

Seminar Proceedings

## **The NPT and the 2005 Review Conference**

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The Hague, 2 March 2005, The Clingendael Institute



April 2005

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## Summary

The seminar 'The NPT and the NPT Review Conference' was organized by the Netherlands Institute of International Relations 'Clingendael', in cooperation with the 'Global Security Initiative', the 'Middle Powers Initiative' and the 'Parliamentary Network on Nuclear Disarmament' to have a conference on the NPT and NPT Review Conference. The meeting took place on Wednesday March 2, 2005 at the Netherlands Institute of International Relations 'Clingendael' in The Hague. The seminar aimed to inform the participants on the current situation of the Non-proliferation Treaty and to discuss different strategies that will make the upcoming NPT Review Conference a success.

At the moment there is no common vision among states party to the NPT. There are differences of opinion between the nuclear weapon states and non-nuclear weapon states concerning priorities. The nuclear weapon states focus on non-proliferation and see nuclear disarmament as a less important issue, while the non-nuclear weapon states value both the non-proliferation and the nuclear disarmament as equally important. The situation has accumulated to a point where the parties to the NPT are not even able to agree on an agenda for the upcoming NPT Review Conference. At the seminar, the participants discussed the above mentioned conflicting views, as well as many related issues such as progress with regard to the 13 practical steps that were agreed upon at the previous Review Conference held in 2000 (see appendix). Concerning the possible outcome of the upcoming Review Conference, most participants felt that a compromise that waters down existing agreements, including the 13 steps, should be regarded as a failure. The seminar also explored the potential for a positive result of the upcoming conference and the strategies that could lead to success. There was strong support for a core group of middle power countries that could bridge the gap between nuclear weapons states and non-nuclear weapon states. Strong pleas were held for pressing for pragmatic steps, such as dealerting nuclear weapons. Other ideas that were put forward included educating the public on the dangers of nuclear weapons and assisting parliamentarians in making the subject relevant. The participants were aware of the many difficulties posed by cases such as India, Iran, Israel, Pakistan and North Korea. Some participants favored an approach to solve these difficulties multilaterally, outside the NPT. Others urged for a strong focus on these issues at the NPT Review Conference. With regard to the Comprehensive Test Ban Treaty (CTBT) it was stressed that the CTBT can play an important role with regard to non-proliferation and nuclear disarmament, but that it can not fill the institutional void the Non-Proliferation Treaty (NPT) suffers from. Considering NATO, it was recognized that there was some ambivalence between the nuclear doctrine NATO-members follow and their obligations and position vis-à-vis the NPT.

## **Introduction: The NPT and the 2005 Review Conference**

In an article of the renowned journal 'The Nonproliferation Review' (Summer 2004), the 2004 Preparatory Committee (PrepCom) meeting was described as a "Case of *'fiddling while Rome burns'*". This PrepCom was supposed to be the warm-up round for the Review Conference of the Nonproliferation Treaty to be held in May 2005. The Netherlands Minister of Foreign Affairs, Ben Bot, labeled the outcome of the PrepCom in a letter to the parliament "somewhat disappointing". This disappointing outcome was most clearly visible by the fact that the countries were not able to agree on an agenda for the upcoming NPT Review Conference.

Since the Review Conference of 2000, the NPT has been confronted with many different challenges. Three states, India, Israel and Pakistan are still not a member of the NPT. North Korea recently stepped out of the NPT (illegally) and Iran, though still in the NPT, seems to work on a nuclear weapons programme. A challenge to non-proliferation of a different kind is the proliferation of nuclear technology and materials by the private network headed by the former leader of Pakistan's nuclear weapons programme, A.Q. Khan. With regard to the other important aspect of the NPT, nuclear disarmament, some quite disturbing developments include the modernization of the arsenal of a number of nuclear weapon states, new doctrines and new programmes aimed at developing new types of nuclear weapons, such as *'mini-nukes'*. These are new developments that seem to be in conflict with the obligation under the NPT of nuclear disarmament. Moreover, progress on this part of the bargain has also been slow as a result of which there are still more than 20.000 nuclear warheads on the planet and many of them can be fired within a few minutes.

Looking at the developments of the last five years, one can state that the NPT certainly has not become a superfluous treaty, but in fact may be one of most important international legal tools available to reduce the nuclear threat. However, the 'disappointing' outcome of the PrepCom in 2004 does not bode well for the future of the NPT, or at least for the 2005 Review Conference. One of the underlying reasons for the current situation are differences in perception of what are the main security threats. Moreover, there are divergent ideas about strengthening the implementation of non-proliferation and nuclear disarmament obligations under the NPT. Apart from that, there is controversy over negative security guarantees – where nuclear weapon states bound themselves to guarantee that they will not use nuclear weapons against non-nuclear weapon states. These differences that marked the 2004 PrepCom still exist and will make it very difficult to further develop the NPT at the Review Conference.

Aware of the above-mentioned difficulties and conscious of the need for success, The Clingendael Institute organized a seminar to bring together engaged politicians, policymakers and experts to discuss the current situation and to try to find ways to a possible positive outcome of the NPT Review Conference in May.

### **Opening by Maj. Gen. (ret.) Kees Homan**

On behalf of the director of the Clingendael Institute, Maj. Gen. (ret.) RNLMC Kees Homan, Senior Research Fellow of the Clingendael Centre for Strategic Studies, welcomed the distinguished participants and introduced the programme. He stressed the importance of the subject and the need for discussion at the eve of the NPT Review Conference to be held in New York in May.

Maj. Gen. Homan touched upon the main challenges to the NPT and quoted ElBaradei who, in 2004, stated that “the twin crisis of compliance with NPT obligations, namely the engagement of some non-nuclear weapon states in undeclared nuclear activities, coupled with the failure of nuclear weapon states to take concrete, verifiable and irreversible steps to eliminate their nuclear arsenals, have led to a crisis of confidence in the NPT regime.” Mr. Homan continued to mention four connected problems that need to be addressed in New York, namely: The erosion of confidence in the regimes ability to meet state security interests; the failure of the review process to deliver more credible pressure for full implementation and accountability under the Treaty; the absence of effective mechanisms by which state parties can absorb their collective will when faced with non-compliance or violations; and the continued treatment of nuclear weapon states disarmament obligations as second class commitments to be pursued at their own time and pace, and only if completely convenient.

First round of introductions

***'Diplomatic History and the Core Bargain of the Nuclear Non-proliferation Treaty'***

Introduction by **Ambassador Robert T. Grey Jr.**, Director of the Bipartisan Security Group

At the time of the negotiation of the NPT the concern was that without some sort of international agreement the world would have twenty to thirty nuclear states by 2005. In that context the Non-proliferation Treaty is to be regarded as a very successful tribute. One that needs to be strengthened and that is still of intense value.

The core argument of the treaty was that in return for the commitment to the part of the nuclear weapon states who agreed to the ultimate elimination of nuclear weapons, the non-nuclear states were given the privilege of developing nuclear power with peaceful purposes. In 1995 all parties to the treaty agreed to the indefinite extension of the NPT. I think it is safe to say that all of the non-nuclear weapon states were concerned that they gave away too much at that time and that once we had the indefinite extension, nuclear weapon states were unwilling to conceive much in terms of nuclear disarmament. In 2000 at the conference there was still a threat and fortunately working with the New Agenda Coalition the nuclear weapon states, and I must say under the leadership of the United States, agreed to 13 practical steps to its nuclear disarmament. I think the most important of those was that they grabbed the occasion to support the Test Ban Treaty, to call for an active work programme at the conference on disarmament, to support prompt negotiations with fissile material cut-off treaty and above all to call for an unequivocal undertaking by the nuclear weapon states to accomplish the total elimination of their nuclear arsenals leading to complete nuclear disarmament. These are the key elements.

There are a number of reasons why the treaty is under pressure.

