the Intermediate-range Nuclear Forces (INF) Treaty are a direct reaction to the US’ proposal to deploy missile defenses in Eastern Europe. Prof. Diakov suggested two ways by which to alleviate this tension: globalize the INF Treaty, an idea that he believes Obama can embrace, or bring Russia in as a full partner in the East European anti-missile system.

Prof. Diakov also suggested that Russia should agree to count warheads in the manner that the US is advocating, and in return, the US should accept the Russian view on counting delivery systems that could be converted for conventional warheads. In such a manner, Diakov explained, we can retain the parity and, hence, “stability” that the arms control paradigm had historically achieved.



For **Hon. Jan Lodal**, however, nuclear parity must no longer be the goal. Instead, stressed the former US Under-Secretary of Defense and Past President of the Atlantic Council of the United States, today’s nuclear dangers make it clear that nuclear abolition must be the overall context in which bilateral discussions are framed. It is not enough, stated Mr. Lodal, to focus on the threat of nuclear terrorism or rogue states. Nuclear weapons are no longer a problem just for the US, Russia or Europe; nuclear weapons themselves are a global problem. Bilateral negotiations should not “get in the way” of the necessary global abolition efforts.

Mr. Lodal cautioned that new treaties could operate to establish floors for warhead numbers. He also stressed the need to eschew old definitions of “tactical” and “strategic” weapons. All these weapons represent the same risk, and such categorizations only obfuscate negotiations and take our eye away from the goal of a world free from nuclear weapons.

Some of the comments from the audience implied an agreement with Mr. Lodal’s “global zero” framework. One participant, a former physician, likened nuclear weapons to an addiction that must be broken immediately. Another refuted Mr. Lodal’s assumption of a shared threat perception between the US and Russia; an American, he maintained, cannot presume to know Russia’s real threat perception. Another

participant noted that the continuation of START, as well as advancement of the Trilateral Initiative—an agreement that addresses excess plutonium stocks in Russia and the US—were two of the 13 steps of the 2000 agreement. Progress on these fronts, the diplomat asserted, “would have a positive effect” on the 2010 Review Conference.

## RESOLVING CHALLENGES TO THE NON-PROLIFERATION REGIME

In *Resolving Challenges to the Non-Proliferation Regime*, panelists explored means to prevent current challenges from undermining the NPT and the non-proliferation and disarmament regime in general. **Ambassador Robert Grey**, the Director of the Bipartisan Security Group, opened the discussion by looking at the case of Iran. He attempted to broaden the traditional US perspective by examining the historical relationship between Iran and traditional powers, noting numerous superpowers have tried to exert their influence in Iran: the UK, USSR, Russia and the US. He paid particular attention to the US-Iranian relationship over the last 60 years; specifically highlighting the US’ support of the Shah in the lead-up to and during the Islamic Revolution of 1979 and US support of Iraq during the Iraq-Iran War of the 1980s. It is in this context that Amb. Grey noted the skeptical view the Iranians hold of the United Nations Security Council. As a path forward on the nuclear issue, he suggested a much broader diplomatic discussion on issues of interest to both the Iranians and the US. These issues include a resolution to the Israeli-Palestinian conflict, the stabilization of Iraq, and the ongoing conflict in Afghanistan.



**Dr. Oliver Meier** examined the recent US-India nuclear cooperation deal, highlighting the many ways by which it undermines, and therefore weakens, the nuclear non-proliferation regime. As a non-signatory to the NPT, India is prohibited from receiving nuclear materials and technologies, a rule enforced by both the International Atomic Energy Agency as well as the Nuclear Suppliers’ Group. But, under immense pressure from the US and India, both the IAEA’s Board of Governors and the NSG agreed to alter their existing rules to accommodate the nuclear sharing deal with India. Beyond explicitly contradicting the NPT, Dr. Meier also argued that the deal entrenches “a nuclear order which distinguishes between good and bad nuclear weapon states.”

## *UN High Representative for Disarmament Affairs Sergio Duarte*

We are witnessing a cascade not of new nuclear weapon states, but of new disarmament proposals. In country after country, we are seeing an outpouring of innovative ideas to revitalize the multilateral disarmament agenda. Even beyond that, there are signs of a growing recognition of our common need to return to some fundamental norms. As we contemplate the treacherous road that lies ahead in the 21<sup>st</sup> century, how ironic it is that we would come to appreciate the importance of looking back and re-dedicating ourselves to some of the Charter's most venerable norms. These include disarmament, the regulation of armaments, the duty to avoid the threat or use of force, and the obligation to pursue the peaceful settlement of disputes.



Surely, the less legitimate it is to *possess* nuclear weapons, the stronger will be the political and diplomatic basis for preventing the acquisition of such weapons by states or non-state actors. If the weapons *per se* are anathema, a non-possession norm will also help to focus the priorities of the diplomatic and intelligence communities, by clarifying what needs to be detected or prevented. It will also encourage or require militaries and bureaucracies around the world to pursue non-nuclear means of defense. It should also herald a new age of problem-solving through diplomacy rather than the use of force—an age that future generations will credit for its multilateral diplomatic efforts to address chronic planetary challenges that have defied solution by individual states.

In the realm of openings for action, therefore, the real challenge remains in the domain of *means* rather than ends. Historically, the NPT review conferences have provided a common forum for all of the treaty's states parties to agree on common criteria for implementing the treaty. No treaty text can spell out every minute detail of how it is to be implemented—this is why review conferences exist, to help states parties to ensure that their treaty is observed and kept up-to-date with changing conditions.

The question then becomes, how are these standards to be maintained over time? The answer is found in the process of making their commitments binding, whether this is done through involvement in the negotiation of a nuclear weapon convention or by means of a framework of separate agreements oriented toward the same basic objective. In terms of new openings, therefore, I would like to see two developments. First, I would like to see a genuine commitment by states currently possessing nuclear weapons both to affirm without reservations their intention to eliminate them and to undertake specific concrete steps to advance that aim, including steps that are consistent with widely accepted multilateral standards of transparency, verification, and irreversibility. With respect to my second “new opening” for action, I believe that disarmament also needs a stronger *international* infrastructure. Proposals have been made for many years to convene a fourth special session of the General Assembly on disarmament, and while there's a consensus in principle on convening such a session, differences remain over its agenda and objectives. Other proposals have included summits, Security Council meetings, and other such events.

The precedent set by this deal allows states to exercise their own strategic interest even when that interest contravenes international law. He pointed to reports of a similar nuclear cooperation deal between China and Pakistan as evidence. With the understanding that this deal can not be reversed, he then went on to explore ways in which the NPT can be saved and strengthened in light of the current circumstances. He pointed towards the upcoming NPT Preparatory Committee as a time when states should take the opportunity to debate the deal and examine how the damages done to the non-proliferation regime can be limited. Noting states that were against the deal may hold reservations about broaching the subject, Dr. Meier thought it vital that they see past these reservations to ensure that substantive work could be accomplished at the 2010 Review Conference.

**Dr. Harald Müller** wrapped up the discussion by taking a broader view of the nuclear non-proliferation regime, identifying three categories of challenges: those pertaining to non-nuclear states within the regime (North Korea and Iran); those outside the treaty (India, Israel and Pakistan); and those posed by the nuclear weapon states. While coupled together in this category, Dr. Müller did not attempt to draw further similarities about the two distinct situations. He then examined the norm breakers outside of the non-proliferation regime: Israel, India, and Pakistan. On the Israeli issue, Dr. Müller noted that a regional balance of power needed to be forged to alleviate Israel's insecurities. He also said that efforts towards a Nuclear Weapon-Free Zone in the Middle East should take place in conjunction with other considerations. He directly linked India and Pakistan noting that bilateral cooperation between the two would be necessary for progress on nuclear disarmament. Dr. Müller argued that the nuclear weapon states' hesitation to move towards disarmament is a demonstration of the military and political utility of these weapons and, as such, will continue to compel some NNWS to develop their own nuclear weapons. None of these challenges, Müller reasoned, could singularly dismantle the NPT, but all of them combined might constitute a threat too serious for the NPT to sustain. Of these, he identified the Iranian problem as the most difficult of them all, and he expressed his hopes for the new US approach.

## **OPENING: REVIEWING NATO STRATEGIC CONCEPT**

Panelists during the session on *Opening: Reviewing NATO Strategic Concept* agreed that the US nuclear weapons based in five European NATO countries are anachronistic, counter to the obligations of the NPT and a drag on any real rapprochement between the Alliance and Russia. **Dr. Rebecca Johnson**, the Executive Director of the Acronym Institute for Disarmament Diplomacy, said, "NATO continues to behave as if nuclear weapons are the indispensable glue for Euro-Atlantic coherence and deterrence." There is too much debate over the issue to avoid a discussion, she said, giving officials and civil society the chance "to argue that they must open the Strategic Concept, debate the role of nuclear weapons and update nuclear policy."

She identified four key points for updating that policy. One, the non-nuclear weapon NATO states ceasing to equip aircraft for nuclear weapons, and "use this opportunity to reorient the defense budgets while doing away with the anachronistic nuclear role." Second, as part of Strategic Review, NATO should give up tactical nuclear weapons (TNW) in Europe, thus end nuclear sharing and deterrence based on the potential for first use and then use this decision as "tactical leverage" to get Russia to mothball its own TNW. Thirdly, Dr. Johnson said, NATO states should start a program of action to strength the NPT. The "NATO 5" played a constructive role in the 2000 Review Conference, she



*Rebecca Johnson, Hans Kristensen, Xanthe Hall, and Marit Nybakk*

said, so NATO states also need to have a role in the 2010 Review; if NATO is not dealing with the Strategic Concept, it will have no credibility at the Review, she argued. Finally, at the 2010 Review Conference, all NPT states could strengthen the NPT by declaring the Treaty binding on all states in all circumstances, including in times of war.

