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Middle Powers Initiative Briefing Paper

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From Aspiration to Reality: Nuclear Disarmament after the NPT Review

Geneva Conference Report

September 2010

THE MIDDLE POWERS INITIATIVE
A program of the Global Security Institute
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Through the Middle Powers Initiative, eight international non-governmental organizations (the Albert Schweitzer Foundation, the Global Security Institute, the International Association of Lawyers against Nuclear Arms, the International Network of Engineers and Scientists for Global Responsibility, the International Peace Bureau, the International Physicians for the Prevention of Nuclear War, the Nuclear Age Peace Foundation and the Women's International League for Peace and Freedom), work with middle power governments to advance nuclear disarmament and non-proliferation through immediate practical steps that reduce nuclear dangers and the commencement of negotiations to eliminate nuclear weapons. MPI is guided by an International Steering Committee, chaired by Ambassador Richard Butler AC.

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Executive Summary

The conference *From Aspiration to Reality: Nuclear Disarmament After the 2010 NPT Review Conference*, sponsored by the Swiss Federal Department of Foreign Affairs and the Middle Powers Initiative (MPI), was held in Geneva, Switzerland, September 14-15, 2010. The MPI Conference Chair, Ambassador Jayantha Dhanapala, said the achievement of a Nuclear Weapons Convention “must be high on the agenda of all governments.”

Ambassador Peter Maurer, the Swiss State Secretary for Foreign Affairs, said that insisting on “the inherently inhuman nature of nuclear weapons...will help prepare the ground” for outlawing them. He called on the nuclear weapon states to make “credible commitments” to complete nuclear disarmament, “What we need is real, irreversible progress. And such progress is credible only if states enter into legally binding commitments. It is time to outlaw nuclear weapons.”

Ambassador Libran Cabactulan, who presided over the 2010 Review Conference (RevCon) of the nuclear Non-Proliferation Treaty (NPT), said the prospect of a nuclear weapons convention (NWC) has moved from the shadows to the center of nuclear disarmament discussions—mentioned not only in the 2010 NPT RevCon Final Document, but also in the Secretary-General’s Five Point Proposal. He also pointed to the inclusion of international humanitarian law in the Final Document and argued that this provides the basis and foundation for a NWC. “The time to act on a Nuclear Weapons Convention is now,” he said.

High Representative Sergio Duarte, who heads the UN Office for Disarmament Affairs, told the conference that it is “baffling” how a NWC could be considered by some governments as “premature” when, in fact, “global nuclear disarmament was an agreed goal on the first resolution adopted by the General Assembly in January, 1946.”

The opening panel delved into these issues. While the RevCon did not endorse or call for the opening of negotiations for a NWC, it was the first time the goal of a world without nuclear weapons was articulated in a Final Document. Speakers on the panel *Activation of the Action Plan: Strategies to Advance the Nuclear Weapons Convention or Framework of Separate Instruments* discussed ways to take advantage of this momentum. Shifting the debate includes looking beyond no-first-use and focusing on non-use and using disarmament negotiations to advance non-proliferation. The panelists offered a range of ideas including a focus on the non-nuclear weapon states, an “Ottawa Process” of like-minded states, and popular action.

The RevCon also broke ground in citing the need to consider international humanitarian law (IHL) in the debate over nuclear weapons. The panel *Delegitimizing Nuclear Weapons and International Humanitarian Law* drew on that development to argue for a stigmatization and delegitimization as means to increase public and governmental abhorrence of nuclear weapons. The point was also made that no amount of technological advances or targeting improvement can mitigate the inherently discriminatory effects of nuclear weapons, which in turn calls into question the rationale for deterrence.

For the first time at an MPI Conference, a panel was dedicated to the views of the nuclear weapon states (NWS) that are parties to the NPT. *Nuclear Weapon States: 2010 Review*

Conference: Fulfillment of previous and new commitments featured representatives from four of the five NWS (China, France, Russia and the United States). The US and Russia both highlighted the significance of the new bilateral reductions treaty (“New START”) but took differing views on the next steps. France argued that the greatest reductions result from bilateral and unilateral initiatives, while China stressed the need for multilateral action to negotiate a NWC. All four discussed the value in negotiating a fissile material cut-off treaty.

The Conference included two panels dealing with the Middle East: *Fulfilling the Middle East Decision*, featuring Ambassador Hisham Badr of Egypt and *Regional Security in the Middle East*, featuring Ambassador Jeremy Issacharoff of Israel. Ambassador Badr said the 2010 NPT RevCon provides a chart to navigate a nuclear weapons-free world and a nuclear weapons-free zone in the Middle East. This type of regional disarmament goes hand in hand with global disarmament, he said, and in the Middle East, a peace process is inextricably linked to a disarmament process. Ambassador Issacharoff emphasized that broad regional security is a vital aspect of nuclear disarmament in the Middle East. He said that from an Israeli perspective, a 2012 conference to discuss Israel’s adherence to the NPT is not currently the key regional security concern, arguing that building the architecture for sustainable regional security requires the inclusion of a diverse set of concerns.

The Conference also featured three working groups. *Strengthening the Disarmament Institutions: From the CD to the First Committee* examined the gridlock in the disarmament machinery, especially the Conference on Disarmament (CD), and proposed remedies based on both procedure and on political will. *Steps for Non-Nuclear Weapon States to Lay the Groundwork for Nuclear Abolition*, while acknowledging the opening for progress created by the US and by New START, elaborated on the steps NNWS could initiate to advance abolition, including revitalizing the work of the CD and promotion of nuclear weapons-free zones. *Delegitimizing Nuclear Weapons: How to Strengthen the IHL Approach* focused on how employing the humanitarian law argument in reference to nuclear weapons helps to put the issue in a positive, hopeful and human-centric framework.

The final panel - *Where Do We Go From Here?* – and the concluding remarks by the co-sponsors reflected the major trends during the conference, the hope gleaned from the openings provided by the RevCon that nonetheless remain tempered by the knowledge that much more could have been accomplished. The half-empty/half-full glass was a common metaphor: the glass was “half full” because of the success of the RevCon, new START, a sharper focus on a NWC; “half empty” because the RevCon fell short in some regards, pessimism that the Middle East decision could be fully implemented, difficulty in advancing the initiative already on the table. Dr. Christian Schoenenberger of the Swiss Foreign Ministry said, “We go from here not with a feeling of emptiness but of overload.” Ambassador Dhanapala said, “We have to now translate the positive aspects of the NPT 2010 Review Conference and make them a reality as we move from the aspirational stage to the reality stage, but recognizing also ... that the aspirations themselves form a part of the reality.”

Twenty-three nations participated in the conference: Belgium, Brazil, Canada, China, Costa Rica, Denmark, Egypt, France, Germany, Indonesia, Ireland, Israel, Italy, Japan, Malaysia, Mexico, the Netherlands, New Zealand, Philippines, Russia, South Africa, Switzerland and the United States.

Opening Session

The conference *From Aspiration to Reality: Nuclear Disarmament After the 2010 NPT Review Conference*, sponsored by the Swiss Federal Department of Foreign Affairs and the Middle Powers Initiative (MPI) opened with remarks by the MPI Conference Chair, **Ambassador Jayantha Dhanapala**, and the Permanent Representative of Switzerland to the Conference on Disarmament (CD), **Ambassador Jürg Lauber**. Both explored the political landscape of nuclear disarmament and put forth an outline for this conference.



*Ambassador Jayantha Dhanapala and
Ambassador Jürg Lauber*

Ambassador Dhanapala highlighted the notion that MPI Conferences such as this serve as “direction finders” for the momentum of international nuclear disarmament and cited several recent political changes that provide a new context for participants to think about bold and fresh ideas to impact the nuclear disarmament agenda. These have included the signing of New START; changes in the role of nuclear weapons in the national security strategy outlined in the 2010 US Nuclear Posture Review; the holding of the Nuclear Security Summit; the adoption of the 2010 nuclear Non-Proliferation Treaty (NPT) Review Conference’s Final Document endorsing a world

free of nuclear weapons; and future events such as the Summit Meeting at the United Nations on revitalizing the CD. Ambassador Lauber echoed the significance of many of these political changes and added President Obama’s Prague speech, the Security Council Summit on Non-Proliferation, and the G-8 Foreign Ministers’ meeting as further examples of events adding to the nuclear disarmament momentum.