1. The failure to ratify the Kyoto convention. It is not directly related to the nuclear disarmament *per se* but indicates that this is a step away from international cooperation.
2. The Iraq war. To the extent that they seemed to ignore the Security Council resolutions was also a step in that direction. Especially the justification of the attack because of weapons of mass-destruction that in the end did not exist.
3. The nuclear doctrine by the Bush administration. The enthusiasm by which they are testing bunker busters suggests that rather than deterrence the Bush administration is considering nuclear weapons for war fighting purposes.
4. The Moscow treaty, which the US and the Russians have negotiated, is not conform the standards of the NPT. In essence it is an agreement that we pull our nuclear weapons in the closet but is not an unequivocal commitment to get rid of everything in a verifiable way.

The total impression that the current Bush administration has given is backing away from a commitment to multilateral solutions. But as a matter of fact these problems can not be solved unilaterally or with a coalition of the willing. Also, when nobody explains us how the coalition of the willing is going to give us access to the solutions for the problems we are dealing with, which can only be dealt with on a multilateral basis. But that is the effect that they have given us.

The Tanker Security Initiative is certainly moving in that direction and our allies have to make sure that whatever is done under that initiative is falling under international law.

The United States have also been backing away from the Biological Weapons Convention the development of a ballistic missile defense system, which may or may not work but indicates an attempt to hold on to nuclear weapons or a balance in that direction. And finally, the ultimate insult, the backing away of the Fissile Materials Cut-Off Treaty without effective verification.

The pressure of the United States and the Bush administration has a negative impact on the non-proliferation regime and the Review Conferences coming up. In the first place this is because of the Bush administration and their opposing to the first of the 13 practical steps which is disarmament. We probably enter the Review Conference without an agenda, which is not a recipe for success. A general agreement by most dispassionate observers is that the non-proliferation aspects of the treaty need to be strengthened. The loop-holes need to be tightened and it must comply with new standards. It also has to increase the force of provisions et cetera.

With regard to the problem of non-nuclear weapon states who almost get to the nuclear option and then suddenly renounce the NPT, I think there is a general agreement amongst nuclear weapon states and non-nuclear weapon states that we have to tighten up the treaty. My question is: How can you tighten up the treaty in terms of non-proliferation if the nuclear weapons states are not prepared to reiterate their commitment under the treaty by Article 6 to the all banning of nuclear weapons? This is not a viable political option and as a result we probably face this at the NPT. I want to say this: You have to give a little in this world to get a little. If you expect non-nuclear weapons states to agree to new non-proliferation, tighter non-proliferation provisions in this scheme which have an immediate impact on them, but as a nuclear weapon state you are unwilling to reaffirm your commitment to future nuclear disarmament, any parliamentarian will tell you, and I worked on the Hill in the States, "well that's not a deal. What's mine is mine, what's yours is yours, that's not going to happen."

This is where we are at the moment and this is what were looking at. I think that only if we come together with a rational package or balanced type of both the non-proliferation aspects and nuclear disarmament aspect, the NPT will get us where most of the international community wants us to go. Tighten the non-proliferation regime in an environment in which nuclear weapon states recognize to commit themselves in a positive and binding matter to nuclear disarmament.

***'Where We Are and What Needs to Be Done: The Role of Middle Powers.'***

Introduction by **Senator Douglas Roche**, Chairman of the Middle Powers Initiative

I like to mention a few things about the report of the consultation, which the Middle Powers Initiative held at the end of January at the Carter Centre in Atlanta. For the consultation we assembled a representation of a number of governments, research institutes and NGO's, and made a series of recommendations. Also President Carter took part in the consultation. The outcome of the NPT review in 2000 was of course a very favorable outcome and it gave us the unequivocal undertaking for total nuclear disarmament and the 13 practical steps. When the situation changed in the intervening years, one could say the situation was going down considerably into what we now have as a crisis of the NPT. President Carter therefore invited the Middle Powers Initiative for a second consultation at the Carter centre, which was in January. The report that resulted from the second consultation is what I am going to speak about.

I think that it ill serves the intellectual basis of this consultation if we do not address frankly where the problems are. The United States has taken a position by saying that the problem of the NPT are the countries that try and break away from it such as Iran and North Korea for purposes of developing nuclear weapons. Therefore, they say, we must stop the proliferation. The United States wants the proliferation side addressed virtually exclusively. Well let it be said quickly, every one wants this non-proliferation of nuclear weapons anywhere into any other country. But it is common knowledge that the Non-proliferation Treaty was a bargain. At the moment the nuclear weapon states are retaining their nuclear weapons. The United States is the leader of the world and the only superpower that has deployed nuclear weapons outside its own territory. It is the leader of NATO and the dominant voice in the United Nations. Thus we must speak about the role of the United States. But when we do this we must also speak of the role of Russia, which is also modernizing its nuclear weapons and we speak also of the United Kingdom, France and China, who are in various stages of modernization. As the high level panel on Threats, Challenges and Changes reported to the Secretary General of the UN just recently, it is the nuclear weapon states as a whole that we have to focus on. They are the prime actors, with the United States as their primary spokesman.

What we need to do is stop proliferation and begin nuclear disarmament. This of course is the united bargain and the basis for a balanced approach to the NPT. With the difficulties and political circumstances that we have obtained today, the Middle Powers Initiative convened in Atlanta some 75 representatives of countries of the New Agenda Coalition and like-minded countries, NATO states and expert NGO's. If there is one word, which I would like to use in describing the recommendations in the report, it is the word pragmatic. At the consultation we took a pragmatic approach. Let it be said, it is necessary that the Middle Powers Initiative and I personally stand for a complete elimination of nuclear weapons at the earliest possible moment. But we cannot achieve that under the circumstances which we now live in and thus what we must do is take a sharp and focused approach. We must develop pragmatic recommendations which tell the nuclear weapon states, "please do mind dismiss us. We are trying for something that is way up there and could be obtained and therefore you can dismiss us." But we are saying to them, very clearly, "you cannot dismiss what we are saying in this report because it is of a pragmatic nature and if indeed you



are in good faith as successors of constructive negotiations you should listen to these recommendations.” The situation is so bad that ambassador Duarte, who is going to be the president of the upcoming Review Conference, is currently going around the world, trying to get an agreement on the agenda. They have had three preparatory meetings of two weeks each, over three years, six weeks in total, and they ended in disarray. Not even an agreement on an agenda could be made because the United States wants to deny that the agenda even contains the results of the previous Review Conference in 2000, as if nothing happened in the previous years.

What I wish to do is very briefly touch on the recommendations that we have produced on the consultation and for which the Middle Powers Initiative takes responsibility.

We begin by recognizing there must be a balance approach. We must recognize the integrity of the NPT. It is a treaty against the spread or proliferation of nuclear weapons while at the same time opening up negotiations among the nuclear weapon states leading to a process of nuclear disarmament of comprehensive nature and also providing particularly developing countries access to nuclear energy. All that is an interrelated bargain bounded to the integrity of the treaty. We feel that the treaty must be reasserted. The conference must be fair to the substance of the consensus decisions that we are taking in 1995 and 2000, in particular the 13 practical steps and the resolutions of the Middle East, which deals with the Israeli situation. The latest is a very special but important factor in the NPT discussions.

Next we move to the Moscow treaty. The United States and the Russians like to say that they made progress by signing the Moscow Treaty of 2002. The Moscow Treaty is about bringing their strategic nuclear weapons down to a two hundred level by the year 2012 but that treaty is not verifiable. It is certainly not transparent and is not irreversible. The principles that were established in on the NPT Review Conference in 2000 are transparency, irreversibility and verification. These principles must be embedded in treaties to make sure they are permanent. Thus the Moscow Treaty needs to be readdressed.