By applying “reverse engineering” to the goal of nuclear disarmament – in other words, stipulating a world with nuclear disarmament and working backwards to see how we got there - it becomes “startlingly clear” that disarmament is not a long-term goal, but only two to three steps away. An obvious sign of progress is how some Cold Warriors see nuclear disarmament as “feasible, practical, and necessary.”

**Dr. Hans Kristensen**, Project Director at the Federation of American Scientists, who has done extensive research on weapons deployment in Europe, estimated that there are approximately 200 US gravity bombs still deployed at six bases in five countries (Belgium, Germany, Italy, the Netherlands and Turkey). While a huge drop in the numbers occurred in 1991-92, there have only been a few “secret withdrawals” since then. The Russian deployment, he said, is “very hard to assess.” He estimated that there are more than 2000 operational weapons (down from 15,000 under the Soviet Union), of which 600-700 are air deliverable. He estimated that there are perhaps 5300 weapons total remaining in the Russian stockpile, including inactive weapons in line for dismantlement. Unlike the US, Russian weapons have “a very broad capability” with several types of delivery vehicles. All are deployed on Russian territory.

According to Dr. Kristensen, NATO maintains its weapons are not targeted on any country, but in practical terms only Russia and Iran are within realistic range. Also, planes that carry the bombs are leaving service; the replacement – the Joint Strike Fighter – will not be ready in the middle of the next decade, thus presenting NATO with a real opportunity to ask “do we really need this?”

“What is required is how to address this as a clean sweep. What is the exact requirement for them,” he said, adding that proponents “get away with murder” since “they are never challenged.” He also argued that extended deterrence for Europe is “not equal to the deployment in Europe” of nuclear weapons. “If the glue of the NATO alliance is tactical nuclear weapons in Europe then NATO is in far greater trouble than people think.” He saw signs for optimism that these weapons could be eliminated in

*The following is an excerpt from the keynote speech on January 30 delivered by Judge Christopher G. Weeramantry, a former judge of the International Court of Justice and the President of the International Association of Lawyers Against Nuclear Arms.*

Now, it is not commonly known that international law does already embody the basic principles necessary to outlaw nuclear weapons, not once, but ten times over. You do not need a treaty. All the relevant principles are there embedded in the bedrock of international law. Customary international law and the general principles of law, recognized by civilized nations contain all the principles, all the norms, all the propositions to outlaw nuclear weapons, lock, stock, and barrel. You need nothing more. And I, sometimes, am concerned that even diplomats negotiating these matters, military experts talking about nuclear weapons, and even the average citizen discoursing on this seems to think that you want a treaty to outlaw what is basically so contrary to every norm of civilized society.



*GSI President Jonathan Granoff, Judge Christopher Weeramantry, and MPI Chairman Henrik Salander*

In 1899, when the so-called dumb-dumb bullet was in use - the bullet that explodes upon entering the human body - all the nations of the world got together, and they decided that the dumb-dumb bullet was too cruel to be used in warfare amongst civilized nations. But these same nations, the successors of those civilized nation, who no doubt claim to be still civilized, they say that the nuclear weapon is quite in order. So they agree that the dumb-dumb bullet is too bad, but the nuclear weapon is ok. Now, there is something wrong with this philosophy, which even a ten year-old child would detect. But our people, those in power, generals, diplomats, many of them, do not see the absurdity of this.

So, we do not need any great argument. We do not need wonderful treaties with detailed provisions on every little, minute aspect of a weapons use or application. The general principle is already there, which we can draw upon. And the community of that [nuclear-weapon] country should be out on the streets telling their rulers, if there is a violation of this, that they should not be doing it. Because, as so many philosophers have said, we suffer not so much for the evil deeds of the evil people, but for the complacency of the good people who are not coming out and preventing this. We are paying the price for our apathy, and that price will be paid not only by us, but by our children and our children's children, and we can not just sit by and see these things happen.

Now, the International Court of Justice is the highest court in the UN hierarchy. There is no higher court than that in the world, really. And, if all the judges of the Court unanimously express this opinion [that the nuclear nations should take steps to get rid of their arsenals], you cannot have a more powerfully stated opinion on a matter of international law. And these nations, this axis of civilized nations, those who claim the right to have nuclear weapons, have very clearly acted absolutely contrary to this unanimous decision, which gives the clearest possible indication of what international law requires them to do. And when you talk of good faith, good faith has so many things associated with it, there has got to be transparency, you must not go back upon your word, you must do exactly as you said you would do, must allow the right of inspection, you must take steps within a meaningful time, and the steps must be steps that are meaningful for the achievement of the objective that has been stated. All of that is there, and these countries who claim to be leaders of the world, and who could be moral leaders of the world if only they accepted and acted on international law, these countries are doing the exact opposite of what the International Court unanimously asked them to do.



NATO countries, since government views are “wildly out of synch” with public opinion and that “the military sees it as a burden in general.” He said Cold War explanations for the deployments are “wearing thin” so that the rationale is now “entirely political.”

**Ms. Marit Nybakk**, MP of Norway, took up the same political line. “On the nuclear question, NATO still lives in the Cold War, and we wonder why,” she said, “If the NATO Summit comes up with a decision to change the Strategic Concept, how can we play a role and influence the result concerning the role of nuclear weapons in the Concept?” As a parliamentarian, Ms. Nybakk outlined a two-prong strategy. First, she argued for fellow parliamentarians to promote disarmament domestically through their national channels and, secondly, for parliamentarians to be active in the NATO Parliamentary Assembly so as to influence the nuclear debate internationally. She pointed out that a unanimous Assembly decision in November 2008 said, “NATO should reassess the question of nuclear weapons in alliance strategy and whether nuclear warheads for sub-strategic systems still need to be based in Europe.”

“NATO bureaucrats in Brussels, I’m sure are more powerful, but don’t underestimate the NATO Parliamentary Assembly. They represent their national parliaments. So they have to go back to their parliaments and say what they did in the NATO Parliamentary Assembly,” she said. Ms. Nybakk, who is the Chair of Parliamentary Defense Committee, is a member of the NATO Parliamentary Assembly.

She also noted that opening up the Strategic Concept was not only a question of nuclear weapons. “Those who are against fear that work to reassess the charter could lead to big differences in question like, the relationship with Russia, and new security issues like energy supplies and defense against cyber attacks,” she said.

During the discussion period, most of the participants agreed with the panelists’ analyses that nuclear weapons had no coherent political or strategic role in NATO policy, adding that movement to remove these weapons from the Strategic Concept would also help strengthen the NPT regime. One participant pointed out that US and NATO strategies are different and that NATO does not have nuclear weapons, NATO has policies; mixing up those considerations need to be avoided. Another point of debate was whether or not to link the removal of US nuclear weapons in Europe to negotiations with Russia over its TNW. One argument was that withdrawal should be used as a tool to get Russia to negotiate reductions of its TNW; others argued that such reasoning was too much of a Cold War mindset, that the NATO weapons should be withdrawn regardless of Russian actions.

## **STRENGTHENING AND TRANSFORMING THE REGIME**

Both short- and long-term initiatives to advance the disarmament and non-proliferation agenda were covered in the two-part panel on *Strengthening and Transforming the Regime*. Several speakers addressed the contentious issue of balancing Article IV rights to nuclear power and the need to prevent proliferation. Other speakers dealt with the increased role of IAEA verification of nuclear materials with respect to nuclear energy for peaceful purposes.

Anticipating a global growth in the nuclear energy sector, German **Ambassador Klaus-Peter Gottwald**, Commissioner for Disarmament and Arms Control, proposed a nuclear fuel bank called the Multilateral Enrichment Sanctuary Project (MESP) – whereby a host state would create a nuclear

*Mr. Jonathan Granoff, President of the Global Security Institute*



Human relations obtain balance and stability when there is justice. Inequity brings instability. Reciprocity, like equity and fairness, is a core principle of justice and is based on a universal ethical norm we call “The Golden Rule” - do unto others, as one would have done to one’s self. This principle is found in every major religious and cultural tradition. To flaunt this principle is dangerous. States must treat other states as they wish to be treated. Nuclear apartheid violates this principle. Nuclear weapons in the hands of a few are a stimulant to their proliferation, an example of instability. That is the practical, observable consequence of the P5’s failure to abide by their disarmament pledges. Moreover, on a deeper level, a stable international order becomes unrealizable.

A two tiered security order is not sustainable. The cooperation needed to persuade countries to forsake short-term economic opportunity for long-term environmental responsibility will not be achieved in a world where some claim a superior right to their security in derogation of collective security. Cooperation is needed to effectively protect the global commons – the living system upon which we depend such as the oceans and the climate -- address crushing poverty and fulfill the Millennium Development Goals.

The United Nations Secretary General, Ban Ki-moon, on October 24, 2008, proposed a comprehensive, far-reaching, five-point proposal. It deserves our attention, and I believe, support. His first proposal incorporates a nuclear weapons convention backed by a strong system of verification.

The Model Nuclear Weapons Convention, which he distributed to all countries, explicitly states that it shall not be interpreted in any manner that detracts from obligations under the NPT or the Comprehensive Test-Ban Treaty (CTBT). Arguments that a convention detracts from the NPT are fallacious. The NPT non-proliferation requirements are not self-executing. That is why further instruments, such as the Fissile Material Cut-Off Treaty and the CTBT are required to fulfill the non-proliferation aspects of the NPT. Similarly, disarmament duties under the NPT are not self-executing and require other instruments.

A non-discriminatory, legally-binding convention would strengthen the international rule of law by several means. One, it would fulfill NPT disarmament duties. Two, it would fulfill the International Court of Justice advisory opinion of 1996 that declared an obligation to pursue in good faith and bring to conclusion negotiations leading to nuclear disarmament in all its aspect under strict international controls.

Three, it would end the NPT’s greatest inadequacy, the perception that it codifies nuclear apartheid and inequitable obligations and rights. And four, it would reinforce the atmosphere of cooperation needed to establish normative legal regimes in many other areas of our common needs. Most importantly, a nuclear weapons convention eliminates the political currency of nuclear weapons, rapidly changing them from legitimate symbols of power and status to what they really are: dangerous hazards to be abolished.