Ambassador Dhanapala also emphasized the importance of approaching nuclear disarmament in a holistic manner, noting that solutions must be created with a multitude of interlocking security concerns in mind. Changes in security policies that effectively advance nuclear disarmament objectives will have beneficial effects on issues such as widespread poverty, economic development and human security. Nuclear disarmament will also affect climate change and shifting energy paradigms that raise concerns about nuclear proliferation. To that end, Ambassador Dhanapala referenced the 2010 NPT RevCon’s Final Document, which drew attention to the need to reconcile nuclear weapons policy with international humanitarian law (IHL).

While both speakers expressed optimism about developments in the nuclear disarmament field, they noted that such progress is only the beginning. Ambassador Lauber observed that “Not all is perfect,” remarking “I hate to be a spoiler, but there is no denying that some of the positive developments and successes I just mentioned are merely skin deep.” He argued that while the aspiration for disarmament has been stated, tangible commitments are limited and mostly reduce the number of nuclear weapons but do not fundamentally change their role in the security apparatus. Furthermore, he asserted that domestic politics in the US may delay ratification of New START. Ambassador Dhanapala used the friction of national politics in the US, as exemplified by the debate regarding the New START, to stress the importance of middle power countries. He suggested drawing on lessons of the Land Mines Convention and the Cluster Munitions

Convention to place trust in middle powers and work with civil society toward the creation of a Nuclear Weapons Convention (NWC).

Introducing the keynote speaker **Ambassador Libran Cabactulan**, President of the 2010 NPT Review Conference, was **Mr. Jonathan Granoff**, President of the Global Security Institute. Mr. Granoff commended Ambassador Cabactulan on the personal sacrifice he made in successfully attaining the adoption of a Final Document for the RevCon while incorporating two key new measures in the text. First, the IHL provision invokes the basic premise that nuclear weapons are unworthy of civilization and cannot be squared with humanitarian values and law. Second, that the incorporation of a NWC shows what we must strive for. In his keynote speech, Ambassador Cabactulan focused on areas needed to strengthen the NPT regime and ensure the success of the 2015 NPT Review Conference.

Ambassador Cabactulan focused much of his remarks on the discussion of a NWC. He was pleased to point out that the prospect of a NWC has moved from the shadows to the center of nuclear disarmament discussions—mentioned not only in the 2010 NPT RevCon Final Document, but also in the Secretary General’s 5-Point Plan. He also pointed to the inclusion of IHL in the Final Document of the 2010 NPT Review and maintained that this provides the basis and foundation for a NWC.



Ambassador Libran Cabactulan

He went on to address concerns with respect to the strategic value of a NWC. While some people have argued that a NWC might draw attention away from the incremental disarmament approach outlined in the Final Document, Ambassador Cabactulan argued that both are necessary and compatible. Moreover, he contended that the groundwork for a NWC is ready to be pursued immediately. Incremental steps and an umbrella approach, as articulated by a NWC, are necessary and not mutually exclusive. Ambassador Cabactulan said a NWC would de-legitimize nuclear weapons and create a legal obligation to pursue disarmament. Additionally, he noted that while it might take time for states to step down the nuclear ladder, a NWC would set an important principle to be pursued.

Ambassador Cabactulan said the Final Document came up short in terms of defining clear timelines and/or deadlines for disarmament obligations. However, he drew attention to the text in which nuclear weapon states (NWS) commit to “undertake further efforts to reduce and ultimately eliminate all types of nuclear weapons deployed and not deployed.” He particularly emphasized that this language commits NWS to the elimination of tactical nuclear weapons.

Ambassador Cabactulan also gave considerable attention to the Middle East, which he highlighted as a central concern for nuclear disarmament practitioners. Thus, he argued, a resolution relating to the Middle East is imperative for broader nuclear disarmament efforts. He pointed to the commitments made in the 1995 resolution on the Middle East as being at the heart of this issue and a critical element of future NPT Review Conferences. Ambassador Cabactulan contended that the first step to be taken is the organization of an international conference to be held in 2012 and the appointment of a facilitator, as called for in the 2010 RevCon Final Document. “The time to begin dialogue on the implementation of the 1995 resolution is long overdue,” he added.

Continuing on the topic of the 1995 Middle East Resolution, Ambassador Cabactulan considered possibilities of how to incorporate Israel in the 2012 conference. He suggested that nuclear disarmament in the Middle East is in Israel's absolute self-interest, as widespread proliferation in the region would result in multiple nuclear weapon states targeting Israel. He also argued that despite Israel's frequent arguments that a durable, comprehensive peace is a necessary requirement for nuclear disarmament in the region, the 1995 resolution never intended the concept of "durable, comprehensive peace" to be a pre-requisite for a Nuclear Weapons-Free Zone in the Middle East. Ambassador Cabactulan suggested that disarmament might instead be a foundation for moving toward peace. He urged all countries to help pursue Middle East peace and create a cooperative security regime in the region.

Activation of the Action Plan: Strategies to Advance the Nuclear Weapons Convention or Framework of Separate Instruments

Of all the elements in the 2010 RevCon Final Document, a particularly significant one—and a touchstone for this conference—was the reference to a Nuclear Weapons Convention (NWC). While the RevCon did not endorse or call for the opening of negotiations for a NWC, the Final Document did call on "all nuclear weapon states to undertake concrete disarmament efforts and affirms that all States need to make special efforts to establish the necessary framework to achieve and maintain a world without nuclear weapons. The Conference notes the Five Point Proposal for nuclear disarmament of the Secretary-General of the United Nations, which proposes, *inter alia*, consideration of negotiations on a nuclear weapons convention or agreement on a framework of separate mutually reinforcing instruments, backed by a strong system of verification."

In opening the panel on *Activation of the Action Plan: Strategies to Advance the Nuclear Weapons Convention or Framework of Separate Instruments*, **Mr. Aaron Tovish**, International Campaign Manager for the 2020 Vision Campaign of Mayors for Peace, said there is "a need to take a comprehensive look at the entire nuclear age and focus on what we need to do with nuclear weapons to get closure as soon as possible."



Hon. Douglas Roche, O.C. and Ambassador Alexander Marschik

Ambassador Alexander Marschik, the Director for Arms Control, Disarmament and Non-Proliferation of Austria, reviewed the 2010 RevCon Final Document and called it a positive document, but added that this did not mean he was satisfied. He attributed the success of the Conference to a positive atmosphere, strong leadership, and low expectations. Ambassador Marschik, who served as the chair of the RevCon's subsidiary body on nuclear disarmament, said it was precisely because of the low expectations that he was able to craft a

bold first draft on the issue of nuclear disarmament. It was only after his initial draft circulated that much attention was paid to disarmament this topic at the Conference. Because of this, the P-5 states were a little late in reacting to his report. By the time they did react, the expectations for

the Conference shifted and the middle ground had moved. Ultimately, this resulted in the adoption of a Final Document that, for the first time ever, the goal of a world without nuclear weapons was articulated in a Final Document.

Ambassador Marschik also highlighted the inclusion of language pertaining to the humanitarian consequences of any use of nuclear weapons as being extremely significant. While not phrased in the strongest terms, the mention of a NWC was also a first in this consensus document and one that he said was an opportunity to build on. Nonetheless, he regretted that the document was not ambitious enough, lamenting its failure to set specific target dates and timeframes. Ambassador Marschik had hoped for more concrete commitments but realized this document opened the door to further steps. Specifically, he said the Final Document raised the possibility of having less theoretical and more tangible discussions on how a NWC could be implemented.