Next we come to the question of tactical nuclear weapons. This has become a very thorny issue in Europe itself. The Natural Resources Defence Council from the United States has just published a report, which is rather remarkable. The author Hans Christianson who is traveling through Europe has called United States’ nuclear weapons in Europe “[a review United States post cold war policy](#)”. I recommend you this report, because it shows in great detail the presence of 480 US tactical nuclear weapons deployed on the soil of six European countries. This is a situation that needs to be addressed. My recommendation is that it is too much to expect the removal overnight. That is probably not going to happen because the situation has not been viewed in its fullness. Russia has taken a position on its nuclear weapons that it is not going to address the treaty until they see what happens with the removal from the United States government of NATO-tactical nuclear weapons from European soil.

Next we turn our attention to the question of alerting. Both the United States and Russia have approximately 5000 of their strategic weapons on alert status. They can fire them up to a 15 minutes notice. Many experts have told that this is an inhuman way of treating leaders because they have to make a decision in 15, 12 or 8 minutes whether a report that comes out of a computer is an active report of an attack or a malfunction of the computer or a couple of birds flying through. It is really outrageous that a device that was put up in the Cold War for deterrence purposes is

still with us now and thus we have stressed the need to address the problem of dealerting

We now come to the diminishing role of nuclear weapons. The whole NPT process supposed to be about diminishing the role of nuclear weapons, not about increasing them. What we see in the modernization of the United States arsenal and the modernization of the Russian arsenals is that there is a situation in which they are not diminishing but increasing the role that nuclear weapons are playing in their military doctrine. We are calling for no research; no development of new weapons what so ever if the countries are to show a diminished role of nuclear weapons.

Then of course we face the difficult issue of security assurances. In 1995 the nuclear weapon states signed a document as assurance that they would not attack non-nuclear weapon states. It is called negative security assurances. But that document has only political weight and the nuclear weapon states refuse all efforts to make it a legal based document. We think therefore that the time has come for a legally binding instrument on the non-use of nuclear weapons against non nuclear weapon states. The problem is particularly urgent because of the US nuclear doctrine review, which contemplates the use of nuclear weapons against those countries that might use chemical or biological weapons. I see this as the upcoming of the second nuclear age. In the first nuclear age nuclear weapons were held as deterrence, in particular to deter superpowers. Now, 15 years after the end of the Cold War, there is a new rational for nuclear weapons for war-fighting purposes and modernization. This is certainly bringing us into a second nuclear age.

We come to the question of the fissile material issue. Here the Conference on Disarmament has for a long, long time discussed ways in which there could or should be negotiations. The discussions of course have been interrelated with other topics (of ten items) on the Conference of Disarmament that supposed to constitute the agenda for a work programme. It is sadly evident that the Conference on Disarmament is paralyzed. Why is that so, when 61 ambassadors are sitting around the table? Is it because they can not figure it out? No, these are smart people, of course they can figure it out. The Conference is paralyzed because the instructions these ambassadors get from their capitals are tying their hands. And when one subject is interrelated to another it never gets done. The fissile material cut off treaty was promised in 1995. At the time of the indefinite extension it was concluded and again concluded in the 13 practical steps of 2000 that ten years is enough. We need to move on. Although the US is saying they do not want to talk about verifying the treaty, we need to have discussions and negotiations on the treaty and have a technical advisory bound to verification for global inventory.

Finally in this area we come to the question of Iran and the control over the civilian use of nuclear material. Here we like to follow the words or advise of mister Mohamed ElBaradei, the secretary general of the International Atomic Energy Agency (IAEA), who addressed this problem. He recognized that it is a very thorny problem because it is tight up with commercial use of nuclear materials for energy and is also tight up with national pride and protection. I think that what Iran is opposing to the world is a situation that no one is in a position to guarantee that its use of nuclear fuel is and will only be just for civilian use. How do we know if 20 years from now a new regime will not take over? The materials are already in the national fabrics and they can adapt them for weapon-purposes. There are countries to day one can not say where they will be 10 to 15 years from now. Pakistan is a prominent example. That is why mister ElBaradei has called for the multilateral controls of uranium enrichment and plutonium reprocessing technology. We find growing

strength in mister ElBaradei's thinking about advancing the idea of multilateral controls over the nuclear-fuel cycle. We also see that the high-level panel that reported to the Secretary General that there is an urge for negotiations to take place for a new arrangement which would enable the IAEA to act as a guarantor for the supply of fissile material to civilian nuclear users at market rates. Besides the Fissile Materials Cut-Off Treaty (FMCT) there is the additional protocol of the IAEA, the protocol on safeguards, established a number of years ago, but still only 62 countries have signed the additional protocol, needless to say, enter the formal structure of the safeguard

Next we come to the question of the work of the Conference on Disarmament. Again, in respect for the need of a subsidiary body or a committee, that will deal with nuclear disarmament on a permanent basis. The Non-proliferation Treaty, a document of immense importance which 188 states have signed, which is the largest multi-lateral arms-control disarmament agreement in the world, is dealing with nuclear weapons, the very essence of the future of life on the planet. So you may think this is an important treaty. But if you want to visit the office of the NPT, where would you go? It does not exist. If you look in the phonebook, it has no number. It does not have a home. And the institutional deficit of the NPT is really quite striking. Of course the IAEA handles all the safeguards systems but it is not responsible for the implementation of the treaty, nor is the disarmament office at the UN. Helpful and eager as the UN are, they can not call a state in and say when it is non-compliant. NPT is until this moment only a treaty that meets every five years. That is not good enough. We think there should be a permanent body dealing with nuclear disarmament. The Conference on Disarmament has a lot in place but if they can not put it together there, then let us look for someplace else.

I close with a couple of recommendations on the conference on the Test Ban Treaty. We do not only want the 44 states that are already in the treaty, we want all of the states to sign the treaty, especially the US. The US was actually the first to sign the treaty in 1996 and then they went through the ratification in 1999 but got turned down by a whole lot of complicated reasons. When the Bush administration came to power, they have turned the treaty back and rejected the Comprehensive Test Ban Treaty. The other states, I believe, which have not signed it, especially eight, are hiding behind the US. We want to take a pragmatic approach to this. We recognize that we can [not let them enter the CTBT](#), but at least let us have the testing moratorium, no testing, let us keep that going at least.

Finally, we cannot expect nuclear weapon states just to be convinced to get rid of nuclear weapons. That is why we are staying focused on achievable things that could be accomplished. The truth is, the states have already agreed to this, when they started the 13 steps, because all the things I have been talked about are in the 13 steps. What is new is the opportunity to at least look at the legal, political and technical acquirements for the elimination of nuclear weapons. We all know we can not eliminate nuclear weapons over night. It is an architecture, a verification architecture, a legal architecture. How can we create a world in which there will be security assurance without reliance on nuclear weapons. That is a subject that ought to be worthy of discussion. I now close be formally presenting to you the Atlanta Consultation II report and respectfully ask you to take it in to consideration as you continue your own deliberations (for the executive summary, see appendix).

## *'The Role of Parliamentarians'*

Introduction by **Alyn Ware**, Global Coordinator of the Parliamentary Network for Nuclear Disarmament,

I would like to start off with some ideas on the role of parliamentarians by quoting a former undersecretary general of the United Nations, who spoke of the role of parliaments and parliamentarians by saying: "The parliaments of the world are the bridges between civil society and government." They provide the funds, they nestor initiative through deliberation, they help to save polity and through their investigating powers they build public accountability. They provide a whole lot so that governments can uphold their international commitments. A role, at times required the enactment of domestic legislation. These functions are absolutely vital to the future of nuclear disarmament. They help to give disarmament not only vision, but also backbone, muscles and teeth. This is a quick summary of the role of parliamentarians. It is not so that parliamentarians are the only element or the only group involved in the process but they can provide content which can complement the work of the other elements; the experts, the diplomats, the governments, and the civil society itself. That is why their role, particularly the bridging role between government and civil society is very important.