If the argument against a convention is that the political climate is not ripe then we must identify which policies help and which hinder the ripening. It is time for progress now.



*Alexander Marschik, Klaus-Peter Gottwald, and Sue Miller*

“sanctuary” under IAEA authority and the fuel cycle would be facilitated by a commercial entity. States party to the NPT would then have the option to purchase nuclear materials for peaceful use from the fuel bank.

Amb. Gottwald highlighted that the aim of the MESP is to multilaterally control the nuclear fuel cycle. Consequently, MESP would facilitate greater trust, and thereby strengthen, the NPT regime by enforcing states party rights to nuclear energy for peaceful purposes while simultaneously curbing the spread of nuclear weapon building capacity. However, some questions were raised about the proposal’s trust building ability as long as the MESP is a voluntary program. Concern was raised that a voluntary program creates a “loophole” whereby states seeking to independently develop nuclear materials could still do so.

German parliamentarian **Dr. Herman Scheer** expressed skepticism with respect to the MESP by pointing out that nuclear energy is only economically feasible compared to renewable technologies if there is a desire to develop dual usages of the nuclear material. Therefore, the MESP, and nuclear energy more generally, inherently contradicts disarmament efforts and perpetuates a system of nuclear haves and have-nots. Instead, Dr. Scheer pointed out that renewable energy has no residual weapon capacity as nuclear energy does. Therefore, spreading renewable energy technology presents a tremendous opportunity to strengthen disarmament efforts.

In his presentation, Dr. Scheer chronicled the history of the NPT to emphasize the obligation of nuclear disarmament within the treaty and to argue that historically the guarantee of nuclear energy to states party of the NPT was a sensible bargain in the spirit of the 1950s, 60s and 70s. Today, however, nuclear energy is an antiquated idea compared to the promise of renewable technologies. Instead nuclear energy is a drag on the disarmament obligation of the NPT, whereby the world is split into nuclear haves and have-nots.

Therefore, Dr. Scheer argued that the new spirit of the NPT, “the spirit of today” should focus on the sharing of renewable energy technology in pursuit of fulfilling disarmament obligations under the Treaty. He suggested that a renewable energy technology-sharing addendum be added to the NPT. Just as the IAEA became a binding aspect of the NPT regime in the spirit of nuclear energy sharing, the newly founded International Renewable Energy Agency (IRENA) should be integrated into the NPT regime as a means of renewable energy technology transfer.

**Dr. Frank von Hippel**, Co-Chair of International Panel on Fissile Materials, presented a comprehensive examination of the feasibility of a Fissile Material Cut-Off Treaty (FMCT). The basic requisites of such a treaty would be verification by the IAEA – similar to the NPT - and verified commitments that existing civilian and excess military stocks not be used for military purposes. Additionally, it would require that existing stocks of highly enriched uranium for naval and other military reactors not be used for weapons.

Dr. von Hippel argued that creating the FMCT under IAEA safeguards would make weapon reductions far more difficult to reverse and that such safeguards and verification are entirely possible. However, there is a need for political will, as verification would require a significant increase in the IAEA budget. Yet, Dr. von Hippel pointed out, such a budget would still only be .2% of the US nuclear weapons budget.

**Ambassador Nobuyasu Abe**, the former UN Under-Secretary-General for Disarmament, reported on a new bilateral effort between the Japanese and Australian governments: the International Commission on Nuclear Non-Proliferation and Disarmament. The announcement was made during Australian Prime Minister Kevin Rudd's trip to Japan on June 9, 2008, when he declared Australia's intention to establish such an international body. One month later, he proudly announced that Japan had joined Australia as a Co-chair of the Commission; former Japanese Foreign Minister Yoriko Kawaguchi joined Former Australian Foreign Ministers Gareth Evans as Co-Chairs of the prestigious body. The Commission was created to reinvigorate the drive towards a world free of nuclear weapons with an eye towards the 2010 Review Conference and beyond. While the commission is co-chaired by Japan and Australia, its overall structure includes members of nuclear weapon states, non-nuclear weapon states, and those states possessing nuclear weapons outside of the non-proliferation regime. In all, the commission consists of 48 high-level diplomats and seven associated research centers. Six international meetings are scheduled in advance of the 2010 Review Conference. Considerable time will be devoted to examining ways states possessing nuclear weapons outside of the NPT can be brought into the regime, Amb. Abe reported.

**Mr. Mark Fitzpatrick**, Senior Fellow at the International Institute for Strategic Studies, reported on a project for which he recently served as managing director, *Abolishing Nuclear Weapons (Adelphi Paper 396)* co-authored by George Perkovich and James Acton. It begins with the premise that disarmament is not an end in and of itself; rather it is a means towards a more secure world. The paper sought to fill a void in current nuclear disarmament efforts. While much scholarly and practical work is currently being done to create an environment in which the world can go from thousands of nuclear weapons to hundreds, this book sought to go the next step. Its goal was to explore and lay the groundwork for the conditions necessary to live in a world with zero nuclear weapons. These conditions consisted of technically reliable verification tools and reliable enforcement mechanisms. Mr. Fitzpatrick noted one key problem in moving towards zero is the need to develop a comprehensive set of punishments to dissuade would be cheaters from attempting to beat the system.

**Ambassador Jaap Ramaker**, the Special Representative to Promote Ratification of the CTBT, closed out this panel discussing the prospects for entry-into-force (EIF) of the treaty. Currently 180 nations have signed the treaty and 148 of those have ratified. Nine "Annex 2" (China, US, India, Pakistan, North Korea, Israel, Iran, Indonesia, Egypt) states must ratify the CTBT for EIF. He noted that since 2005, 25 additional nations had ratified the treaty. He focused on the CTBT in the context

of US ratification. Based on public statements in favor of ratification by the Obama administration combined with the current makeup of the US Senate, Amb. Ramaker was optimistic that it would be ratified within the next four years. He noted technical advancements in addition to the political changes that have occurred since the US Senate rejected the CTBT in 1999 that should make ratification easier this time. The two most notable improvements are the verification regime, specifically the International Monitoring System operated by the Comprehensive Test Ban Treaty Organization and the Stockpile Stewardship Program. Beyond simply thinking US ratification was possible in the near term, Amb. Ramaker also thought it necessary for the CTBT to survive as a viable non-proliferation and disarmament vehicle. He contended that US leadership was vital in achieving EIF. For example, he doubted that China would ratify the treaty before the US. Once the US and China ratify the CTBT, the calculus for the remaining seven hold out states changes dramatically.

## OPENINGS FOR A NUCLEAR WEAPONS CONVENTION

What is the use of a weapon if, by using it, you ensure your own demise? **Professor David Ives** of the Albert Schweitzer Institute likened the dilemma humanity's creation of nuclear weapon states to that of a bee and its stinger, both of which seal their own fates upon using their ultimate weapon. The existence of such a mutually destructive instrument places the onus upon all of us in the international community to abolish nuclear weapons once and for all. With this simile in mind, Professor Ives, in capacity as panel chair, began the final panel of the day, focusing on *Openings for a Nuclear Weapons Convention*.

A paradigm shift towards a cooperative security framework is not only possible, argued **Mr. Jonathan Granoff**, but it is necessary. At last year's Davos economic summit, Mr. Granoff, the President of the Global Security Institute, pointed out, a panelist suggesting a global regulatory mechanism was laughed off the stage; this year, the idea was the accepted wisdom. In less than a year, he noted, the paradigm of our global markets have changed, from one of anarchy to a culture of cooperation. Similarly, our current system of nuclear apartheid is as equally untenable as an anarchic economic system and must shift towards a cooperative model. Failing to do so, Mr. Granoff warned, threatens the viability of our entire international order.

Mr. Granoff argued for a global framework of security based on the pursuit of justice, wherein states "treat other states as they wish to be treated." The current nuclear apartheid regime, which allows some countries to have weapons that are forbidden to others, violates this "golden rule" of reciprocity. Further, he said, the existence of these weapons "in the hands of a few are a stimulant to their proliferation." He pointed to the 2006 Rome Declaration of Nobel Peace Laureates which recognizes the threat posed by nuclear weapons and calls for "the global, legally verifiable elimination of all nuclear weapons through prompt adoption of a nuclear weapons convention."

Similarly, Mr. Granoff pointed out, UN Secretary-General Ban Ki-moon, too, called for similar comprehensive negotiations<sup>2</sup>, pointing to the model nuclear weapons convention as "a good starting point." Such a convention, Mr. Granoff argued, would fulfill Article VI of the NPT, fulfill the call set forth by the International Court of Justice, would end the NPT's codification of a nuclear apartheid

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<sup>2</sup> The full text of Secretary-General Ban's speech, "The United Nations and Security in a Nuclear Weapon-Free World," which includes the five point proposal, see: <http://www.un.org/News/Press/docs/2008/sgsm11881.doc.htm>

and reinforce the atmosphere of cooperation needed to establish normative legal regimes in other areas of our common needs.

**Dr. Jürgen Scheffran** laid out general principles of the Model Nuclear Weapons Convention (MNWC)<sup>3</sup>, as drafted by a consortium of lawyers, engineers and physicians. The route laid out by the MNWC encompasses both incremental and comprehensive approaches, through 5 phases spanning 15 years, starting with de-alerting, moving towards dismantlement and greater cuts in the arsenals until all nuclear weapons are destroyed, and the “powers and functions of the [IAEA...] are reviewed and adjusted.”

Dr. Scheffran highlighted four “guiding principles” of a NWC: first, that no nuclear weapons or material



may be retained or hidden in the existing nuclear weapon states; two, nuclear weapons must be “disinvented” to the degree achievable”; third, that a break-out to develop or manufacture nuclear weapons must be prevented and detected; fourth, no intention to acquire nuclear weapons should remain or have a reason to re-emerge.