Dr. Rebecca Johnson, the Executive Director of The Acronym Institute for Disarmament Diplomacy, applauded the diplomatic leadership that led to the adoption of the consensus document at the RevCon. She too noted the significance of the reference to the NWC. While she agreed with Ambassador Marschik that the disarmament section was lacking, she focused on the shortcomings in the non-proliferation section. Dr. Johnson discussed the lack of concrete action on strengthening safeguards and specifically underscored the lack of universalizing the Additional Protocol, which she argued essentially makes the protocol a condition for supplying nuclear technology. Pivoting these non-proliferation problems back to the issue of a nuclear weapons convention, she argued that a NWC would be as much a tool for non-proliferation as for disarmament. She further affirmed that some non-nuclear weapon states (NNWS) are standing idly by waiting for movement from nuclear weapon states before becoming serious about implementing a convention. Dr. Johnson called this a losing strategy, especially because all nations, whether they have nuclear weapons or not, are subject to the catastrophic aftermath of nuclear warfare. As it relates to doctrine, she noted that no-first-use is a Cold War concept, and it is time that the world adopts a new norm of non-use.



Dr. Rebecca Johnson

On the debate as to how the world should move toward a NWC, Dr. Johnson expressed her belief that we need not even have such a debate. She suggested that if we worry too much about process at this point, we risk not attaining the ultimate objective. Instead, if every country, institution and individual takes the steps in their power and moves in the same general direction, all of their collective efforts will reinforce one another, enabling us to succeed eventually, she said.

Senator Douglas Roche, the Chairman Emeritus of MPI, also noted the importance of the NWC's inclusion in the Final Document. He went on to highlight the growing global public support for the complete elimination of nuclear weapons. Senator Roche discussed some of the potential paths forward in pursuit of a NWC and illustrated the shortcomings of each.

He noted that while public support for a convention is growing worldwide, and a significant number of countries are now in favor of initiating the process, there are still naysayers who point to the reluctance of the United States and Russia, saying that if these two countries are not involved, the process has no chance of succeeding. To those critics he recounted the experience of the Ottawa Process on land mines and the cluster munitions ban, pointing out that both of these began without the support of the major powers and within one year of governments playing an active role in negotiations successful international treaties were produced. He acknowledged that a major difference between those challenges and the one we are faced with now is that nuclear weapons are an order of magnitude greater than conventional arms and this will make it much more complicated to reach an agreement. To this Senator Roche reminded the audience that the NPT entered into force and existed for many years before China and France became signatories. The creation of a NWC, even without universal ascension, would therefore still create conditions and norms necessary for it to eventually become universal.

Delegitimizing Nuclear Weapons and International Humanitarian Law

The concept that nuclear weapons are incompatible with international humanitarian law has been a part of the debate since the first atom bomb was dropped on Hiroshima, but the 2010 NPT RevCon Final Document marked the first time states party to the NPT acknowledged such an idea. The document said that the Conference “expresses its deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons, and reaffirms the need for all states at all times to comply with applicable international law, including international humanitarian law.” The panel *Delegitimizing Nuclear Weapons and International Humanitarian Law* focused on the implications of that statement.

The Vice President of the International Committee of the Red Cross (ICRC), **Ms. Christine Beerli**, after noting that the Committee’s opposition to nuclear weapons extends back to the ICRC witness at Hiroshima, said the Red Cross has been “preoccupied by nuclear weapons since the dawn of the nuclear age”—even calling for an agreement to prohibit nuclear weapons as early as September 1945. Ms. Beerli warned that the consequences of use could “render impossible the [ICRC’s] mission of humanitarian assistance,” as was the case in Hiroshima where the vast majority of doctors, nurses and pharmacists were killed. “The suffering caused by the use of nuclear weapons is increased exponentially by the devastation of emergency and medical assistance infrastructure,” she said. A recent ICRC study showed that neither it nor other international agencies have much capacity or any “realistic, coordinated plan” to aid the victims of nuclear, biological, radiological and chemical weapons. Going “beyond a purely legal analysis,” she said, since nuclear weapons are “unique in their destructive power, in the unspeakable human suffering they cause,” the ICRC has appealed to all states to ensure these weapons are never used again “regardless of their views on the legality of such use.”

Drawing on the lessons learned from the negotiations to ban other types of indiscriminate weapons—land mines, cluster munitions, and biological and chemical weapons—Ms. Beerli noted that past efforts “have been based to a very large extent on public abhorrence, stigmatization, and eventually a legal prohibition on their use.” She said any work toward a ban on nuclear weapons “is likely to falter if we neglect the stigmatization process ... At some point, even the possessors

must recognize that these are weapons that can never be used.”

Chairing the session, the Executive Director of the Lawyers Committee on Nuclear Policy, **Dr. John Burroughs**, said that because of the “extreme nature” of nuclear explosions, nuclear weapons are incompatible not only with IHL but also the general framework of international law. That is why it was a disappointment that the July 1996 ICJ advisory opinion on the legality of the threat or use of nuclear weapons did not adequately address the incompatibility of nuclear deterrence with the UN Charter. The inclusion of IHL in the RevCon’s Final Document, he said, presents a new opportunity to emphasize the inability of nuclear weapons to meet IHL requirements of necessity, proportionality, discrimination and protection of the environment accepted with respect to conventional military operations. That law applies universally to all states, regardless of whether they are party to the NPT or not, and whether they possess nuclear weapons or are in nuclear alliances.

Dr. Burroughs also argued that the very existence of these weapons is undermining the acceptance and development of IHL. As an example, he cited the US refusal to join Protocol I to the Geneva Conventions in part because of the protocol’s prohibition on reprisals against civilian populations, and its prohibition of means of warfare inflicting severe and widespread damage to the environment. “This is a totally unacceptable position,” he said; therefore “the incompatibility of nuclear weapons with international humanitarian law has to be recognized and codified, not only to diminish nuclear hazards, but also to safeguard the development of international law.”

This renewed attention to the incompatibility of nuclear weapons with IHL opens avenues for pressing the case for non-use and disarmament, he continued. For example, NNWS could promote a categorical non-use treaty, an amendment to the Rome Statute of the International Criminal Court, and national legislation criminalizing the possession or use of nuclear weapons. For the NPT NWS, they should be held accountable within the NPT review process; for example, reducing the role of nuclear weapons in security policies, as to which the NWS are to report back in 2014, connects to IHL. However, he warned, we should be aware of the danger of promoting processes that would entrench existing positions.

Dr. Patricia Lewis, the Deputy Director of the James Martin Center for Nonproliferation Studies at the Monterey Institute of International Studies, used the same premise—that nuclear weapons are already illegal under IHL and customary international law—in critiquing the theory of deterrence and arguing for a formal treaty banning nuclear weapons. Dr. Lewis stated that “There is a strong argument that nuclear weapons and their use are already illegal under existing international humanitarian law and customary international law” since nuclear weapons “violate every single one of (the) rules” of IHL—including proportionality, essential self-defense, discrimination between civilian and military sites, and prohibition against unnecessary suffering. She said an IHL-based approach would mean that negotiations would not focus on achieving any agreement—a result reflecting the lowest common denominator—but that it is instead an approach that puts “the effects of these weapons on people at the center ... It’s about the prevention of use, and it demands highly effective outcomes.”

Dr. Lewis, a co-author of the report *Delegitimizing Nuclear Weapons*, which examines the validity of nuclear deterrence, affirmed that progress in nuclear disarmament depends on addressing the theory of deterrence and removing the legitimacy bestowed on it, thereby “diminishing and

destroying all claims to its legitimacy, prestige, and authority.” Pointing out that since deterrence is the basic argument in favor of maintaining nuclear weapons, but that evidence supporting the concept “has been found wanting,” Dr. Lewis concluded that nuclear weapons “have no inherent legitimacy as weapons in war.” She continued, “The de-legitimization of nuclear weapons is fundamental to preventing their use and achieving nuclear disarmament.”