Parliamentarians have a role to represent the views of civil society and the government and that bridging role can be found in a number of ways. Just look at some examples of the impact some parliamentarians have on the disarmament and the non-proliferation process. I'm going to give a couple of examples that illustrate this role.

One of the most recent examples is the United States Congress. The committee which is responsible for the nuclear weapons research and development has refused a request from the Bush administration for funding of research and development for bunker busters weapons and new nuclear weapons. This is very important because it provides a chance for the government administration to re-evaluate if this development was useful for US security or not. In this situation the Congress was responding to the voice of experts in the field that such initiatives by the government would be a stimulant for the proliferation of nuclear weapons in the world and would be a threat to national security.

Another example is related with the CTBT. Global action of engaged parliamentarians in the late 1980s picked up this very important non-proliferation goal and pushed around the world for a comprehensive test ban treaty. They even (also) pushed an initiative to help stimulate the negotiations that called for an amendment of the test ban treaty. This amendment was held in 1991 and brought a lot of diplomatic and international attention to the treaty and indicated that the negotiations on the test ban treaty had started. I think this was one of the efforts that helped the negotiations members going for the CTBT.

Recently parliamentarians are being required to be more engaged to the nuclear non-proliferation and disarmament effort and to the United Nations resolution 1540 to adopt national measures to deal with the proliferation of weapons of mass destruction. The parliamentarians are required to be engaged in this measures.

An example of where the parliamentarians were very active to support the NPT was in 2000. There was a lot of concern that the 2000 Review Conference would not have a lot of success. There was a big division between states with regard to what was happening on nuclear disarmament and there were a number of resolutions which

were adopted in parliaments, a number of them unanimously, throughout countries as New Zealand, Australia, Japan, Germany, Belgium, leading up to the 2000 Review Conference. It created a lot of public attention and public awareness. It was also very useful, pushing for and encouraging for a downward approach and bridging between the Non-Aligned Movement on the one hand and the nuclear weapon states on the other.

In 1998 the New Agenda Coalition which was a very instrumental group of seven countries announced a disarmament and non-proliferation agenda through their foreign ministers that forged the 13 steps in 2000. Last year they proposed a UN general opinion resolution which contained ideas that make a successful conference possible and make some progress possible at the 2005 Review Conference. Parliamentarians were engaged in highlighting the New Agenda draft resolution to the general assembly and asked questions in their parliaments including here in the Netherlands, where Farah Karimi, was involved in that initiative. That beginning helped engage governments and led to a strong support for the New Agenda proposals with a concluding report from the Netherlands government which is very useful.

So leading up to 2005, looking at the 2005 Review Conference, we are looking at similar sorts of initiatives of parliamentarians. And the network that would establish the parliamentary network on nuclear disarmament is aiming to inform all parliamentarians of all different countries about initiatives that have been taken in other parliaments. That could be helpful because parliamentarians can learn new approaches that might be a success. It also gives an indication of the political possibilities, and gives an indication of the government positions leading up to the 2005 conference. There are a number of questions and resolutions, which are already planned in a number of parliaments.

In Belgium where a cross-party group of the Belgium parliament has been formed there are resolutions in both Houses. The resolutions will probably be put up next week or the following week. They pick up some of the key proposals with regard to the nuclear policy and the NPT. It also includes looking at NATO's strategic doctrine and reducing the role of nuclear weapons in that strategic doctrine. It looks at the weapons deployed in Europe, and the reduction of those weapons.

Another resolution, which will be put up in the European Parliament in March 2005, focuses on a European doctrine. The role of parliamentarians was picked up very strongly in that resolution including the recommendation that EU parliamentarians attend the NPT Review Conference. That is very important because attending parliamentarians at the NPT conference play an important bridging role between civil society and government. And it is a two-way approach; one is bringing civil society perspectives into the international negotiations. But also of giving parliamentarians an understanding of the complexities and nuances of the international negotiations so they can report back to parliament and report back to civil society what are the possibilities that can happen through the international negotiations. To encourage the resolutions and complementary network can help to facilitate this parliamentary participation and engagement between parliamentarians at the NPT Review Conference.

There are other efforts. For example dealing with the alert status of nuclear weapons There is an international appeal at the moment, which is supported by fifty parliamentarians on reduction of the alert of nuclear weapons. This is something, which exists in the public domain, but can also have some impact on parties because there is more and more support from parliamentarians. Over 30 Nobel laureates also endorsed it. The efforts to engage parliamentarians in the process of the NPT, to make

them aware of the positive proposals that have been introduced by governments, can help to forge a positive outcome of the NPT Review Conference and let the NPT not fall into disarray. Hopefully with greater anticipation by parliamentarians that will speed up that process.

## **‘Nuclear Weapons: The Challenge of the Modern Age’**

Introduction by **Jonathan Granoff**, president of the Global Security Institute

As President Carter said, there is no more important issue in the world today (then nuclear weapons). Secretary of Defence Donald Rumsfeld is not been very credited with being the great poet he actually is. There was a press conference in which he said: It is interesting that we know many things we know but of concern is things that we know that we do not know because we do not know them. I would like to talk about some things that we know and about some things that we do not know.

General Lee Butler was the commander in chief of all US strategic air commands, the man of the SIOP, the Single Integrated Operation Plan, the targeting and readiness plan of the whole nuclear arsenal. There was nobody known ever who has known as much about nuclear weapons targeting and readiness as general Butler. And he said: Despite all the evidence we have yet to fully grasp the monstrous effect of these weapons. The consequence of their use defy reason, transcending time and space, poisoning the earth and deforming its inhabitants. Nuclear weapons are inherently dangerous, hugely expensive and military inefficient. He explained that he was the guy who had to brief the President and do the secret briefings in the US Congress, and he described these briefings. He said it was all Alice in Wonderland-stuff. The targeting date, the other details of the war plans, all are written in an almost infallible million lines of computer software code. They are reduced by military briefers to between sixty and a hundred slides presented in an hour to US officials who are cleared to hear. Generally no one asked any question at these presentations because they did not want to embarrass themselves. It is as unsatisfactory as one can imagine for the subject matter. The truth is the President has only superficial understanding of what would happen. Congress knows even less because no lawmaker ever even has access to the war plans, and most academics could only make ill-informed guesses. So we know that the President does not really know, we know that the congress does not really know, and we also know that there is a lack of public understanding of what these weapons do. There is a tremendous lack of public discourse and of think-tanks taken it on their responsibility to educate the public to what these weapons are really about.

We know from the testimony for the International Court of Justice that the mayor of Nagasaki said that Nagasaki became a city of death where not even the sound of insects could be heard. That two-third of the city-population has fallen victim to this calamity that came upon Nagasaki like a preview of the apocalypse. We know that you could not imagine the destructive capacity of nuclear weapons, that it defies the imagination. [Mr. Turner](#), director of the [CIA](#) described it as follows: The fireball is so hot and close to the earth it delivers enormous amounts of heat and light to the terrain. It is three times more hot than the surface of the sun, and in roughly eight till nine tenth of a second it generates winds of 600 miles an hour. A nuclear explosion can simultaneously set an unaccountable number of fires over an area close to hundred square miles. That is, if we talk about a device that is less than one megaton. The International Court of Justice described a one megaton bomb in terms of rail transport, that you have got 200 miles of train to get that much of TNT. For a 20-megaton bomb you need a train 4000 miles long. We still have 30.000 of these in the world. Garth Evans, former minister of Australia at the time said, there’s no doubt that if the people

of the world were more fully aware of the danger of nuclear weapons and the consequences of their use, they would reject them, and I agree with that. I think that when people contemplate what the reality is of nuclear weapons, how utterly horrific they are, that the idea that we would threaten to use them would absolutely be horrific.