The core concern for most abolition skeptics, of course, is the efficacy of a verification regime. As such, Dr. Scheffran spent considerable time discussing various aspects of the would-be verification regime, including methods targeted at ensuring compliance in regard to delivery means, de-alerting, fissile material production, diversion, and disarmament.

The panel was rounded out by **Baroness Sue Miller** of the UK’s House of Lords, who provided an overview of what she dubbed “the low politics” of achieving a nuclear weapon-free world: the role of national parliaments in advancing the norm of nuclear abolition. She argued for the need for involved, sustained input from civil society if MPs are to align themselves with the goal of disarmament. In the UK, for instance, disarmament is seen as a unilateralist move, which is undesirable to the electorate.

As a UK delegate to the Inter-Parliamentary Union (IPU), Miller discussed the draft IPU resolution on nuclear disarmament and non-proliferation, circulating within the security and peace committee. She noted that MPs participating in the IPU are “ill-equipped” for a discussion on these issues. Proponents of nuclear disarmament should educate IPU delegates in a way that is relevant for them and their particular national security concerns.

In the discussion period, several participants underscored the flexibility of the Model Nuclear Weapons Convention, and that it is not intended as a “take it or leave it” model but rather has been submitted as food-for-thought for the real negotiations. One diplomat in the audience noted his appreciation for the thorough thoughtfulness of the political as well as the technical solutions provided for in the MNWC, yet another questioned the likelihood of such a global prohibition. He noted, for instance, that verification of a NWC would be far more intrusive and broader than those protocols ensuring compliance to the Biological

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<sup>3</sup> The Model Nuclear Weapons Convention is contained in the book, *Securing Our Survival: The Case for a Nuclear Weapons Convention*, published by the International Association of Lawyers Against Nuclear Arms, International Network of Engineers and Scientists Against Proliferation, and the International Physicians for the Prevention of Nuclear War.

or Chemical Weapons Conventions. This diplomat also wondered about conditions relating to the entry-into-force of such a nuclear prohibition, asking about an “Annex 2” type of list of countries which would have to ratify before the Convention entered into force, along the lines of the CTBT.

This entry-into-force question, Mr. Granoff noted, is exactly the type of discussion that the diplomats have to explore in their own negotiations. The broad range of these important questions point to the need for a “serious group” of diplomats and experts to “oxygenate our thinking” on a nuclear prohibition, and called upon those in the room to consider forming such a group.

## **CLOSING SESSION**

In his concluding remarks, Amb. Salander characterized the consultation as “a very rich discussion [with] an astonishing number of different angles and inroads” on the issues before the Forum. These issues included how to engage the nuclear weapon states, how to get the US and Russia to reduce their reliance on nuclear weapons as a means to “radical” reductions in their arsenals, the various short term (meaning 2009-10) priorities, diverse views on how to deal with Iran, and the roles of NATO and of parliamentarians. Noting MPI’s emphasis on the fulfillment of the NPT obligations, he took up a theme from Mr. Duarte’s keynote speech. Amb. Salander agreed with Mr. Duarte that a goal of the 2010 Review Conference should be a restatement of support of the unequivocal undertaking given at the 2000 Review Conference and an agreement on how to carry out the 13 practical steps from that conference.

From the floor, participants returned to these themes, in particular the belief that the nuclear weapon states need to show in concrete terms at the Review Conference how they intend to fulfill their disarmament obligations. Participants also used the last minutes to raise issues that had not been discussed during the two days, including the problems in the Middle East, the possibility of an “end run” on the issue of nuclear negotiations by beginning an ad-hoc process modeled on the “Ottawa Process” that led to the ban on anti-personnel landmines, making efforts to reach out to ranking military officials before they retire, and the need to prevent an arms race in outer space.

# APPENDIX A

*Materials from the Sixth meeting of the Article VI Forum:  
Program  
Roster of Participants  
Acknowledgments & Supporters*



*The Berlin Article VI Forum*  
**New Imperatives and Openings for  
a Nuclear Weapons-Free World**

*convened with the support of the Government of Germany*

**Wednesday, January 28<sup>th</sup>**

**Public Event**

**7 pm: “The Path to a Nuclear Weapons-Free World”**

Sponsored by the Friedrich Ebert Stiftung (FES), in cooperation with Parliamentarians for Nuclear Non-proliferation and Disarmament (PNND), International Physicists for the Prevention of Nuclear War (IPPNW) and MPI.

**Thursday, January 29<sup>th</sup>**

**9 - 10:30 am: Opening Session**

Opening Address: **H.E. Henrik Salander, Chairman, Middle Powers Initiative**

Welcome: **Representative of the German Government: Deputy Foreign Minister  
Gernot Erler**

Keynote: **H.E. Sergio Duarte, UN High Representative for Disarmament Affairs**

**10:30 - 11:00 am: Coffee Break**

**11:00 am - 12:30 pm: Panel I: “US -Russian security relationship”**

Chair: **Prof. Dr. Götz Neuneck, Deputy Director, Institute for Peace Research and  
Security Policy Hamburg/ Pugwash Germany**

Speakers: **Prof. Anatoli Diakov, Director, Moscow Institute of Physics and Technology  
Hon. Jan Lodal, Past President, Atlantic Council of the United States**

**12:30 - 2 PM: Lunch**

**Speaker: Ms. Uta Zapf, MP, Germany, Co-President PNND**

**2:15 - 3:45 pm: Panel II: “Resolving Challenges to the Non-Proliferation Regime”**

Chair: **Mr. Jonathan Granoff, President, Global Security Institute**

Speakers: **Amb. Robert Grey, Director, Bipartisan Security Group**

**Dr. Oliver Meier, Institute for Peace Research and Security Policy Hamburg**  
**Dr. Harald Müller, Executive Director, Peace Research Institute Frankfurt**

**3:45 - 4:15 pm:** Coffee Break

**4:15 - 6 pm:** Panel III: “Opening: Reviewing NATO strategic concept”

Chair: **Ms. Xanthe Hall, IPPNW Germany**

Speakers: **Dr. Rebecca Johnson, Executive Director, Acronym Institute for Disarmament  
Diplomacy**  
**Dr. Hans Kristensen, Project Director, Federation of American Scientists**  
**Ms. Marit Nybakk, MP, Norway**

**7 - 8:30 pm:** Dinner, hosted by Foreign Ministry of Germany:

Ambassador **Klaus-Peter Gottwald**, Commissioner for Disarmament and  
Arms Control

Venue: Restaurant Aigner, Französische Straße 25 (Gendarmenmarkt)

## **Friday, January 30<sup>th</sup>**

**9 - 10:30 am:** Panel IV (A): “Strengthening and Transforming the Regime”

Chair: **Amb. Alexander Marschik, Director for Disarmament, Arms Control and  
Non-Proliferation, Austria**

Speakers: **Amb. Klaus-Peter Gottwald, Commissioner for Disarmament and Arms  
Control, Germany**  
**Dr. Frank von Hippel, Co-Chair, International Panel on Fissile Materials**  
**Mr. Hermann Scheer, MP, President, EUROSOLAR**

**10:30 - 11 am:** Coffee Break

**11 am – 12:30 pm:** Panel IV (B): “Strengthening and Transforming the Regime”

Chair: **Amb. Alexander Marschik**

Speakers: **H.E. Nobuyasu Abe, Advisory Board member, International Commission on**

**Nuclear Nonproliferation and Disarmament**

**Mr. Mark Fitzpatrick, Senior Fellow, International Institute for Strategic Studies  
H.E. Jaap Ramaker, Special Representative to Promote Ratification of the CTBT**

**12:30 - 2:00 pm:** Lunch

**Speaker: Judge Christopher Weeramantry**

**“International Law and the Elimination of Nuclear Weapons”**

**2:00 pm – 3:15:** Panel V: **“Openings for a nuclear weapons convention”**

**Chair: Dr. David T. Ives, Executive Director, Albert Schweitzer Institute**

**Speakers: Mr. Jonathan Granoff, President, Global Security Institute**

**Baroness Sue Miller, United Kingdom**

**Dr. Jurgen Scheffran, Senior Research Scientist, Disarmament and International  
Security at the University of Illinois at Urbana-Champaign**

**3:15 - 4:30 pm:** Wrap-Up discussion/Concluding Session

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## ROSTER OF PARTICIPANTS

**H.E. Mr. Nobuyasu Abe**

**Mr. Werner Bauwens**

Director of the Non-Proliferation, Disarmament and Arms Control Division

**Dr. Peter Becker**

Chairman, IALANA Germany

**Dr. Wolfgang Biermann**

SPD Executive Committee

**H.E. Mr. Bernhard Brasack**

Permanent Representative of Germany to the Conference on Disarmament

**H.E. Mr. Jacek Bylica**

Head, Weapons of Mass Destruction Centre, NATO International Secretariat

**Ms. Jackie Cabasso**

Western States Legal Foundation

**Ms. Angelika Claussen, M.D.**

International Physicians for the Prevention of Nuclear War – Germany

**Prof. Anatoli Diakov**

Director of the Center for Arms Control, Energy and Environmental Studies of the Moscow Institute of Physics and Technology

**H.E. Mr. Sergio de Queiroz Duarte**

UN High Representative for Disarmament Affairs

**H.E. Mr. Gernot Erler**

Deputy Foreign Minister, Germany

**Mr. Thomas Fetz**

First Secretary, Embassy of Canada

**Mr. Mark Fitzpatrick**

Senior Fellow for Non-Proliferation, International Institute for Strategic Studies

**Mr. Andre François Giroux**

Director, Non-Proliferation & Disarmament (Nuclear) Division (IDN)