The discussion period focused on the potential avenues to more tightly integrate IHL into the debate over complete elimination. Suggestions along these lines included a diplomatic conference framed by the ICRC argument to make a distinct link between nuclear weapons and IHL and to review the theory of deterrence in light of IHL, especially as the number of nuclear weapons decline. A related argument was that since there is no possible lawful use of nuclear weapons then nuclear deterrence must be unlawful. Arguments that smaller, more sophisticated nuclear weapons could be compatible with IHL fail since all nuclear weapons have radiation effects, thus making them indiscriminate. Participants also discussed the value of a non-use treaty as a means to help codify IHL in disarmament treaties and as a step toward a NWC. A final point brought up in the discussion period was a suggestion to study how national laws and military manuals on IHL already impact non-use.

Working Groups



(L-R): Ambassador Marius Grinius, Ms. Ray Acheson, Ambassador Juan José Gómez Camacho and Ms. Theresa Hitchens

Working Group I: *Strengthening the Disarmament Institutions: From the CD to the First Committee*

The first working group dealt with the institutional problems facing the existing disarmament machinery and how the international community can overcome such problems. **Ambassador Marius Grinius** of Canada chaired the session, and the panelists included: **Ms. Ray Acheson**, Project Director of Reaching Critical Will, **Ambassador Juan José Gómez Camacho** of Mexico and **Ms. Theresa Hitchens**, Director of the United Nations Institute for Disarmament Research. Both Ambassador Grinius and Ambassador Gómez are their countries’ representatives to the Conference on Disarmament (CD).

Ms. Acheson started the discussion by outlining some suggestions for moving the disarmament machinery forward, specifically focusing on the CD and the First Committee of the General Assembly. Arguing that there are both structural and procedural problems with the CD, she suggested a range of actions to overcome the recent stalemate. These ranged from substantive suggestions such as having the General Assembly establish ad hoc committees that would deal with issues from the CD’s agenda as well as modernizing the CD’s agenda to reflect 21st century challenges, to procedural proposals such as increasing participation of civil society actors, abandoning regional groups, and expanding the membership of the CD. With regard to the First Committee, Ms. Acheson suggested that resolutions concerning nuclear disarmament be consolidated into one strong and coherent resolution from non-nuclear weapon states in order to

send a clear message on this topic from the General Assembly.

Ambassador Gómez chose to further elaborate on the concept of political will, asserting that there simply does not exist a magical switch that can turn such will on or off. He argued that rather than political will, what is needed are political processes that enable and facilitate political decisions by relevant institutions and machineries. It is therefore more important to focus on making the disarmament machinery work than to blame the deadlock on a lack of political will, said Ambassador Gómez. He explained that the current characteristics of the CD make it difficult to ignite and foster the productive processes required. In particular, he pointed to the consensus rule, the monthly rotation of presidents, and the outdated agenda. Because of these flaws, he concluded a new machinery or system is needed in order to facilitate multilateral processes and decisions through negotiations.

Likewise, Ms. Hitchens devoted most of her presentation to proposing actions that the CD should take to improve its current working conditions, especially with regard to the rules of procedure. She suggested that the CD secretariat be given the task of interpreting the rules of procedure, or that the consensus rule apply only to substantive issues, with procedural decisions only requiring a two-thirds majority vote. Ms. Hitchens agreed with Ms. Acheson's view that regional groups should be abandoned and suggested that member states could simply start negotiating in plenary meetings. Lastly, she highlighted the need for increased transparency in the CD as well as increased access for members of civil society.

The discussion after the presentations touched upon many of the challenges that the disarmament machinery is faced with, particularly the consensus rule. While the benefits of consensus decisions were highlighted by many, it was also noted that previous nuclear weapons treaties, including the NPT and CTBT, have had problems in achieving consensus throughout their negotiation and implementation phases. Nonetheless, these treaties managed to set norms and have significant value. Similarly, the lack of support from major actors, such as large producers and users, in the recent negotiations of the Ottawa Convention and the Cluster Munitions Convention was brought up. Despite this, both of these treaties have proven efficient in developing international law on land mines and cluster bombs.

Another important concern voiced in the discussion was the lack of political support from capitals concerning the issues affecting the CD. Comparisons between the CD and bodies such as the Human Rights Council were also made, which underscored key differences between them. Not only does the Human Rights Council receive more political attention than the CD, but it also features greater transparency and openness as well as regular reviews of its work. Moreover, it was also pointed out that these differences occur despite the fact that the issues addressed in the Human Rights Council are equally sensitive for states as the ones addressed in the CD.

In conclusion, it was clear that both the speakers and participants agreed that the disarmament machinery is facing serious problems. While there was an apparent divergence in views regarding the reasons for these problems, as well as preferred solutions, all participants agreed that action must be taken immediately to resolve these issues and prevent the machinery from being reduced to a resource-draining zombie.

Working Group II: Steps for Non-Nuclear Weapon States to Lay the Groundwork for Nuclear Abolition

The working group, chaired by **Ambassador Klaus-Peter Gottwald**, Commissioner of the Federal Government for Arms Control and Disarmament of Germany, included panelists **Ambassador Luis Filip de Macedo Soares**, Permanent Representative of Brazil to the United Nations Office and other International Organizations in Geneva, and **Mr. Alyn Ware**, Global Coordinator of Parliamentarians for Nuclear Non-Proliferation and Disarmament (PNND).

Highlighting the fact that the discussion of this panel were contextualized with the new political space for non-nuclear weapon states (NNWS) to push an abolition agenda, Ambassador Gottwald took the opportunity to credit US leadership with helping create this new political space for NNWS—specifically referencing President Obama’s Prague speech, the change in US nuclear weapons doctrine codified in the 2010 Nuclear Posture Review, and the successful negotiations for New START. Mr. Ware also stressed that the Final Document of the 2010 RevCon refers to compliance with International Humanitarian Law and the requirement of “all states” to help pursue nuclear disarmament.



*Ambassador Luis Soares de Macedo
and
Ambassador Klaus-Peter Gottwald*

Specific recommendations for NNWS states to lay the groundwork for nuclear abolition were also discussed. In his opening statement, Ambassador Gottwald suggested that the reconvening of the Conference on Disarmament (CD) in order to negotiate a Fissile Material Cut-Off Treaty (FMCT) would be a noteworthy step for NNWS. Ambassador Soares noted that Brazil is one of the few countries with a permanent representative in Geneva dedicated specifically to disarmament and recommended more NNWS follow suit. He also recommended that structural attention to disarmament within governments – as Brazil does - would help push an abolition agenda with greater effect, particularly in the CD.

Mr. Ware provided a robust framework with four major abolition measures for NNWS. First, conduct preparatory work for a NWC, which would include several different measures including: exploratory work focused on determining the factors required for nuclear abolition; “mapping” work to create timelines and order for abolition measures; and other preparatory work to investigate conceptions of state security beyond extended nuclear deterrence and determine the role of the Security Council in verifying compliance under a NWC. Second, pursue national prohibition measures—laws could be created from within NNWS to outlaw nuclear weapons, for instance. Third, mitigate incentives to develop nuclear weapons—for example, NNWS can implement divestment strategies to discourage companies from producing and/or trading components or materials that could be used for nuclear weapons purposes, as was done in Norway. Lastly Mr. Ware suggested that NNWS can establish Nuclear Weapon-Free Zones.

During the discussion portion, both public and diplomatic avenues for pursuing the goal of abolition were debated. One suggestion was to launch a sweeping public outreach campaign across all different types of states—nuclear and non-nuclear—in order to generate pressure on governments to pursue abolition. One participant argued that the work of NNWS need not be

EXCERPT FROM THE DINNER KEYNOTE BY H.E. DR. PETER MAURER, SWISS SECRETARY OF STATE

... We need to insist on the inherently inhuman nature of nuclear weapons and the catastrophic humanitarian consequences of their use. This will help prepare the ground for outlawing and ultimately eliminating them. Switzerland, the depositary of the Geneva Conventions, feels a special responsibility in this respect. We need to bring the humanitarian perspective to the heart of the debate on nuclear disarmament.