Until recently, the rationale for having nuclear weapons was very simple. We have nuclear weapons, and we have them on the ready to make sure that nuclear weapons will not be used. It is a kind of a mad way of looking at the world, but it had its own Alice in Wonderland intrinsic logic, but extremely dangerous I remind you. In January of 1995, a weather satellite was launched off the coast of Norway. The Russians had been notified of this but it had not adequately been picked up by Command and Control. It therefore came up at Boris Yeltsin's desk and for eight minutes the future of the world hung in the balance, that if indeed the Russians had determined that this was a Trident launch which it looked like at first flash they would have to shoot off their arsenal. Thank God, the trajectory was clearly towards the North pole and so they concluded that it was a weather-satellite launch and not a trident. But imagine he was drunk, people do get drunk, or suppose he had an argument with his wife at the time, or suppose they could not reach him because he was out for a walk, and the whole future of the world was hanging in that balance. Until today the whole future of the world continues to hang in such an irrational balance. Because not only do we maintain a mutually assured destruction, not only are there still thousands of nuclear weapons on trigger-alert, not only have the calls for denuclearization been ignored, but we now have a new doctrine that justifies nuclear weapons not just to ensure that they will not be used but a new doctrine, coming from the US, of integrating nuclear weapons into war-fighting capacity and even calling for their pre-emptive use, against possible states who use or have other weapons of mass-destruction.

Now we know that now, we still live under the threat we were living under during the Cuba-missile-crisis time. Today there is another sort over our heads, and that sort is even more hazardous. And we know something else. We know that governments often make mistakes, even in issues of war and peace and national security. I am going to share a view recent ones with you. Dick Cheney in 2002 said before the veterans of foreign wars there was no doubt that Saddam Hussein had weapons of mass-destruction. George Bush, addressing the American people in March 17, 2003 said that intelligence gathered by this and other governments made clear there was no doubt that the Iraq regimes continued to possess and conceal some of the most lethal weapons ever devised. Donald Rumsfeld, March 2003, on *ABC News* speaking to the American People: We know where they are. They are in the area around Tikrit and Baghdad, and East, West, South and North somewhat.

Mistakes can be made, and wars can result of these mistakes. Command and Controls are not infallible. And the risk of these weapons remains with us far beyond what I believe human beings should have to contend with. That is why there is an imperative, a practical imperative that we have to get a hold of this problem quickly.

What tools do we have? We only have one tool right now. The tool can not be the pre-emptive use of force against nuclear weapons states to get rid of this risk. The only tool the world has, is international law. The only way in which international law can be exercised is to multilateral cooperation, and the only way this tool can have force,



is when people understand that cooperative security is the only course open to us. The mechanism in which we have exercised the rule of law, multilateralism and cooperative security with respect to nuclear weapons is only one avenue and that is the NPT. We cannot possibly contain the proliferation of these weapons and lower the likelihood of these weapons being used by relying on ad hoc coalitions of the willing to the proliferation security initiative for example or the security council of the UN on an irregular basis being ceased of the issue. We have a treaty with almost universal adherence. Only three countries are out of the Treaty. Commitments have been made under the treaty. Serious political commitments have been made in the year 2000. The Treaty will not collapse and just disappear if they disregard it, but the treaty will not have the power, which it needs to have to succeed this awesome task. What we have done is that we identified the most threat reducing reasonable commitments. Commitments that have already been made, if I may remind you. The most reasonable commitments are threat-reducing commitments, not even disarmament commitments. The Fissile Material Cut off Treaty is such a threat reducing commitment, dealing with is a threat reduction and the CTBT is a threat reduction. We have identified all these reasonable steps and said; if we could forge a coalition around these reasonable steps we can strengthen the rule of law, demonstrate that the world can be safer and move forward. If we fail to do that we are being entirely unrealistic and we are sleepwalking toward Armageddon. We have to wake up and come back to our central principles of civilization: the rule of law, cooperation, and a lower threshold for the use of these horrific weapons.

## **Key elements of the debate after the first round of introductions**

### *Reaction by the Netherlands M.P. Farah Karimi*

In reaction on the previous speakers, Member of Parliament for the Green Left Party, Farah Karimi, explains that the issue of nuclear weapons and non-proliferation is not a very important political issue at the moment. This makes it very difficult to discuss the issue in parliament. She expressed the need for more concrete ideas from the participants to put forward in the political debate. Mrs. Karimi also stressed the need for strategies to increase awareness among Members of Parliament of the dangers of nuclear weapons today and for strategies to engage Members of Parliament to work for a nuclear weapons free world.

### *Expectations concerning the upcoming NPT Review Conference*

In general, the expectations of the participants on the upcoming NPT Review Conference were not optimistic. The radical position the US has shifted to declaring that they see the disarmament obligation as a second-class issue, which is considered a serious obstacle to progress on the NPT. Hopeful, however, was the observation that the situation at the eve of the previous Review Conference was all but positive. Nonetheless the meeting in 2000 was concluded with consensus on 13 practical steps. With this in mind, the participants agreed that there was still room, though limited, for pragmatic and practical achievements to be reached at the 2005 NPT Review Conference.

### *The measurement of success or failure*

In a situation in which parties are willing to bring forth a final document, it can be argued that reaching consensus on a final document is a good measurement for success. In the case of the NPT Review Conference it is, however, clear that not all final documents can be considered a positive outcome of the meeting. In the case of the 2000 Review Conference, the final document that included the 13 practical steps was considered a 'paper over the cracks' by the more cynical diplomats because, in their eyes, it was hiding the huge political differences between the nuclear weapon states and the non-nuclear weapon states. Nonetheless, the final document and the 13 practical steps were considered by the participants of the Clingendael meeting to be valuable and should not be given up at the 2005 Review Conference. A number of participants stressed that for the upcoming Review Conference a compromise that would water down elements of the final document of the meeting in 2000 should be avoided under all conditions. In their eyes the focus of the 2005 Review Conference should not be on consensus but on continuity and progress, even if this might mean that the meeting will be concluded without a final document. Given up some of the 13 practical, for instance, would only marginalize the legal foundation of the NPT regime, according to some of the participants. One of the speakers argued that a failing conference may lead to media attention on the NPT which may contribute to increased awareness of the seriousness of the problem. The general opinion at the meeting, though not shared by everybody, was that the parties at the Review Conference should not conform themselves to the will of the United States, but should develop their own visions and strategies to deal with the challenges to the NPT.

### *A positive outcome*

If a final consensus document is considered not a good measurement of success, the question rises what else might be considered of a positive outcome of the Review Conference. What is it that we want to reach at the 2005 meeting? As mentioned above, some participants even considered the fact that failing to reach consensus could be regarded as a potential success. Does this mean that those in favor of the NPT should remain quiet and passive? According to one of the speakers there are a number of pragmatic achievements that can be agreed upon at the Review Conference. The core of these pragmatic steps are reaching an agreement on the Fissile Material Cut-off Treaty, creating a subsidiary body of the NPT, and starting a process of dealerting tactical nuclear weapons. These three pragmatic steps will take the edge of the danger of nuclear weapons. Not all participants shared the opinion that such a balanced approach was the best way ahead. It was argued that the focus at the NPT had to lay with the hard and more difficult issues, for instance the case of Iran and India. Regarding the latter, participants feared the situation in which India and Pakistan are in a controlled nuclear arms race. Because of that India can no longer be denied access to the NPT, but has to be in the NPT. It was also noticed that it might be better to join the Americans in their fight against non-proliferation if it is not possible to make them change their view on the NPT. In that way it is at least possible to take on states that wish to produce nuclear weapons, which is considered a great threat to the world. Other participants warned for the tendency to expand the agenda of the Review Conference with every issue that is thought of important, thereby making it impossible to make progress.