**Ms. Valerie Grey**

Deputy Permanent Representative of Australia to the United Nations, Geneva

**H.E. Ms. Mabel Gomez-Oliver**

Deputy Permanent Representative of Mexico to the United Nations, Geneva

**H.E. Klaus-Peter Gottwald**

Commissioner of the Federal Government for Arms Control and Disarmament

**Mr. Neshan Gunasekera**

Weeramantry International Center of Peace Education and Research

**H.E. Mr. Marius Grinius**

Permanent Representative of Canada to the Conference on Disarmament

**Prof. Frank von Hippel**

Co-Chair, International Panel on Fissile Materials, Princeton University

**Mr. Hellmut Hoffmann**

Federal Foreign Office, Germany

**Rev. Masamichi Kamiya**

Minister, Rissho Kosei-kai Buddhist Church of New York

**Mr. Christos Katsioulis**

Policy Analyst

Department for International Dialogue, International Policy Analysis

**Ms. Alison Kelly**

Director, Disarmament and Non-Proliferation, Ireland

**Dr. Stefan Kordasch**

Deputy Head of Division Nuclear Disarmament and Non-Proliferation, Germany

**Mr. Andreas Körner**

Green Faction

**Dr. Hans Kristensen**

Project Director, Nuclear Information Project, Federation of American Scientists

**H.E. Mr. Johannes Landman**

Permanent Representative of the Netherlands to the Conference on Disarmament

**Mr. Knut Langeland**

Senior Advisor, Disarmament and Non-Proliferation Division, Norway

**Hon. Jan Lodal**

Past President, Atlantic Council of the United States

**Mr. Jan Lundin**

Minister, Embassy of Sweden to Germany

**Dr. Alexander Marschik**

Director for Disarmament, Arms Control and Non-Proliferation, Austrian Ministry for European and Inter-

national Affairs

**Dr. Arend J. Meerburg**

International Panel on Fissile Materials, Princeton University

**Mr. Olivier Meier**

Wissenschaftlicher Mitarbeiter Institut für Friedensforschung und Sicherheitspolitik Hamburg (IFSH)

**Baroness Sue Miller**

House of Lords, UK

**Dr. Harald Müller**

Executive Director

Peace Research Institute Frankfurt

**Mr. Otfried Nassauer**

Director, Berlin Information-Center for Transatlantic Security

**Prof. Dr. Götz Neuneck**

Deputy Director IFSH

**Ms. Marit Nybakk, MP**

Member of Norwegian Parliament

**Dr. Nicholas O'Brien**

Deputy Head of Mission, Embassy of Ireland

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# **APPENDIX B**

MPI Briefing Paper





MIDDLE  
POWERS  
INITIATIVE

A program of the  
Global Security Institute

# Middle Powers Initiative Briefing Paper

Middle Powers Initiative - 866 United Nations Plaza, Suite 4050 - New York, NY 10017 - Tel: +1 646 289-5170 - [www.middlepowers.org](http://www.middlepowers.org)

## A Global Public Good of the Highest Order: New Imperatives and Openings for a Nuclear Weapon-Free World

Briefing Paper for the Sixth Meeting of the Article VI Forum

Berlin, Germany  
January 29-30, 2009

January 2009

## **THE MIDDLE POWERS INITIATIVE**

A program of the Global Security Institute

[www.gsinstitute.org](http://www.gsinstitute.org)

Through the Middle Powers Initiative, eight international non-governmental organizations (the Albert Schweitzer Institute, Global Security Institute, International Association of Lawyers Against Nuclear Weapons, 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 (ret.) Henrik Salander of Sweden.

[www.middlepowers.org](http://www.middlepowers.org)

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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 US affiliate of the International Association of Lawyers Against Nuclear Arms.

[www.lcnp.org](http://www.lcnp.org)

## SUMMARY

“A world free of nuclear weapons would be a global public good of the highest order,” declared UN Secretary-General Ban Ki-moon on October 24, 2008. The outlook for movement toward achievement of such a world is improving dramatically, not least due to the January 2009 installation of a new US administration.

The Berlin Article VI Forum convened by the Middle Powers Initiative (MPI) will examine current imperatives and openings, outlined in this Briefing Paper, for going beyond proposals to action. The imperatives are:

- the deteriorating relationship between Russia and the United States/NATO
- the destabilizing effect of new anti-missile systems and the ongoing reliance on nuclear forces
- the disruptive effect of the stalemated dispute over Iran’s nuclear program
- the Nuclear Suppliers Group’s exemption for India
- the prospect of increased worldwide reliance on nuclear power
- the potentially adverse effects of the global financial crisis on international order

The openings include:

- the Secretary-General’s call for fulfillment of the nuclear Non-Proliferation Treaty’s (NPT) Article VI through negotiation of a nuclear disarmament framework or convention; engagement of the Security Council; action on legal instruments now on the agenda; increased transparency and accountability; and convening of a disarmament summit
  - US President-elect Obama’s intent to demonstrate compliance with the NPT disarmament obligation; to pursue verified US-Russian reductions, ratification of the Comprehensive Nuclear-Test-Ban Treaty (CTBT), negotiation of a verified Fissile Material Cut-off Treaty (FMCT), and increasing warning and decision time prior to launch of nuclear weapons; and to initiate high-level dialogue among nuclear weapon states on how to move toward eventual elimination of all nuclear weapons

A number of measures prioritized by MPI now appear ripe for action. Several will be examined at the Berlin meeting - verified reductions, the FMCT, and the CTBT. They are discussed in this Briefing Paper, along with another topic of the meeting - ways to advance a nuclear weapons convention.

## A. IMPERATIVES

### *The Deteriorating Relationship Between Russia and the United States/NATO*

1. Banning nuclear weapons has been necessary since the Manhattan Project was launched, or even before then, when physicists first realized that nuclear explosions were feasible. But there are times when the necessity is felt more intensely, because the dangers are more pressing. This is such a time. First and foremost among the imperatives for movement on nuclear disarmament is the deteriorations of relations between the United States/NATO and Russia. There are intense divisions regarding nations on Russia's periphery, exemplified by but not limited to the West's condemnation of Russia's disproportionate response to Georgia's actions in South Ossetia. Russia regards US proposals for inclusion of Georgia, Ukraine and other nations in NATO as an unacceptable provocation.

### *The Destabilizing Effect of New Anti-Missile Systems and the Ongoing Reliance on Nuclear Forces*

2. US plans for placement of anti-missile systems in Poland and the Czech Republic are also perceived as a serious provocation by Russia. This was illustrated by President Medvedev's announcement, hours after Obama's electoral victory, of a plan to deploy short-range missiles targeted at those systems. While, as the Bush administration argues, the anti-missile systems do not pose a threat to Russia's large number of nuclear missiles, they do pose a very serious threat to progress on reduction of nuclear forces. A state that regards anti-missile systems as a potential component of a preemptive capability against a small nuclear arsenal will not be motivated to reduce its large arsenal. Here President-elect Obama's position shows some promise. He stated: "As president, I will make sure any missile defense, including the one proposed for Europe, has been proven to work and has our allies' support before we deploy it." The systems planned for Europe have not been successfully tested.

3. Also of great concern is Russia's reported significantly greater reliance on nuclear weapons in its overall military strategy, in particular as a means of avoiding defeat in a conventional war. Meanwhile, US doctrine continues to hold that nuclear weapons may be used in a wide range of circumstances. For example, the US Air Force "Strategic Planning Directive for Fiscal Years 2006-2023" states that nuclear weapons provide "a credible deterrent umbrella under which conventional forces operate and, if deterrence fails, strike a wide variety of high-value targets with a highly reliable, responsive and lethal nuclear force.... Desired effects include: Freedom for US and Allied forces to operate, employ, and engage at will ...."

4. Aside from Israel, states possessing nuclear arsenals persevere in declaring that nuclear weapons are weapons of war to be used in appropriate circumstances; except in China's declared policy, use of nuclear weapons is not limited to responding to nuclear attack. States with nuclear weapons also continue to execute and plan for maintenance and modernization of their arsenals, delivery systems, and supportive technical complexes for decades to come. There has been no sign, so far, that NATO will renounce or limit the integration of nuclear weapons into its military posture in the Strategic Concept to be adopted following its 60th anniversary in 2009.

### *The Disruptive Effect of the Stalemated Dispute over Iran's Nuclear Program*

5. The dispute over Iran's nuclear program is now stalemated, with Iran failing to comply with UN Security



Council resolutions. There is potential for great damage to the non-proliferation regime in the Middle East, and possibly beyond the region. Whatever Iran's intentions regarding actual acquisition and deployment of nuclear weapons, by proceeding with uranium enrichment and ballistic missile/space programs, it is *de facto* becoming a latent weapons state like Japan. Iranian representatives make a good case that nuclear weapons are strategically unwise for Iran, making it more vulnerable, and are considered contrary to the tenets of Islam by the highest Iranian authorities. But that position could change as the years go by, just as it did for India, which was a leader in calling for nuclear disarmament in the 1950s.

6. Innovative diplomacy is required, without preconditions, and with the United States at the forefront. On the narrow nuclear issue, multinationalization of Iran's enrichment program is one viable proposal, with the added merit that it could serve as a precedent in other settings. In a different but also difficult context, while the outcome remains uncertain, negotiations with the DPRK show some promise. Obama has said, "I will prepare for and engage in direct talks with Tehran to test its intentions." Global progress on nuclear disarmament would add to the credibility of such diplomacy.

#### *The Nuclear Suppliers Group's Exemption for India*

7. The decision of the Nuclear Supplier Group (NSG) to permit nuclear commerce with India also underlines the need for revision of the nuclear order. Paradoxically, the Nuclear Non-Proliferation Treaty (NPT) and later the NSG were created partly in order to prevent India's acquisition of nuclear weapons. Bilateral talks between the United States and the Soviet Union in the early 1960s about a non-proliferation agreement initially sought to prevent such acquisition by states including Germany, Japan, Israel, China, and India; in the event, the last three states were not captured by the effort. In part, India, not a member of a nuclear alliance, did not regard the NPT as providing sufficient protection against China, which had tested a weapon in 1964. India carried out a nuclear explosive test in 1974, soon after the NPT entered into force.