At the NPT Review Conference in May, the Swiss Foreign Minister, Micheline Calmy-Rey, denounced nuclear weapons as immoral and illegal. They are fundamentally immoral because they cause massive and indiscriminate destruction in terms of human lives, material resources and consequences for the environment. They are illegal by their very nature with regard to international humanitarian law. Their use violates without exception all fundamental principles and rules of international humanitarian law. According to this body of law, the use of force:

- must be proportional to the initial attack,*
- must be necessary for effective self-defense,*
- must not be directed at civilians or civilian objects,*
- must be used in a manner that makes it possible to discriminate between military targets and civilian non-targets,*
- must not cause unnecessary or aggravated suffering to combatants,*
- must not affect states that are not parties to the conflict, and*
- must not cause severe, widespread or long-term damage to the environment.*

The use of nuclear weapons violates each and every one of these principles.

My country proposes to bring the humanitarian perspective back to the heart of the debate on nuclear disarmament. It has successfully worked for the inclusion of a reference to international humanitarian law in the outcome document of the NPT Review Conference.

... It is thus a matter of reason and responsibility to work towards outlawing and ultimately eliminating nuclear weapons. My country is actively committed to this goal.



Secretary of State Peter Maurer

uniform, but could be comprised of simultaneous measures similar to converging streams of action that merge on an abolition agenda. A related idea was that different types of NNWS have different persuasive capacities depending on whether they are countries that once had nuclear weapons but no longer do, countries that never had nuclear weapons, or countries that have extended deterrence security guarantees from a nuclear power. Another participant pushed for broader, strategic thinking by NNWS to deal with specific challenges to abolition measures, such as space defense and conventional arms.

Working Group III: Delegitimizing Nuclear Weapons: How to Strengthen the IHL Approach

The working group looked at how a humanitarian and IHL approach can inspire and bring forward the process of delegitimizing nuclear weapons. The discussions illustrated the richness and diversity of the topic of delegitimization, in conjunction with a humanitarian approach. The two panellists were **Ambassador Akio Suda**, Permanent Representative of Japan to the CD, and **Mr. Peter Herby**, Head of Arms Unit of the ICRC. The discussions were chaired by **Dr. Christian**

Schoenenberger, Head of the Task Force on Nuclear Disarmament and Non-Proliferation of the Swiss Federal Department of Foreign Affairs. The discussions not only addressed the comparative advantages of the humanitarian approach, but also some of its risks and weaknesses.

Mr. Herby said the humanitarian approach brings the effects of a given weapon on human beings to the center of the debate. The focus lies on the effect the potential use of a nuclear weapon might have on health, environment, economy as well as society as a whole. However, he explained that unlike mines, cluster munitions, or chemical and biological weapons, nuclear weapons are much less tangible in the general public's consciousness. Their last use dates back two generations, and most people have never seen—and never will see—a nuclear weapon. According to Dr. Schoenenberger, the key for a delegitimization process is therefore to bridge this “emotional deficit” that was often referred to in the discussion.

During the rich and controversial discussions it was underlined that the delegitimization approach under a humanitarian perspective must define its objective: Is it a mere change in language that is needed between diplomats and at international conferences, or is a grassroots popular movement the right way forward, as was advocated by several NGO representatives? Second, who is the target group of such a process-- is it UN member states, certain key stakeholders in the international community, or is it global public opinion? Third, what should the outcome of such a process look like-- is it the outlawing of nuclear weapons in terms of positive law, or does one aim to bring about a change in norms, values and finally behavior? Furthermore, might a “soft law” instrument, a kind of declaration, be sufficient, or is an omnibus resolution by civil society the right way forward? Finally, it was asked what the right platform, the appropriate body, and vector for such a process might be. Mr. Herby mentioned that the International Red Cross and Red Crescent Conference could take up the issue and discuss nuclear weapons from a humanitarian angle. Another suggestion was that the World Health Assembly could focus on the issues again (this body first asked for the Advisory Opinion by the ICJ in 1993).

In the end more questions on the delegitimization approach under a humanitarian perspective were raised in the working group than could be answered. Nevertheless, some preliminary conclusions should be highlighted. First, the comparative advantage of the humanitarian approach is its legal basis. This aspect was stressed by the representatives of the ICRC during the discussion. Unlike the conventional debate on nuclear deterrence, which has the vague concept of (in)security and the balance of power as its theoretical foundation, the humanitarian approach builds on a solid and universally recognized legal basis: international humanitarian law.

Second, the importance of education in disarmament and non-proliferation was noted by Ambassador Suda, who stressed that it was not the instrument that was most important, but rather the content-- the message that certain states and civil society want to convey. Several representatives from civil society argued that if the public does not change its way of thinking about nuclear weapons, nuclear weapons will never be abolished.

Third, the biggest gap shortcoming that was identified is the lack of a credible process. Mr. Herby urged the creation of processes that are effective. “We do not lack expertise, the field is maybe over-rich of it. What we lack is a credible process.”

Dr. Schoenenberger, chair of the working group, thus concluded that delegitimization under a

humanitarian approach is a multi-target and a multi-message process which is key to addressing several deficits: the “emotional deficit” caused by the disappearance of victims, as well as the deficits in public awareness and political will. The humanitarian approach provides a good and robust set of answers to those deficits. According to Mr. Herby, the approach also focuses on a very positive message. Instead of capitalizing solely on the constant fear of nuclear annihilation, the humanitarian approach sets the individual security of the human being as its goal. In sum, much potential was identified for a delegitimization process from a humanitarian perspective.

Nuclear Weapon States: 2010 Commitments

For the first time at an MPI Conference, a panel was dedicated to the views of the nuclear weapon states that are parties to the NPT. *Nuclear Weapon States: 2010 Review Conference: Fulfillment of previous and new commitments* was chaired by Senator Roche and featured representatives from four of the five NWS (a representative from the United Kingdom was scheduled to attend, but had to cancel at the last minute).



P5 representatives on the panel “2010 Review Conference: Fulfillment of Previous and New Commitments,” featuring (L-R): Mr. Wang Chang of China, Ambassador Eric Danon of France, panel chairman Senator Roche, Ambassador Laura Kennedy of the US, and Ambassador Victor Vasiliev of Russia.

Ambassador Eric Danon, Permanent Representative of France to the Conference on Disarmament, opened the panel by saying that there is only one type of disarmament that counts: actual reductions in the number of warheads. He went on to charge that multilateral agreements have never led to the elimination of nuclear weapons; real reductions, he continued, have only come as a result of bilateral and unilateral action. Ambassador Danon pointed out that since the end of the Cold War, France has reduced its nuclear stockpile by 50 percent, that the US and UK were on similar trajectories, and that he expected further reductions in the future. Additionally, he stated that while he did not think the time was ripe to discuss a potential NWC at the 2010 RevCon, he did think that talks could and should take place regarding an FMCT as well as ratification of the CTBT by Annex II states—especially the US. With respect to an FMCT, Ambassador Danon said that he was optimistic about the chances for successfully negotiating a treaty because, for the first time in history, there is unanimous consent among the P-5 states in favor of moving forward on a fissile materials treaty. Another issue where Ambassador Danon said he could foresee progress is on an agreement among the P-5 regarding negative security assurances, though he cautioned that discussions were not yet underway, and will still require further time.

Ambassador Laura Kennedy, the Permanent Representative of the United States to the CD, stated that President Obama has made nuclear disarmament and non-proliferation a priority of his presidency, citing the President’s Prague speech as a key signal of his administration’s commitment

while noting that the US nuclear weapons stockpile is down 84 percent from its Cold War high. Furthermore, she pointed to the signing of the New START agreement as well as the adoption of Security Council Resolution 1887 as tangible results of President Obama's commitment. Ambassador Kennedy declared that she is hopeful the US Congress will ratify the CTBT in the near future and expressed her willingness and desire to begin negotiations on an FMCT in the CD. She said that while she thought a NWC is worth discussing, she does not believe the time is right to push for such a convention. Moreover, she maintained that the US does not want to deviate from the step-by-step approach, and that it believes talks regarding an FMCT should take precedence over discussions of a NWC.