### *Iran & North Korea and India & Pakistan*

Evidence that Iran is developing nuclear weapons is piling up and North Korea has stated that it has already built a nuclear weapon. The participants at the Clingendael meeting considered both cases very serious challenges to the NPT. One participant claimed that these cases show that the NPT regime is not sufficient in keeping states from using fissile material for weapon purposes and that we need new international standards on fissile material. Many agreed that the problems related to Iran and North Korea can not only be dealt by the NPT alone, but that other policy options do exist and have been used. For instance, there is the diplomatic approach by Great Britain, France and Germany in the case of Iran. With regard to the case of North Korea it was pointed out that the six-party negotiation had a leading role trying to reach a solution. India and Pakistan are two challenges of a different kind then that of Iran and North Korea. Nonetheless, according to the participants, they too constitute very serious challenges to the NPT. There was no consensus at the meeting on how to approach these two countries and the, somewhat controlled, nuclear arms race between them. A number of participants thought it best to make sure they become part of the NPT, while others believe the problem should be dealt with by diplomatic efforts outside the NPT.

### *Mobilization of public opinion*

Nuclear weapons and the threat of nuclear weapons and nuclear material has not received the attention of the media and the politicians that it enjoyed in the 1980s. Nonetheless, there still exist a number of initiatives that are noticed by the public and public figures. One of these initiatives described by one of the participants is the 'Mayors for Peace Project' which is headed by major Akira of Hiroshima. Over one thousand mayors are part of this world-wide lobby project for a nuclear free world.

They strive for a process, comparable to that of the land-mine treaty, in which countries start negotiations with each other on nuclear disarmament. This way pressure is built up on states that are not part of this process, which finally may result in these countries joining a treaty at a later stage. Another initiative mentioned by one of the participants comes from Secretary General Koffi Annan who pleaded for a international conference on nuclear dangers. A conference, which will also include Israel, India and Pakistan. Other participants pointed at initiatives in the field of education. For example, in Canada a successful education campaign was launched to inform students about the cooperation of Canada with the United States on the Ballistic Missile Defence. Finally, a number of participants stressed the continuing efforts of religious and peace movements, as well as eminent persons, to mobilize people and to increase awareness of the dangers of nuclear weapons.

#### **Terrorism and accidents**

Not only state policies constitute a nuclear threat. During the question and answers two types of other threats were identified. The first is the idea of nuclear weapons falling into the hands of terrorists. According to the current Bush administration this is the most serious threat to security of today. A second threat is the possibility of cyber crime or cyber war. According to a number of participants, computer systems who operate the nuclear arsenal of states may be hacked. This, as well as accidents may produce warning signals of an attack on the country. Given the automatic counter reactions and the very limited time to evaluate the signals, this is a potentially extremely dangerous situation.

Second round of introductions

### **‘Current developments regarding the Comprehensive Test Ban Treaty’**

Introduction by **Ambassador Jaap Ramaker**, Special Representative to Promote the Ratification of the CTBT

When the Comprehensive Test Ban Treaty was concluded in 1996, over eight years ago, it was seen as the landmark in nuclear non-proliferation and nuclear arms control. At the time President Clinton called it “the normally sought hardest fought stride in arms control”. Recently the director general of the IAEA, Mohammed ElBaradei, in his well-known article in the Economist of 2003, when he discussed the multilateral control of nuclear fuel cycle, called the CTBT the jewel on the crown of nuclear non-proliferation and nuclear disarmament. So my task is to explain why this is the case.

The test ban treaty when entered into force will do a couple of things that are important to the non-proliferation. First of all, it will prevent countries that do not have nuclear weapons from moving on to and beyond the manufacturing or recruiting of nuclear weapons. That is always possible. The first nuclear weapons ever used, the one that fell on Hiroshima was never tested. It will also curb the development of advanced new types of nuclear weapons. This Treaty therefore will be a major constraint on the existing nuclear weapon states and this is of course where the concern lies of at the present with the United States.

Doing these two things the CTBT will reduce nuclear arms competition by nuclear capable states in today’s world with its new challenges to the global nuclear environment. India and Pakistan presently hold to a self-imposed [moratorium](#) on nuclear testing but of course both are eager to resume testing for instance in order to develop second generation nuclear weapons, thermal nuclear weapons, et cetera. If that moratorium would be lifted China would be interested in expanding their nuclear arsenals and even go to the point of multiple warhead designs that they have in mind. So the Test ban is important both for the horizontal proliferation, where it is preventing new other states from acquiring nuclear weapons and vertical proliferation where it constrains the possibilities of the existing nuclear weapon states to develop new types of nuclear weapons and new designs.

What is the present status of the CTBT?

First of all we see today a *de facto* global nuclear test moratorium. Non of the nuclear weapon states or the *de facto* nuclear weapon states as India, Pakistan and Israel, are testing them. That norm against testing has only been broken once in 1998 by India and Pakistan. These two states *today* are well aware of the existing norm against testing. And, as was made clear to me when I was in Pakistan, in case of Pakistan and India, they are waiting for somebody else to break or violate that norm so they can continue there own development of nuclear weapons. This norm, which existed before but was formalized by the CTBT, is at the moment slowly but surely strengthened. I will give you a couple of figures. Hundred and seventy-four states have signed the CTBT. Hundred and twenty have ratified the Treaty, but unlike for instance the Chemical Treaty, that is not enough for this treaty to enter into force because this

treaty needs to have aboard those that really matter when it comes to nuclear weapons and nuclear testing. Actually, this treaty is about eight or nine countries in the world. The five recognized nuclear weapon states, the United Kingdom, France, Russia, the United States and China with a special status in the NPT as you know, the three nuclear states which wish to remain outside the NPT, India, Israel and Pakistan, and nowadays North Korea which has chosen to leave the NPT.

So it is basically about eight countries and getting those eight states in the test ban treaty. We therefore have to wrap these eight states in a somewhat wider group; 44 states which are mentioned by name which have to ratify the treaty before it can enter in force, 41 of those 44, have signed the treaty, three are missing, named India, Pakistan and North Korea, and 33 states have thus far ratified the treaty so there are 11 more to go.

The states that have signed and ratified the CTBT include all the 25 member states of the EU. They include all NATO-members, except the United States. They include all G8 member states, because apart from the nuclear weapon states United Kingdom and France, also Russia has ratified the CTBT. So all of the G8, once again the exception is the United States. Of the three non-NPT but nuclear capable states, Israel has signed the treaty but has a couple of concerns of its own, before it will be in a position to ratify the Treaty,

So with the Treaty a norm against testing has been coming to existence, and strengthening that norm against nuclear testing, remains an urgent task. Somehow, media, politicians, the parliament, and therefore the government have forgotten about the urgency of this task.

[So we're going to strengthen that norm](#); first of all there are regular conferences of states that already have ratified the treaty. The last one was in September 2003, convened in Vienna. There they decided to take a number of measures in order to promote the ratification process of the CTBT. One of the concrete measures was to appoint myself as special representative on their behalves.

With the figures just mentioned in mind I have decided not to focus on those who have signed the treaty. 174 is quite a considerable number and those who have not signed are few. I want to focus on the states that are missing, but are required in order to let this treaty take effect. And those eleven states illustrate also the difficulties that we are faced with. I will sum up: India, Pakistan, China, Indonesia, Vietnam, Egypt, Iran, Israel, North Korea and the United States.

The United States were the first to sign the treaty in New York in the person of President Clinton. They are also the first and only state that has rejected the treaty afterwards. I have been, in the position as special representative, thus far to Vietnam and Pakistan. Later this month I intend the visit China and Indonesia. India may perhaps follow. The ratification of course by Indonesia and Vietnam is long over due. But all the other cases I consider to be the hard-cases. If we look at China we also have to look at their relation with the United States. They will have to make a decision to ratify the treaty or not, knowing that if they would do so, they would be the only of the five with the US, not to ratify the Treaty. I hope that they will take their overall relationship with United states into account. The United States are very strong opposed to the treaty. Their position against the treaty, I would like to compare with their position against another treaty that is the International Criminal Court, where the possibility of extra undermining the treaty is always there.