8. Now an effort of sorts has been made to normalize the situation, in violation of an NPT commitment made at the 1995 Review and Extension Conference and repeated at the 2000 Review Conference, to refrain from nuclear commerce with a state not having accepted comprehensive safeguards. Moreover, nuclear commerce is to be allowed though India continues to produce fissile materials for weapons, and has made no commitment to stop doing so absent negotiation and entry into force of a Fissile Material Cut-off Treaty (FMCT). Outside supply of fuel for India's safeguarded reactors will allow India, should it so choose, to devote its indigenous uranium to its weapons program. India's breeder reactor now under construction will not be safeguarded, and could burn existing stocks of reactor-grade plutonium to produce large quantities of weapons-grade plutonium. The troubling issue is raised of whether and how exemptions for other non-NPT states, Pakistan and Israel, would be implemented.

9. It is deeply regrettable that so far the integration of India into the non-proliferation regime has occurred without requiring specific disarmament actions of India, notably ratification of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) and cessation of production of fissile materials for weapons, and without involving NPT member states whose negotiated commitment has been ignored. To gain NSG approval, India only reiterated its nuclear test moratorium and declared an intent to negotiate an additional protocol with the International Atomic Energy Agency (IAEA). The vast majority of diplomats participating in the NSG decision wanted much stronger conditions, but trade considerations trumped disarmament goals. Middle power states should consider what the NPT review process can do in this regard. A modest step would be to call on India to sign and ratify the CTBT, to halt production of fissile materials for weapons, and to

refrain from increasing the size of its arsenal. Apart from the US and Chinese failure to date to ratify the CTBT, those steps have been taken by the NPT weapons states. They are supported by the Article VI reference to “cessation of the nuclear arms race at an early date.”

10. The NSG exemption highlights the need for creating a disarmament process that includes India. Otherwise, it will appear as nothing more than the acceptance of India into a permanent nuclear club, harming the viability of the NPT. States that have forsworn nuclear weapons, partly based on the understanding - confirmed in 1995 and 2000 - that only states that had done so would be supported in “peaceful uses” of nuclear technology, will be further disappointed by the discriminatory nature of the NPT. Should states within and without the NPT possessing nuclear arsenals engage in a serious disarmament effort, that disappointment will be assuaged. India should therefore be taken up on its longstanding advocacy of global elimination of nuclear arsenals. That position was recently reasserted by Prime Minister Manmohan Singh in a June 2008 speech lauding the Rajiv Gandhi plan for disarmament. The importance of involving India and Pakistan in nuclear arms restraint and disarmament is evident based on the demonstrated potential for large-scale war between the two countries, a point further reinforced by the tension between them over the horrendous terrorist attacks in Mumbai in late November 2008.

#### *The Prospect of Increased Worldwide Reliance on Nuclear Power*

11. The Secretary-General stated in his October 24 address that there are “concerns that a ‘nuclear renaissance’ could soon take place, with nuclear energy being seen as a clean, emission-free alternative at a time of intensifying efforts to combat climate change.” He noted: “The main worry is that this will lead to the production and use of more nuclear materials that must be protected against proliferation and terrorist threats.” The most desirable course is to avoid increased reliance on nuclear electricity generation. That is more feasible than is commonly realized, due to the immense costs and technical problems associated with nuclear power, the scale of nuclear reactor construction required to have a significant effect on climate change, and the increasing efficiency and cost-effectiveness of wind and other renewable energy technologies. A promising development is the pending establishment of the International Renewable Energy Agency (IRENA) to foster and promote renewable energy worldwide. Germany is to be commended for its leadership in this endeavor.

12. So long as it does not serve to promote nuclear power, multilateral regulation of production and supply of nuclear fuel also deserves support. However, progress on disarmament is a necessary though not sufficient condition for non-nuclear weapon states to accept tighter restrictions on nuclear technology, in particular the means of producing nuclear fuel. To date, concrete steps toward further multilateral regulation of the nuclear fuel cycle have been slow in coming. The Nuclear Threat Initiative (NTI) has spearheaded an effort to create an International Nuclear Fuel Bank. Its establishment by the IAEA requires that states pledge \$100 million to match the \$50 million committed by NTI. As of December 2008, there are \$97 million in pledges from the United States, the European Union, Norway, and the United Arab Emirates. Among the proposals meriting consideration is the Multinational Enrichment Sanctuary Project backed by Germany. It would be an enrichment facility, using “black box” technology, administered by the IAEA and located on international territory ceded to the IAEA.

#### *The Potentially Adverse Effects of the Global Financial Crisis on International Order*

13. Another imperative for renewed attention to disarmament is the global financial collapse and econom-

ic downturn. Those developments imply the possibility of intensified economic rivalries among major powers. That dark landscape is already visible in the competition for oil, gas and other resources stoking conflict in Iraq, the jockeying over nations on Russia's periphery, and disagreements over policy regarding dreadful conflicts in Africa. On the positive side of the ledger, the collapse and downturn have spurred deepened international coordination and cooperation in the financial sphere, with calls for reform of global financial institutions. It should become more apparent than ever that just as such cooperation is necessary in the spheres of finance, poverty reduction, conflict prevention and termination in Africa and elsewhere, and climate and other environmental protection, so it is necessary in the nuclear sphere. Indeed, cooperative action to put an end to the two-tier system of nuclear haves and have-nots will greatly facilitate reciprocal, effective action on other pressing global issues.

## B. OPENINGS

### *The Secretary-General's Address*

14. One opening for movement toward a nuclear weapon-free world is created by the continued flow of influential proposals to that end. A high point is the Secretary-General's address, "The United Nations and Security in a Nuclear Weapon-Free World," delivered on October 24, 2008 to the East-West Institute-organized conference at the United Nations in New York. The Secretary-General commented: "The obstacles to disarmament are formidable. But the costs and risks of its alternatives never get the attention they deserve. But consider the tremendous opportunity cost of huge military budgets.... Concerns over such costs and the inherent dangers of nuclear weapons have led to a global outpouring of ideas to breathe new life into the cause of nuclear disarmament."

15. The Secretary-General offered his own five-point proposal, attached as Appendix One. The first point is far-reaching: "I urge all NPT parties, in particular the nuclear weapon states, to fulfil their obligation under the Treaty to undertake negotiations on effective measures leading to nuclear disarmament. They could pursue this goal by agreement on a framework of separate, mutually reinforcing instruments. Or they could consider negotiating a nuclear weapons convention, backed by a strong system of verification, as has long been proposed at the United Nations. Upon the request of Costa Rica and Malaysia, I have circulated to all United Nations member states a draft of such a convention, which offers a good point of departure. The nuclear powers should actively engage with other states on this issue at the Conference on Disarmament in Geneva, the world's single multilateral disarmament negotiating forum. The world would also welcome a resumption of bilateral negotiations between the United States and the Russian Federation aimed at deep and verifiable reductions of their respective arsenals. Governments should also invest more in verification research and development. The United Kingdom's proposal to host a conference of nuclear weapon states on verification is a concrete step in the right direction."

16. The entirety of the Secretary-General's proposal deserves close attention. It calls for engagement of the Security Council on disarmament matters, and states that its permanent members "could unambiguously assure non-nuclear weapon states that they will not be the subject of the use or threat of use of nuclear weapons." It calls for action on a range of legal instruments. It underscores the need to increase accountability and transparency concerning arsenals and their reductions. It calls for "complementary measures," including "the elimination of other types of WMD; new efforts against WMD terrorism; limits on the production and trade in conventional arms; and new weapons bans, including of missiles and space weapons."

And, it refers to two possible ways to bring together the world's leaders: The Security Council could "convene a summit on nuclear disarmament," and the General Assembly could "take up the recommendation of the Blix Commission for a 'World Summit on disarmament, non-proliferation and terrorist use of weapons of mass destruction'."

### *The New Administration in Washington*

17. Another opening is afforded by the new administration in Washington taking office in January 2009. Barack Obama's statements while still engaged in electoral campaigning give reason for cautious optimism. In a September 2008 response to an Arms Control Today survey, he stated in part: "As president, I will set a new direction in nuclear weapons policy and show the world that America believes in its existing commitment under the nuclear Non-Proliferation Treaty to work to ultimately eliminate all nuclear weapons. I fully support reaffirming this goal, as called for by George Shultz, Henry Kissinger, William Perry, and Sam Nunn, as well as the specific steps they propose to move us in that direction. I have made it clear that America will not disarm unilaterally. Indeed, as long as states retain nuclear weapons, the United States will maintain a nuclear deterrent that is strong, safe, secure, and reliable. But I will not authorize the development of new nuclear weapons. And I will make the goal of eliminating nuclear weapons worldwide a central element of US nuclear policy."

18. As discussed below, Obama promised action on US-Russian reductions, the FMCT, and the CTBT. Other steps identified by Obama include working "with Russia in a mutual and verifiable manner to increase warning and decision time prior to the launch of nuclear weapons," and initiating "a high-level dialogue among all the declared nuclear weapon states on how to make their nuclear capabilities more transparent, create greater confidence, and move toward meaningful reductions and the eventual elimination of all nuclear weapons."

19. Emphasis on what states can do unilaterally to advance nuclear disarmament is absent from the Secretary-General's address, Obama's statements, and most prescriptions. In contrast, that is a great merit of the November/December 2008 Foreign Affairs article by Ivo Daalder of the Brookings Institution, an Obama adviser, and Jan Lodal, a former senior Defense Department and White House official in several administrations. In addition to vigorous diplomatic outreach, they recommend: "First, Washington must establish as official policy the limited purpose of US nuclear forces: to prevent the use of nuclear weapons by others.... Second, given this limited purpose of its nuclear weapons, the United States should reduce its nuclear arsenal to no more than 1,000 total weapons.... Third, the United States must work to put in place a comprehensive international nuclear-control regime that goes well beyond the present nonproliferation regime's accounting and monitoring of nuclear materials. It must include all fissile materials and provide an airtight verification system to enable the world to move from thousands of nuclear weapons to hundreds, to tens, and ultimately to zero." They observe that a "willingness to act boldly to reduce its own reliance on nuclear weapons and drastically cut its own arsenal can give Washington the credibility necessary to succeed."