The Russian Deputy Permanent Representative to the CD **Ambassador Victor Vasiliev** discussed the extreme difficulty of multilateral negotiations, noting that it took nine months for the Security Council to agree on the language in Resolution 1887. Ambassador Vasiliev expressed his satisfaction with the outcome of the 2010 RevCon, especially with the fact that the action plan addressed all three pillars of the NPT. He was also pleased that an agreement was created that focused on security in the Middle East and stressed that it needed to be fully implemented. Ambassador Vasiliev discussed New START, stating that it is not only in the interest of Russia and the US, but of the world as a whole, as it contributed to strengthening international security. However, he wanted Europe to understand the role it plays in ultimately ridding the world of nuclear weapons. To this end, he asked those NATO countries which host US nuclear weapons to rethink the rationale behind such agreements. Looking toward the immediate future, Ambassador Vasiliev expressed hope for progress on negotiations of international treaties on issues such as negative security assurances, the production of fissile materials and the weaponization of outer space.

Representing China, **Mr. Wang Chang** laid out the three guiding principles of China's nuclear weapons policy. First, China believes that nuclear weapon states should strive to fulfill the vision of a world free of nuclear weapons. China therefore supports multilateral disarmament initiatives including the establishment of a NWC. Second, China desires for states to employ nuclear weapons for defensive purposes only. Mr. Chang underscored the fact that China already has a no-first-use policy and that his government would welcome negotiations with other P-5 states regarding their adoption of such a policy. Third, China seeks to maintain the momentum toward the complete elimination of nuclear weapons through the adoption of concrete policies and urges other nuclear weapon states to do the same. Lastly, Mr. Chang, a Second Secretary working for disarmament issues, affirmed China's support for the CTBT and a prompt commencement of negotiations for an FMCT.

Comments during the discussion portion of the working group focused on the continuing responsibilities of NWS. Also noteworthy was the consensus among the panelists that the appropriate venue for talks on a NWC is the Conference on Disarmament.

The Middle East

The Geneva Conference included two panels dealing with the Middle East: *Fulfilling the Middle East Decision*, featuring **Ambassador Hisham Badr**, the Permanent Representative of Egypt to the United Nations and other Specialized Organizations in Geneva; and *Regional Security in the Middle*

East, featuring **Ambassador Jeremy Issacharoff**, Ambassador-at-Large for Strategic Affairs of Israel. Both panels were chaired by Mr. Granoff; Ambassador Cabactulan served as respondent on both panels.

Fulfilling the Middle East Decision: Ambassador Hisham Badr

Egypt's interest in the Middle East Nuclear Weapon-Free Zone is well-established and pre-dates the 1995 resolution. It stems from the firm belief that global and regional nuclear disarmament complement and enhance each other; this was the logic behind the resolution co-sponsored by Egypt since 1974, on the establishment of a nuclear-weapon-free zone in the Middle East. This very logic was also behind President Mubarak's initiative in 1991 to create a zone free of all weapons of mass destruction in the Middle East. Unfortunately, failure to respond to such calls has resulted in challenges to both the NPT regime, as well as the notion of a nuclear-weapon-free zone in the Middle East.

Bearing this in mind, combined with the 1995 NPT Review and Extension Conference and the drive to indefinitely extend the treaty, a resolution on the Middle East was agreed on as part of the extension package. This resolution called on all states in the Middle East to take practical steps toward the establishment of an area free of nuclear weapons and other weapons of mass destruction. This intertwined the future of the NPT regime and its indefinite extension with the Middle East Resolution forever, a fact that was reestablished during the 2010 Conference that said, "The Middle East Resolution is an essential element of the outcome of the 1995 Conference and of the basis on which the treaty was indefinitely extended without a vote in 1995." It is in this context that the Middle East proved to be both a stumbling block to reaching consensus in 2000 and a beacon of achieving success in 2010. For the latter, it was widely recognized that in order to strengthen the NPT regime, previous decisions, resolutions, and commitments needed to be honored.

The highlight of the section on the Middle East is the endorsement of the Review Conference of the convening of an international conference in 2012, to be attended by all states in the Middle East, on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction. Towards this end, the Secretary General of the United Nations and the cosponsors of the 1995 Middle East resolution would appointment of a facilitator to conduct consultations on the 2012 conference and assist in the implementation of any follow-up steps, as well as report to the 2015 NPT Review Conference and its Preparatory Committee meetings.

Let me make few observations regarding the implementation of the Middle East section of the 2010 NPT Review Conference Final Document. Firstly: The objective was, is, and will remain to be the establishment of a nuclear weapon-free zone in the Middle East and the placement of all nuclear facilities in the area under the International Atomic Energy Agency's inspection regime. Therefore, the proposed conference and the appointment of a facilitator are means to an end, and must not be thought of and pursued as objectives in their own merit. In fact, the NPT Conference stressed that "the resolution remains valid until the goals and objectives are achieved."

Secondly: Having said that, we do recognize the importance and potency of the tools, and we stress the need for the deliberate consideration of the logistical preparations of the conference, including the venue as well as the choice of the facilitator. Such elements will be the initial litmus test of how serious the convening parties to the conference - the UN Secretary General, the co-sponsor of the 1995 Resolution - are in pursuing the above outlined objectives.

Thirdly, It is a well-established fact that Egypt is interested in a Middle East zone free of all weapons of mass destruction – a fact enshrined in President Mubarak’s aforementioned initiative. It recognizes the 1995 Resolution and Part 6 of the Conclusions in the 2010 Final Document, which speaks about a zone free of weapons of mass destruction. The latter, in fact, specifically “emphasizes the requirement of maintaining parallel progress in substance and timing in the process of leading to achieving total and complete elimination of all weapons of mass destruction in the region – nuclear, chemical, and



Ambassador Jeremy Issacharoff, Jonathan Granoff (panel Chair) and Ambassador Hisham Badr.

biological.” However, it is clear that within the context of the NPT, we are dealing with the nuclear part of this zone. Luckily, other weapons of mass destruction, chemical and biological, already have their own legal framework that all countries of the Middle East can join once an agreement is in place. What is lacking is a legal framework whereby all the states of the Middle East states can agree to ban the production, use, possession or transfer of any nuclear weapon, and place all nuclear facilities

under IAEA verification regime. Once in place, an agreement on the parallel, universal, and phased accession to all nuclear, chemical, and biological legal frameworks could be reached.

Fourthly, for this area to be a meaningful and contributing factor to the enhanced security of all states in the region, all states must participate in the negotiations and join in the outcome. Consequently, we aspire for all the states in the region to be present at the upcoming 2012 Conference. Enough time has already been wasted in implementing the 1995 Resolution to make excuses or seek postponement until certain conditions are met. So while working diligently on the Middle East Peace Process which remains our strategic goal, this must not derail us from pursuing to fulfill the obligations and agreements reached within the NPT. I do not need to dwell on Egypt’s record in advancing the peace process as its record speaks for itself. But in an area that had for years faced the specter of proliferation that was a direct result of the lack of a comprehensive adherence of all states in the area to join the NPT as non-nuclear weapon states and place their facilities under the IAEA verification regime, a fundamental confidence building measure is to pursue the establishment of a Nuclear Free Zone in the Middle East to deal with this issue once and for all. If we wait to reach peace before dealing with the root causes of nuclear proliferation can only lead to more threats and instability in the region.

Egypt has always held dear its commitment and vision for a peaceful world free of nuclear weapons, and in particular, the Middle East. We have always held firm to this commitment through years of hope and years of despair, and we feel that we are finally on the right path for translating this vision into reality... What remains to be seen is whether all concerned countries will rise to the occasion and contribute to this process to bring to fruition this important objective.

Regional Security in the Middle East: Ambassador Jeremy Issacharoff

As we view the Middle East today, my central purpose here is to share with you our perception of the reality in the Middle East and what we need to move to a more stable architecture of regional security in the area.