As I said the US were once the strongest supporter of the CTBT, and in fact the treaty would not have come about without the strong backing of the US. But as you know, in 1999 the US senate rejected the treaty, dominated by a very small majority of

Republicans and they pushed through and were able to do so because of lack of preparation by the Clinton administration. What we see at the moment is that the Bush administration rejects it, although in various circles in the US the treaty and prohibition of nuclear testing has very strong support. Maybe we should keep the resumption of nuclear testing open. In the nuclear post review of 2002, for the first time in the history of nuclear weapons area, the possibility is open that there will be a new role, a war-fighting role for nuclear weapons.

Nuclear testing in the US is under discussion. They realize that the massive yield of present nuclear arsenals cannot be used against most of the threats today and that therefore we need to have smaller, more durable nuclear weapons.

Now of course the US has on various occasions declared not to intend to resume nuclear testing and exemplified by their own moratorium on nuclear testing. But there is no guarantee on this moratorium, and therefore it is very likely that the usual testing at some point will follow the research that is now going on into these new advanced types of nuclear weapons. The only glimmer of hope is that gradually also the degree of uneasiness is creeping up in the Republican parts of the Congress and that the financing and funding of this programmes ran into difficulties.

The CTBT should be or become an integrated part of multilateral and regional treaties, regimes and norms, which taken together constitute a fabric of the non-proliferation regime as we know it today. And in fact when the NPT was concluded in 1968 and entered into force in 1970, it was concluded for a period of twenty five years. That period ran out in 1995. Despite of the strong opposition of many non-nuclear weapon states it was possible to agree on the extension of the NPT for indefinite time with no limits. There were only limits on a number of conditions and first and foremost on the condition or commitment of the five nuclear weapon states parties to the NPT that the CTBT would have to be included within a year time there after. That is what has happened. And there are a number of other commitments. These commitments were reconfirmed in the year 2000. In 2000 however, the United States could still fully endorse the famous 13 practical steps. The very first step says:” The importance and urgency of signatures and ratifications, without delay and without conditions and in accordance with constitutional processes, to achieve the early entry into force of the Comprehensive Nuclear Test-Ban Treaty.” This deals with a testing moratorium. That is the important connection between the NPT and CTBT.

Now I come to the most important point of my statement, and that is what can be done to make sure that what we have attained in the past remains on the table. I think that there’s a role to play for the European Union, and because we are here in the Netherlands, also for the Netherlands. Traditionally the European Union has taken the backseat. Whenever there was a violation of the NPT, it was the United States who acted. And to a certain extent this still is the case. It was the United States taking the role as big brother or policeman. We gradually see a change. In the case of Iran, it is three European countries Great Britain, Germany and France who are trying to find a solution for the Iranian nuclear programme, or nuclear weapons programme as some say. North Korea is a different matter. But in the case of the CTBT, which is part of the non-proliferation issue, the European Union had adopted a non-proliferation agenda which came in place with the new Bush administration. It is an exclusive rather than an inclusive approach. We go after the bad guy, Iraq, Iran, North Korea and pushing the whole regime approach to the background. I think we should do both.

I think it is important to make sure the regimes are being strengthened. The treaties, the agreements, the export control regimes, the norms that we have, all have to be strengthened. Our approach must be consistent, not only have the focus on Iran. The world has forgotten that India and Pakistan have tested in 1998. The US started sanctions but at the moment Pakistan is a close ally in the fight against terrorism.

So what shall we do in the immediate future to make sure that the subject might remain on the table?

1. First of all we should support the existing moratorium. In fact, all states that have nuclear weapon arsenals at the moment abide by testing moratorium, the five nuclear weapon states, India, Pakistan, and Israel never tested.
2. We should also discourage the search for more usable nuclear weapons. The first time since 1945 that nuclear weapons are being referred to as usable instead of being non-usable and deterrent as an element in that strategy.
3. Thirdly we should also support the ratification of the Test Ban Treaty.
4. Finally we should make sure that the organization in Vienna which task is the verification of compliance of the CTBT should receive adequate political, financial and technical support. At the moment we see that the United States are not supporting the treaty but still financially support the CTBT organization because the verification network which is being build up is high-tech and has the capability to go far beyond the national capabilities of the United States. The United States is important because they provide 25 per cent of the budget.

I think that in all these possibilities the European Union could and should do more. Since the defeat in the Senate somehow the CTBT has gradually disappeared from the radar screen and there came a policy of neglecting the important aspects of nuclear weapons, and new forms of using nuclear weapons for war-fighting purposes. We do not have to force the US to ratify the treaty, but the European Union could make clear that this is an important issue. Let the United States not forget that!



*'The Netherlands and the NPT and NPT Review Conference.'*

Introduction by **Ambassador Chris Sanders**, Permanent Representative of the Netherlands to the Conference on Disarmament and Coordinator of the Explosive Remnants of War working group of the Group of Governmental Experts of the States Parties to the Convention on Certain Conventional Weapons

What are the problematic points for the Review Conference, the expectations and the Netherlands policy towards the NPT Review Conference?

The first important point in the debate is that many people see a shift of priority from nuclear disarmament to non-proliferation. The 2000 Review Conference has often been labelled as the disarmament conference, and the ones who say so feel that the upcoming conference should focus on non-proliferation. Emphasizing the importance of non-proliferation as more important than nuclear disarmament makes sense to those who argue that the latter is less urgent because arsenals are being built down slowly and that there is no immediate risk of nuclear wars. The process is not as urgent as non-proliferation and the danger that either states or non-state actors might lay their hands on nuclear materials or develop or steal weapons themselves.

Whether this is true or not is debatable. We always say that obviously the three pillars of the treaty are thought inseparable and you cannot pursue effectively non-proliferation without visible progress on nuclear disarmament and the other way around. There is no choice between one of the three. Balance is an important concept. We want a balanced outcome.

The expectations are of course not very positive, but there are various ways of pessimism. There are those that say that the NPT is in a crisis and there are others who feel that this is to exaggerated. We will face major problems but these are not irresolvable. I do not think this is very important. I only want to remind you that in 2000 expectations were extremely negative as well. Because we had a series of three failed preparatory conferences, and there were many people who never dreamed of an agreement, and yet we reached an agreement.

In the past years we have got another series of preparatory conferences. The last one should have brought recommendations in consensus, but it did not. The expectations once more are not very positive. The 2000 Review Conference was described as paper over the cracks, so the final document managed to hide underlying differences. I agree with those who feel that the cracks have widened in time due to a number of developments since 2000. More effort is needed, even more than in 2000, to try to get a consensus out. Some countries are already positioning themselves. They do not want to be put under pressure so they say: well we do not mind if there is no final document. That is of course making yourself invulnerable to pressure because if you say you do not care you cannot push such a country into doing something, because it will not.

The major problems are the following: In 2000 it was Iraq and that was the latest big problem that cost us a few hours of sleep. The problem was that Iraq as an NPT-member had to agree to a consensus document wherein the problem of Iraq itself was addressed. They had to sign their own verdict, which took some time. But we succeeded. And for reasons I do not have to explain, this time Iraq is not the problem. This time it is Iran, which gives us a similar problem in terms of reaching a consensus outcome. Because whatever we would want to say about Iran, it needs to be said with

the agreement of Iran itself. Iran is in the position to block consensus. Because everything has to be agreed before the final agreement we cannot make a partial agreement. So that is going to be a great challenge to us diplomats to find the right words. Apart from that I can see some shades already between the European Union and the United States on this matter.