### *Priority Measures*

20. In a series of meetings of the Article VI Forum leading up to the 2007 NPT Preparatory Committee meeting, MPI identified seven priority measures whose implementation prior to the 2010 Review Conference or endorsement at the conference would greatly strengthen the non-proliferation/disarmament

regime. They are:

- verified reduction of nuclear forces
- standing down of nuclear forces (de-alerting)
- negotiation of a Fissile Materials Cut-off Treaty
- bringing the Comprehensive Nuclear-Test-Ban Treaty into force
- strengthened negative security assurances
- regulation of nuclear fuel production and supply
- improved NPT governance

21. MPI continues to believe that those measures merit priority attention. With the advent of the Obama administration, progress appears possible. There continues to be very strong international support for most of the measures, as shown by 2008 General Assembly resolutions. The first four measures are reflected in the practical steps for disarmament adopted by the 2000 NPT Review Conference, which were reaffirmed by the New Agenda resolution adopted with overwhelming support. They are specifically endorsed by the “Renewed Determination” resolution, also overwhelmingly approved. For a second year, standing down nuclear forces was the subject of a resolution adopted with large majority support, “Decreasing the operational readiness of nuclear weapons systems.” Strengthening negative security assurances was endorsed by the Secretary-General and included in the Non-Aligned Movement resolution, “Nuclear Disarmament,” approved by a large majority.

22. The Berlin Article VI Forum will address verified reductions, the FMCT, and the CTBT. It will also consider parallel and complementary ways to advance a nuclear weapons convention, a topic of increasing salience considered first below.

### *Nuclear Weapons Convention*

23. In his October 24 address, the Secretary-General gave a welcome boost to the campaign for a global ban on nuclear weapons. His observation that NPT Article VI could be fulfilled through a framework of instruments or a nuclear weapons convention recognizes that a comprehensive approach is supported by a large majority of UN member states. 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 2008, the number of co-sponsors doubled from 28 to 56, and the General Assembly adopted the resolution by a vote of 127 to 30, with 23 abstentions. All members of the New Agenda Coalition cast affirmative votes.

24. The Secretary-General noted that at the request of Costa Rica and Malaysia, he has circulated the Model Nuclear Weapons Convention. It is explained in *Securing Our Survival*, a book released in 2007 by three of MPI’s sponsoring organizations, the International Physicians for the Prevention of Nuclear War, the International Association of Lawyers Against Nuclear Arms, and the International Network of Engineers and Scientists Against Proliferation. Another recent notable effort is the 2008 study, *Abolishing Nuclear Weapons*, written by George Perkovich and James M. Acton for the International Institute for Strategic Studies. While not focused on a convention as such, it examines the technical and political conditions for a sustainable nuclear weapons-free world.

25. As both publications explore, there are manifold challenges to overcome in constructing an institutional framework that would reliably provide for verified and enforceable elimination of nuclear warheads and delivery systems and successfully manage nuclear power. Those challenges can in part be addressed through measures on the standard international agenda - verified reductions, the CTBT, the 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 important, 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 advantage 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.

26. Fundamentally, only a global agreement can firmly establish the obligations not to possess, use, or threaten to use nuclear weapons. 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. That is still the essential situation with respect to biological weapons, for which a verification regime has yet to be agreed.

27. In a December 8, 2008 op-ed, the British Foreign Secretary, David Miliband, listed as one of six steps in the path toward a nuclear weapon-free world: "Exploration of the many complex political, military and technical issues that need to be resolved if the states that possess nuclear weapons are to reduce and ultimately eliminate their arsenals securely, and to prevent nuclear weapons from ever reemerging. The UK is already giving a lead: next year, we have proposed hosting a meeting on disarmament with policymakers and scientists from the five recognised nuclear weapon states." On December 9, 2008, former high civilian and military officials from several nuclear possessor and other states launched "Global Zero," a campaign that aims to catalyze a global agreement on eliminating nuclear weapons. One component is a "Global Zero World Summit bringing together 500 political, military, business, and civic leaders in January 2010."

28. Deliberation on or negotiation of a nuclear weapons convention in no way undermines the NPT. Rather it fulfills NPT Article VI; a convention also would likely incorporate the NPT in some manner. The compatibility of addressing the process of nuclear disarmament with negotiation of discrete measures has long been recognized in the Conference on Disarmament. One of the four core issues on the proposed program of work is "nuclear disarmament." And, one of the practical steps adopted in 2000 is the "necessity of establishing in the Conference on Disarmament an appropriate subsidiary body with a mandate to deal with nuclear disarmament." It should also be recalled that the United States and Russia negotiated bilaterally concerning reduction of chemical weapon stocks at the same time the Chemical Weapons Convention was negotiated on a multilateral basis.

29. In addition to striving to employ established UN-related forums to undertake a comprehensive approach to nuclear disarmament, middle powers and civil society should engage with existing and new initiatives - the International Campaign to Abolish Nuclear Weapons, the Mayors for Peace call for a "Hiroshima-Nagasaki Protocol," Global Zero - and pursue innovative steps. As to the latter, a summit of heads of state, endorsed by the Secretary-General, is one possibility. Others include an ongoing working group; conferences devoted to specific aspects of the question; and a governmental conference to prepare for negotiation of a nuclear weapons convention.

## *Verified Reductions*

30. US and Russian reductions, bilateral or unilateral, remain singularly important in moving toward a nuclear weapon-free world. Between them, the United States and Russia have about 95% of the world's 10,000-plus operational warheads and of the total world stockpile of over 25,000 intact warheads. The current bilateral framework for reductions is extremely shaky. The 2002 Strategic Offensive Reductions Treaty (SORT) commitment for each side to deploy no more than 2200 strategic nuclear warheads expires upon its coming into effect at the end of 2012, and SORT does not require verified dismantlement of delivery systems or withdrawn warheads. The Strategic Arms Reduction Treaty (START) expires at the end of 2009. It limits deployed strategic warheads to no more than 6,000 on 1,600 delivery vehicles for each side through verified dismantlement and inspection of delivery systems, and provides monitoring mechanisms that are also used for SORT reductions.

31. Prospects for progress on US-Russian nuclear arms reductions will be much brighter under the Obama administration, although much will depend on resolution of differences over missile defense issues and on other aspects of the wider bilateral security relationship. As stated in September 2008, President-elect Obama's position is that "I will seek real, verifiable reductions in all US and Russian nuclear weapons—whether deployed or nondeployed, whether strategic or nonstrategic—and work with other nuclear powers to reduce global stockpiles dramatically by the end of my presidency. As a first step, I will seek Russia's agreement to extend essential monitoring and verification provisions of [START] before it expires in December 2009." In general, this position appears compatible with the Russian stance. Regarding a post-START agreement, in February 2008, Russian Minister of Foreign Affairs Sergei Lavrov stated: "[W]e suggest that all the best elements of [START] be borrowed and placed in the foundation of a new agreement. [It] could provide for new, lower ceilings subject to verification on both strategic delivery vehicles (intercontinental ballistic missiles, sea-launched ballistic missiles and heavy bombers), and their warheads."

32. One possible area of difference concerns Obama's call for reductions in non-strategic nuclear weapons. The Russian emphasis has been on limiting strategic arms. Other possible areas of difference are indicated by the current US-Russian exchange of views and proposals on a post-START treaty. Among the issues arising from the discussions: limits on US missile defenses; whether to limit or prohibit multiple warhead missiles, which Russia plans to deploy; and whether generally to limit delivery systems, which US Strategic Command wants to be able to equip with conventional warheads. It is not anticipated that an agreement will be reached before the start of the Obama administration, which no doubt will revise US positions.

33. Essential points for middle powers and civil society to insist upon are: 1) that a new agreement or agreements limit the total number of nuclear warheads, strategic and non-strategic, with all others subject to verified dismantlement; 2) that delivery systems also be limited, with verified dismantlement of remaining systems; 3) that the limit on the total number of warheads be low enough to lay the foundation for involvement of other nuclear possessor states in disarmament negotiations; 4) that along with negotiations, the United States, Russia, and other nuclear possessor states can and should implement their own reductions, optimally in a transparent, verified and irreversible manner; and 5) that verification should involve international monitoring, to provide accountability to the entire community of states. In connection with negotiations, US withdrawal of nuclear bombs based in NATO countries would end the terrible precedent of "sharing" of nuclear weapons with "non-nuclear weapon states." Regarding anti-missile systems, cancellation of the planned deployment in Poland and the Czech Republic would smooth the way to agreement on reductions.

34. More generally, planning should begin for a successor to the Anti-Ballistic Missile Treaty, perhaps this time global in scope and combined with missile disarmament. The United States also needs to abandon the doctrine of full spectrum dominance and join the rest of the world in seeking to advance collective security in space. Negotiation of an agreement to prevent weaponization of space is the logical course of action.

#### *Fissile Materials Cut-off Treaty*

35. President-elect Obama has stated that “I will lead a global effort to negotiate a verifiable treaty ending the production of fissile materials for weapons purposes ....” Obama’s support for a verified FMCT makes prospects brighter for commencement of negotiations. The Bush administration’s proposal for a non-verified treaty had substantially dimmed interest in the FMCT and made agreement on a program of work in the Conference on Disarmament (CD) more difficult, as it went back on previous commitments. However, putting the CD back to work on the FMCT will remain challenging. In the 2008 General Assembly, Pakistan rejected the view that a fissile materials treaty is more “ripe” than other priority issues, negative security assurances, prevention of an arms race in outer space, and nuclear disarmament, and said that it would endorse any program of work that treats the four core issues “in a balanced manner.” Presumably the United States will continue to support at least discussions, and perhaps more, on the three matters other than the FMCT, but this alone probably will not satisfy Pakistan.