First and foremost, it should be remembered that there is a total absence of any regional forum in which we can communicate and relate to our Arab neighbors and have a dialogue on core issues that effect, not only security, but a host of other issues. We don’t have a forum in which we can talk about defusing tensions and developing

confidence building measures. We had the Arms Control and Regional Security forum in the beginning of the nineties, but do not have such a mechanism now.

We do not enjoy peace between Israel and the region as a whole and at times feel that our existence and survival are put into question. This is a very fundamental aspect of how we see our national security. Countries in the area like Iran, that threaten to wipe Israel off the map, or other bodies like Hamas that occupy territory adjacent to Israel and do not accept Israel's right to exist, are fundamental national security problems from Israel's point of view. The lack of a wider peace and the existence of these threats to Israel's national security have to be addressed before we look to any major disarmament process in the future.

It was said here before that the conference of 2012 is an event designed to discuss the adherence of one country Israel to the NPT. By any analysis this clearly is not the central problem of regional security in the Middle East - definitely not from my countries point of view. If anyone takes all the security problems in the Middle East and reduces it to this one issue - they are committing a grave error.

There are other countries that are not members of other proliferation treaties in the Middle East like for example the Chemical Weapons Convention or the Biological Weapons Convention. It's not only a matter of what Israel is adhering to or not, there are also other questions that are never brought up and never touched upon. Let us not forget, that chemical weapons have been used in the Middle East as well as ballistic missiles and the entire array of conventional weapons. Nuclear weapons are the one type of weapon that have not been used in sixty two years in the Middle East. The weapons that have been used are the weapons that threaten people's immediate sense of security in the region and need to be addressed no less than the threat of nuclear proliferation.

Indeed, how do you assemble all of the different commitments that need to be put together for any cooperative regional security architecture in an area where countries do not talk to each other, recognize each other or develop and engage in confidence building measures between themselves. How does this architecture reflect the overall and diverse security threats and challenges facing the different actors in the region and not just relate to one aspect of regional security.

On the nuclear issue, I don't want to dodge it. We are not members of the NPT, but even before the NPT came into being, Israel adopted its own posture which remained one of the most steadfast elements in its foreign policy for the last fifty years. It has been that Israel will not be the first to introduce nuclear weapons into the Middle East. This has been a key facet to Israeli foreign policy in recent decades and it is a commitment that Israel had undertaken at the time. Not only that, on January 13th 1993 in Paris, Israel signed the CWC (Chemical Weapons Convention), in the hope that this would be a signal to foster greater adherence to the Chemical Weapons Convention. Sadly this did not happen. Subsequently and after becoming full members of the Conference of Disarmament at that time, Israel signed the CTBT in the mid-nineties.

In addition since the early years of 2000, Israel has become an adherent to the various supplier regimes by virtue of its commitment to practical measures of non-proliferation. Israel adheres to the Missile Technology Control Regime, the Nuclear Suppliers Group, the Australia Group, and the Wassenaar Agreement (conventional arms). The provisions of these supplier groups are part of Israeli law. We abide by the provisions of these supplier regimes without having the benefits of full membership in these organizations. To the best of my knowledge, Israel is the only country in the Middle East that has adopted such measures.

So, first of all, it's true we are not members of the NPT but we have taken serious policy decisions regarding

proliferation and when we say things we mean them and when we adopt undertakings we respect them.

Having said that, I would like to try and wind up. If the NPT cannot work in our area this still obliges us to address the question what can be done? Our vision of what we can do in the space between aspiration and reality begins with the need to establish confidence building measures and genuine efforts to reduce tensions in the area with our Arab neighbors through greater dialogue. What is happening now with the Palestinian's is vital. We should also widen the peace process with the Syrians and with the Lebanese when conditions are right.

In sum we have to create a stable infrastructure of peace in the area. Peace will not come in the wake of disarmament - unfortunately, it does not work like that in the Middle East. When you are secure and when your enemies know that you are secure, there is a good chance for a stable and enduring peace. I don't think it works in a different way. The establishment of a wider peace in the area is an essential precursor for serious measures of disarmament that ultimately will emanate from the regional parties themselves and have to be negotiated directly between them.

Where Do We Go From Here? Concluding Remarks

The concluding panelists – one from the global South and one from the North – discussing *Where Do We Go From Here?*, were pleased with the substance of the Final Document of the RevCon but also spent time analyzing its shortcomings and offered less than glowing projections of the future.

Ambassador Desra Percaya, the Deputy Permanent Representative of Indonesia to the United Nations, the World Trade Organizations and other International Organizations, said the RevCon was “closing the gap between aspiration and reality” but it was still “obvious” that the RevCon had presented a bare bones road map to abolition. Indonesia is one of the lead negotiators for the NAM in disarmament forums. The RevCon demonstrated “overwhelming support” for a legally binding agreement and the emergence of new debate on relevance and legality of nuclear weapons, he said, but called the glass half-empty since it did not accept key NAM views. “Our positions were somewhat watered down,” he said, adding that what was still missing were timeframes and strategies for the short-, medium-, and long-term.

He credited the US with flexibility in allowing the reference to Israel and not insisting on a mention of Iran and “accepting the notion of horizontal and vertical proliferation.” Ambassador Percaya welcomed New START and the trend of diminishing the role of nuclear weapons in the US Nuclear Posture Review, but noted deterrence remains “an essential element” for the US and its partners. He also said there was no mention about pursuing a treaty on general and complete disarmament. “The challenge remains” over the Middle East resolution, he said, “There seems to be no progress at all towards a Middle East region free of weapons of mass destruction.” The 2012 conference and the Facilitator are “viewed as an initial step,” Ambassador Percaya added, but the key question remains: “Is there any way to engage Israel in the process?”

Ambassador Percaya said the levels of nuclear weapons remain high and the cuts have been made in “a manner not to satisfaction of non-nuclear weapon states,” meaning they lack

transparency, verification and irreversibility. “Unfortunately, success for the nuclear weapon states on disarmament means recognition of the reductions they have already made ... and of their good intentions,” he said. “Commitment from nuclear weapon states has to be translated into further concrete action,” he said. The success of the 2010 RevCon “means the serious, comprehensive and accelerated plan for nuclear disarmament” needs to begin; a plan that “moves beyond short-term, incremental steps.” Looking to the immediate future, he listed for priority areas for the non-aligned: fulfillment of commitment of the NWS toward disarmament; the CTBT; fulfilling the Middle East resolution; and “significant moves” toward a NWC.



Ambassador Christian Schoenenberger

Retired US ambassador and Director of the Bipartisan Security Group, **Ambassador Robert Grey, Jr.** praised the energy at the RevCon but said there had been little progress. “We are behind as a group from where we were in 2000,” he said. There had been eight wasted years during which “support for collective action has been weakened” and nuclear disarmament and non-proliferation were “not on top of agenda.” Global warming, two wars, global recession, and immigration are all higher on the political and public agendas within the US. When nuclear weapons are forefront in the public mind – Iran and North Korea – it is framed as “nuclear issues that won’t go away and cast doubts in some minds as to the efficacy of the whole NPT and the whole international environment,” Ambassador Grey said. Abolition will be “a long and tedious process,” but working towards a NWC “makes a great deal of sense and that should be where we are should be moving,” he added. He said the RevCon and New START are “tools to work with,” but also viewed START as “only the beginning.” The international community has to address related security issues including space, cyber-attacks and conventional force

imbalances. He pointed out that Russia is unlikely to agree to future cuts in nuclear weapons while there is “still a huge imbalance on the conventional (weapons) side.”

Ambassador Grey was critical of UN structures, including the CD and the Security Council. He suggested moving issues out of the CD “to a forum that can work without obstruction.” While he felt Secretary-General Ban Ki-moon has done “admirable work” on the Middle East, he said there will be no progress on the Middle East resolution if the UN continues to pass “one-sided resolutions” on the Middle East in the Security Council and First Committee. “You can’t expect serious governments with serious security problems to entrust the system we have created to work effectively on these problems when we as members frequently abuse the process,” Ambassador Grey added.

The US and its allies have to “re-address the continued relevance of security arrangements,” he said. Why are nuclear weapons still in the NATO security structure? Why is NATO in Afghanistan? “I have no answer.” A “fundamental re-evaluation” is needed, Ambassador Grey continued, and with “probable unhappy outcomes” in Afghanistan and Iraq in the future, that re-evaluation will have to address public suspicion of international engagements.

The discussion following the presentations picked up on the half empty/ half full theme. While some felt the 2010 Final Document really did not do anything more than reaffirming 2000 RevCon’s

decisions, others argued the 2010 outcome represented significant progress. One participant cynically asked if the goal of 2010 was simply to reaffirm 2000 or promote a more ambitious goal in the future? This interpretation was sharply countered by a participant who said everything agreed to in 2000 is in the 2010 document and that since this RevCon agreed to working for a world without nuclear weapons, then “everything that follows now is a process” in that direction. Playing on the title of the conference, one participant said the RevCon results were “not aspirations but realities.” Another participant said the RevCon opens up for discussion how begin work on a NWC: start the preparatory process which would not dictate what a convention should look like and design an incremental approach leading to a “grand picture” of a NWC. Non-governmental participants urged the NNWS “who see the big picture” to advance the process.

Several complained that the goals in the Final Document lacked a timeline. Without a time frame, one warned, the NWS would see this as an extended process, therefore without pressure from civil society we will end up with the same debate in five years. Picking up the same train of thought, another said the success of the RevCon “bought us another five years” to manage horizontal and vertical proliferation, with another saying 2010 represents “a new lease of life, but a short one.”

One common point was that introducing IHL changes the dynamics of the debate since it sets up deterrence versus humanitarianism. “You win that debate every time,” said one speaker.

In his summation of the proceedings, Dr. Schoenenberger said, “The glass is as empty as we allow it to be,” noting that civil society can use the Final Document as a tool, that the commitments in Action Five are “a good sign for the future,” and that adding IHL to the debate can help advance nuclear disarmament. “We suffer from several deficits when talking about nuclear disarmament” - awareness, emotional, legal, political will, process - all of which can be improved by the IHL approach. In conclusion, he said, “We go from here not with a feeling of emptiness but of overload.”

Ambassador Dhanapala, in his concluding remarks, called the consultation “certainly one of the most important conferences that has been held since the end of the NPT 2010 Review Conference” and “an excellent opportunity” for the participants to take stock of what now needs to be done. “We had some of the principal participants of that conference here, and it has been an excellent opportunity for us to take stock,” he said, “So, we have to now translate the positive aspects of the NPT 2010 Review Conference and make them a reality as we move from the aspirational stage to the reality stage, but recognizing also ... that the aspirations themselves form a part of the reality.”

Annexes

Conference Program

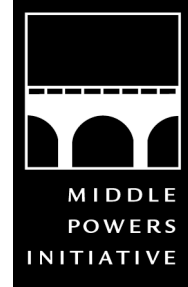
Roster of Participants

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From Aspiration to Reality: Nuclear Disarmament after the NPT Review

14 – 15 September 2010, International Conference Centre Geneva

Tuesday, 14 September

8:00-8:30 Registration table at Conference Center open

8:30-9:30 **Opening Session**

Presenters: **Ambassador Jayantha Dhanapala**, MPI Conference Chair, President of the Pugwash Conferences
Ambassador Jürg Lauber, Permanent Representative of Switzerland to the Conference on Disarmament

Keynote Address: **H.E. Ambassador Libran Cabactulan**, President, 2010 NPT Review Conference

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

9:30-11:00 **Panel I: *Activation of the Action Plan: Strategies to Advance the Nuclear Weapons Convention or Framework of separate instruments***

Chair: **Mr. Aaron Tovish**, International Manager, 2020 Vision Campaign, Mayors for Peace

Presenters:

Dr. Rebecca Johnson, Executive Director, Acronym Institute and Vice-Chair, International Campaign to Abolish Nuclear Weapons (ICAN)

Ambassador Alexander Marschik, Director for Arms Control, Disarmament and Non-Proliferation, Austria

Hon. Douglas Roche, O.C., Special Advisor, MPI

11:00 -11:30 Coffee break

11:30-12:45 **Panel II: *Delegitimizing Nuclear Weapons and International Humanitarian Law***

Chair: **Dr. John Burroughs**, Executive Director, Lawyers Committee on Nuclear Policy

Presenters:

Ms. Christine Beerli, Vice President, International Committee of the Red Cross (ICRC)

Dr. Patricia Lewis, Deputy Director, James Martin Center for Nonproliferation Studies, Monterey Institute of International Studies

12:45-14:15 Lunch

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

14:15-15:30 Working Groups

1. *Strengthening the Disarmament Institutions: from the CD to the First Committee*

Chair: **Ambassador Marius Grinius**, Permanent Representative of Canada to the Conference on Disarmament

Presenters:

Ms. Ray Acheson, Reaching Critical Will

Ambassador Jose Gomez Camacho, Permanent Representative of Mexico to the Conference on Disarmament

Ms. Theresa Hitchens, Director UNIDIR

2. *Steps for NNWS to lay groundwork for nuclear abolition*

Chair: **Dr. Klaus-Peter Gottwald**, Policy Commissioner of the Federal Government for Arms Control and Disarmament, Germany

Presenters:

Ambassador Luiz Filipe de Macedo Soares, Permanent Representative of Brazil to the Conference on Disarmament

Mr. Alyn Ware Global Coordinator of Parliamentarians for Nuclear Non-proliferation and Disarmament

3. *Delegitimizing Nuclear Weapons: how to strengthen the IHL approach*

Chair: **Dr. Christian Schoenenberger**, Head, Task Force on Nuclear Disarmament and Non-Proliferation, Switzerland

Presenters:

Mr. Peter Herby, ICRC

Ambassador Akio Suda, Permanent Representative of Japan to the Conference on Disarmament

15:30-16:00 Coffee break

16:00-17:00 Resumption of working groups

18:20 Dinner

Keynote Speaker: **H.E. Dr. Peter Maurer**, Secretary of State, Swiss Federal Department of Foreign Affairs
Hotel Edelweiss, 2, place de la Navigation, Geneva

Wednesday, 15 September

9:00-10:15 **Panel III: Nuclear Weapon States: 2010 Review Conference: Fulfillment of previous and new commitments**

Chair: **Senator Roche**

Presenters:

Ambassador Eric Danon (Permanent Representative of France to the Conference on Disarmament)

Ambassador Laura Kennedy (Permanent Representative of the United States to the Conference on Disarmament)

Ambassador Victor Vasiliev (Deputy Permanent Representative of the Russian Federation to the Conference on Disarmament)

Mr. Wang Chang, (Second Secretary, Mission of China to the United Nations)

10:15 - 10:45 Coffee break

10:45 -11:15 Reporting back to the Plenary by the working group rapporteurs

Chair: **Ambassador Dhanapala**

11:15 – 12:15

Chair: **Mr. Granoff (Panels IV and V)**

Respondent: **Ambassador Cabactulan (Panels IV and V)**

Panel IV: *Fulfilling the Middle East Decision*

Ambassador Hisham Badr, Permanent Representative of Egypt to the United Nations and other Specialized Organizations in Geneva

Panel V: *Regional Security in the Middle East*

Ambassador Jeremy Issacharoff, Ambassador-at-Large for Strategic Affairs, Israel

12:15 – 13:30 **Panel IV: *Where Do We Go From Here?***

Chair: **Ambassador Dhanapala**

Presenters:

Ambassador Robert Grey, Director, Bipartisan Security Group
Ambassador Desra Percaya, Deputy Permanent Representative of Indonesia to the United Nations, the World Trade Organizations and Other International Organizations

Conclusions

Ambassador Dhanapala

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