36. According to the International Panel on Fissile Materials (IPFM), Pakistan, India, and perhaps Israel continue to produce fissile materials for weapons. Both India and Pakistan are constructing weapons-related fissile material production facilities. Pakistan has expressed concern about a disparity in stocks between India and Pakistan and maintains that an FMCT should not freeze disparities. While there is logic to this position, it does not justify opposition to a cut-off in production, as continued production by both Pakistan and India likely would not improve Pakistan’s relative position and might worsen it. It is urgent that the United States and other states at high levels discuss with Pakistan its security concerns and persuade it that preventing nuclear arms racing in South Asia is in its interest.

37. The US-China relationship also requires attention. In the CD, China has been reserving its position on an FMCT. The IPFM reports that China is concerned about how the FMCT fits into the broader strategic picture. If China considers its nuclear forces vulnerable due to improved US conventional counterforce capabilities combined with anti-missile systems, an FMCT cap on its potential arsenal may be rejected. A meeting of the minds among the United States, China and Russia on prohibiting or limiting missile defenses, weaponization of space, and advanced non-nuclear strike systems would greatly facilitate an FMCT and nuclear disarmament in general.

38. There is a tendency to undervalue the FMCT in disarmament circles, largely because it seems to be primarily aimed at states which have not already produced large quantities of fissile materials. This tendency should be combated. Along with the CTBT, the FMCT would help accustom nuclear possessor states to universal regimes with intrusive verification. In addition to restraining arms racing involving India, China, and Pakistan and capping Israel’s arsenal, an FMCT also would help build a stable framework for reduction and elimination of warheads and fissile material stocks; help prevent acquisition of fissile materials by terrorists; meet a key NPT commitment; and institutionalize one of the basic pillars of a nuclear weapon-free world.



39. Of course, an FMCT will do more to contribute to disarmament if it goes well beyond a narrow ban on future production of materials for weapons. An FMCT should also verifiably bar the conversion of the existing large stocks of civilian materials to weapons use and provide that existing military materials declared excess to military needs would be subject to a verified ban on weapons use. In its 2008 Annual Report, the IPFM offers analysis and selected treaty text in support of those and other objectives. The IPFM will present its draft treaty at the Berlin meeting.

#### *Comprehensive Nuclear-Test-Ban Treaty*

40. Prospects for the entry into force of the CTBT will take a drastic turn for the better with the advent of the Obama administration and Democratic gains in the US Senate. In his response to the Arms Control Today survey, Obama stated: “As president, I will reach out to the Senate to secure the ratification of the CTBT at the earliest practical date and will then launch a diplomatic effort to bring onboard other states whose ratifications are required for the treaty to enter into force.”

41. However, middle powers should strongly urge the Obama administration not to make a commitment to the Reliable Replacement Warhead (RRW) under that or any other label in order to gain support for ratification from the nuclear weapons establishment. This is no idle threat; the RRW is backed by current Defense Secretary Robert Gates, who will retain that position under Obama. Congressional rejection of the RRW program has not stopped ongoing “life-extension” programs that upgrade warheads in militarily significant ways or the hugely expensive project of “Complex Transformation” to modernize the nuclear weapons infrastructure. But, it at least sent a welcome signal that “new” nuclear weapons should not be pursued. In pursuing the CTBT, the Clinton administration made extensive commitments to upgrade laboratory experimental facilities in the name of “Stockpile Stewardship,” for which billions of dollars continue to be spent annually. A CTBT deal adding the RRW on top of “Stockpile Stewardship” and “Complex Transformation” would further diminish the disarmament luster of the CTBT and therefore its contribution to strengthening the non-proliferation regime.

42. It remains true that bringing the CTBT into force is a very high priority. Notably, as the world struggles to limit the number of states possessing arsenals, the CTBT would reinforce the NPT by inhibiting new states’ development and deployment of sophisticated warheads suitable for mounting on missiles. One hundred and forty-eight states have now ratified the treaty, but nine of the 44 states whose ratification is required for entry into force have yet to do so. Of the nine, three nuclear possessor states, the United States, China, and Israel, have signed but not ratified the treaty; three other nuclear possessor states, India, Pakistan, and the DPRK, have not signed or ratified; and three non-nuclear weapon states have signed but not ratified, Iran, Indonesia, and Egypt.

## **C. CONCLUSION**

43. A key insight is found in the 1996 advisory opinion of the International Court of Justice: “In the long run, international law, and with it the stability of the international order which it is intended to govern, are bound to suffer from the continuing difference of views with regard to the legal status of weapons as deadly as nuclear weapons. It is consequently important to put an end to this state of affairs: the long-promised complete nuclear disarmament appears to be the most appropriate means of achieving that result.”

44. The Court's observation is more relevant today than ever. The abolition of nuclear weapons is necessary not only because they pose totally unacceptable risks. It is also necessary because the current two-tier regime, with nuclear haves and have nots, does not give rise to a stable and effective global political and legal order. Elimination of the two-tier system, along with elimination of weapons themselves, is needed in order to effectively tackle the other serious problems facing an interdependent world, among them climate change and other threats to the environment, wars and terrorism, financial instability, poverty, and disease. It is likewise essential for preservation of the system of collective security and international law centered on the UN Charter. Otherwise, that system may be fatally undermined by articulation and execution of the doctrine of preventive war against alleged nuclear weapons programs employed to rationalize the invasion of Iraq and possible military action against Iran.

45. Effective action in all spheres, certainly the nuclear one, requires that middle powers and all states both exhibit and demand the good faith mandated by general international law and by NPT Article VI. At the most basic level, that means keeping promises and working sincerely and cooperatively to achieve agreed objectives. Good faith requires meeting the NPT commitments made in 1995 and 2000 or, when appropriate, developing alternative means of fulfilling Article VI. Further insights were provided by Judge Mohammed Bedjaoui, president of the International Court Justice when it rendered its advisory opinion on nuclear weapons in 1996 and former Algerian foreign minister, at a May 1, 2008 conference in Geneva. He stated that good faith requires refraining from acts incompatible with the object and purpose of the NPT and proscribes every initiative the effect of which would be to render impossible the conclusion of the contemplated disarmament treaty. As to the negotiations required by Article VI, they must first of all be commenced! Once commenced, Judge Bedjaoui explained, good faith requires their sustained upkeep, awareness of the interests of the other party, and a persevering quest for an acceptable compromise.

46. The present moment is a critical and delicate one, presenting both openings and dangers. Middle powers must seize the opportunity, leverage their collective power, and press hard for effective action to achieve a nuclear weapon-free world.

## APPENDIX ONE

*UN Secretary-General Ban-ki Moon's five-point proposal offered in his October 24, 2008 address, "The United Nations and Security in a Nuclear Weapon-Free World"*

First, I urge all NPT [Treaty on the Non-Proliferation of Nuclear Weapons] parties, in particular the nuclear weapon states, to fulfil their obligation under the Treaty to undertake negotiations on effective measures leading to nuclear disarmament.

They could pursue this goal by agreement on a framework of separate, mutually reinforcing instruments. Or they could consider negotiating a nuclear weapons convention, backed by a strong system of verification, as has long been proposed at the United Nations. Upon the request of Costa Rica and Malaysia, I have circulated to all United Nations Member States a draft of such a convention, which offers a good point of departure.

The nuclear powers should actively engage with other states on this issue at the Conference on Disarmament in Geneva, the world's single multilateral disarmament negotiating forum. The world would also welcome a resumption of bilateral negotiations between the United States and the Russian Federation aimed at deep and verifiable reductions of their respective arsenals.

Governments should also invest more in verification research and development. The United Kingdom's proposal to host a conference of nuclear weapon states on verification is a concrete step in the right direction.

Second, the Security Council's permanent members should commence discussions, perhaps within its Military Staff Committee, on security issues in the nuclear disarmament process. They could unambiguously assure non-nuclear weapon states that they will not be the subject of the use or threat of use of nuclear weapons. The Council could also convene a summit on nuclear disarmament. Non-NPT states should freeze their own nuclear weapon capabilities and make their own disarmament commitments.

My third initiative relates to the "rule of law". Unilateral moratoria on nuclear tests and the production of fissile materials can go only so far. We need new efforts to bring the Comprehensive Nuclear-Test-Ban Treaty into force, and for the Conference on Disarmament to begin negotiations on a fissile material treaty immediately, without preconditions. I support the entry into force of the Central Asian and African nuclear weapon-free-zone treaties. I encourage the nuclear weapon states to ratify all the protocols to the nuclear weapon-free-zone treaties. I strongly support efforts to establish such a zone in the Middle East. And I urge all NPT parties to conclude their safeguards agreements with IAEA [International Atomic Energy Agency], and to voluntarily adopt the strengthened safeguards under the Additional Protocol. We should never forget that the nuclear fuel cycle is more than an issue involving energy or non-proliferation; its fate will also shape prospects for disarmament.

My fourth proposal concerns accountability and transparency. 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.

Fifth and finally, a number of complementary measures are needed. These include the elimination of other types of WMD; new efforts against WMD terrorism; limits on the production and trade in conventional arms; and new weapons bans, including of missiles and space weapons. The General Assembly could also take up the recommendation of the Blix Commission for a "World Summit on disarmament, non-proliferation and terrorist use of weapons of mass destruction".



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Through the Middle Powers Initiative, eight international non-governmental organizations 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 (ret.) Henrik Salander of Sweden.

Middle power countries are politically and economically significant, internationally respected countries that have renounced the nuclear arms race, a standing that gives them significant political credibility.

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- b) **Strategy Consultations**, which serve as the “off the record” interventions designed to provide a working environment in which ambassadors, diplomats, experts, and policy makers can come together in an informal setting at pivotal opportunities, in order to complement the ongoing treaty negotiations at various forums such as the United Nations or the European Parliament; and
- c) **Publications**, such as Briefing Papers, that examine whether or not the nuclear abolition agenda is progressing and make corresponding recommendations to governments and activists. MPI Briefing Papers serve as intellectual catalysts for the MPI Delegations and MPI Strategy Consultations, and are widely read.



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