The Democratic People's Republic of Korea (DPRK) is of course a cause of great concern, but in practical terms considering the NPT, it is not as complicated as Iran because it is not necessary that the DPRK joins the consensus. We can say of the DPRK everything we want, because they are not there and that makes that problem at least a lot easier to resolve. It still is a problem while there are different views on the steps. This is a difficult legal problem and there are those who feel that withdrawing from the treaty was not legal because the DPRK was in fact non-compliant and did not have the right to withdraw. This is an interesting debate but for the Review Conference not one of the crucial issues. Diplomatically the DPRK plays no role.

The CTBT will also be one of the major potential standing blocks because the European Union and many others will never accept the final document without positive preferences to the force of the CTBT as first of the 13 steps. At the same time the United States will never accept a repetition of step one. How to resolve that? That is also a matter to be considered. You might opt for certain formulations that the largest majority of the members of the NPT support the final document entering into force, allowing for one country not be part of that majority.

In the meantime we do have a new problem, which emerged last July when the United States government felt that or concluded after a long review that effective verification of fissile material cut off treaty was not possible. Until then we did have an agreed mandate for these negotiations of the Fissile Material Cut-Off Treaty, the so-called Shannon Mandate. That consensus was broken. We now have to look for a new mandate, which is directly connected with the conference on disarmament in Geneva. There I had to make every effort to see if we could have a new mandate, which would predetermine the outcome [that should be required](#).

This process is still going on. And we are doing our utmost to try making some effort here before the NPT Review Conference starts. If we do not manage to have an agreement then the NPT can try to do the same thing, and the NPT may be in a better position to do that, because the initial complications in the conference on disarmament and the question of the fissile material cut off treaty is related to a number of other mandates; for instance mandates on nuclear disarmament and mandates on the prevention of arms race on outer space.

It will be necessary to update the 13 practical steps. A number of steps are simply no longer there, but those are more technical updates which, politically, are not too problematic. Others steps like the Comprehensive Test Ban Treaty and the Fissile Material Cut off Treaty will have to be dealt with one way or another. Transparency and accountability are important steps. The Netherlands attaches great importance to them. Tactical nuclear weapons are another part of the 13 practical steps that will need thorough consideration. Probably reinforcing the existing 13 steps that would be feasible, I am not going to mention all of them but most of them are problematic. There is the step on the conference on disarmament itself to agree on a list of issues which we have not managed to address since 2000, due to the linkage problem concerning China and the United States. These are formidable challenges. All of them will be extremely difficult to resolve because both the Review Conference and the conference on disarmament are extremely political. It is very difficult to get one thing agreed and make sure that other things are agreed as well. Parties are not in the

position to make further concessions so the real development normally starts in the last day of the conference. Anybody who thinks the 13 steps were carefully constructed is wrong. The whole document is a mess because there was no time to revise the document and formulate a logical structure. The 13 steps have been invented afterwards. One step is not even a step but an equitable commitment, which is not seen by many as a step anymore but a commitment.

The position of the Netherlands and the effort the Netherlands makes is to promote a successful outcome. First of all, of course, as soon as you start addressing the policy of the Netherlands in this perspective you start with the European Union. That is our first and foremost organization. At the same time I have to state that the European Union is problematic in terms of the NPT. There are two nuclear weapon states members in the European Union. There are some countries of the European Union member of the NAC, which makes an agreement on a common position, which we are trying to do at the moment, extremely problematic. The price that we will probably have to pay, will be the same as in 2000, and will not reflect a common denominator. It happened in 2000, when we were not happy with the common position. There was a common position, but it was not ambitious, at least not according to our taste. Our French friends wanted us to stick to that common position, because they had no expectations and agreed with the ambitions of that position. Fortunately the common position majority approach of the European Union was ended by the alignment of the nuclear weapon states. The Netherlands then felt they could forward our proposals as well. My expectation is that something similar will happen this time. We will have sufficient room to contribute to a successful outcome, which we did in 2000, in the form of a small coalition called the NATO-5. The five NATO countries were Germany, Italy, Belgium, Norway and of course the Netherlands. The Netherlands felt they would have more impact and more cloud if they formed this combination of countries to reach certain things then they could have alone. And this is still the case. Unfortunately the Germans and the Italians no longer want to join us, for different reasons. Germany does not want to undermine the European Union and NATO. The Netherlands has never seen it as a violation of NATO-strategy, or as a lack of solidarity with the European Union. The Netherlands has just seen it as trying to be helpful to the president of the Review Conference to give him useful language for the final document. I believe we have send to parliament the latest version of a document that Norway, Belgium and the Netherlands have developed and we are working on a updated version for the Review Conference. The well known elements or priorities are in it: the CTBT transparency, accountability, regular reporting by the unclear weapon states on their progress on nuclear disarmament. We want them to tell us about their numbers of warheads and deliver systems. We want to know about the stocks of fissile material. We want to know everything. Some nuclear weapons states still do not like that idea. Including the French. So those are the things we will push for.

Tactical nuclear weapons are another priority. We continue to ask for further reduction of these weapons. The big problem here is the Russian Federation. They have a very large number of these weapons, much more than the United States have. The problem is that the Russian federation says they only want to start the reduction of their nuclear weapons if the United States removes its forward deployed nuclear weapons in Europe. That is their precondition to reduce the stocks. Whether it would be unilateral or negotiated, reduction is in their view a second point.

These are a few of the highlights I wanted to address. It is impossible to be comprehensive and exhaustive, when one addresses such a broad issue as the NPT, but I hope I have given you an impression of what we will try to do in May.

## **‘Dangerous contradictions: NATO Nuclear Doctrine and the NPT.’**

Introduction by **Karel Koster**, Coordinator of the Project on European Nuclear Nonproliferation

It is perhaps useful to try and place this presentation in the context of the NPT Review Conference and the way I see this issue should be addressed. It is an issue that can work in a negative way but also in a positive way. It is not necessarily to describe it as I did in the title, as a dangerous contradiction of the existence of NATO-nuclear policy. Perhaps it provides an opportunity to understand the mechanism of the relapse.

Negotiations during the NPT Review Conference are going in a direction that in my view is more positive than the signs seem to show. Of course one has always the problem of making concessions on forehand, and showing one's hand before, which is not a very useful thing to do if we are talking about the real negotiating mechanisms. The NATO nuclear doctrine and the NPT is an issue that in my view is a contradiction in two ways: First, the NATO nuclear policy in itself is divided. I will show you in this presentation how it is divided; Second, there is also a contradiction with certain parts of the NPT, which I will address to in the second part of this presentation. After this I will follow up with some future trends, which might work out badly and finally some concluding remarks that I suppose are in the nature of recommendations.

NATO policy is a case of schizophrenia. I think the often quoted mister ElBaradei has stated it very succinctly last year at a conference in New York in May when he said: "We cannot just continue to say, well we have 25 countries, say the NATO countries who are aligned under the nuclear umbrella and everybody else should sit quietly in the cold. That, as I said, is no longer sustainable and there is a problem about the moral foundation of the NATO-regime based on this type of equality." I thought this was quite a useful statement to make because usually Mohammed ElBaradei's comments are broader. But in this specific instance he was referring specifically to the NATO-nuclear policy.

In the course of the nineties, after the end of the Cold War the contradiction appeared to grow within NATO itself. No small part of it probably came from the diplomatic efforts of a number of countries. I am thinking of mister Fischer's attempt to put the no-first-use question on the agenda but it failed. I am also thinking of the attempt by the Canadian government to put this issue on the agenda and to some extent they succeeded. In so doing we have this extremely interesting development of contradictory statements which continues right up to at least last years NATO's summit which on the one hand emphasizes continued reliance on nuclear deterrence and on the other hand supports arms control. The easiest way to describe that is by quoting the 1999 summit document in the strategic concept in which paragraph 62 states: "The fundamental purpose of the nuclear forces of the NATO allies is political. To preserve the peace and prevent cohesion at any time of war." They will continue to fulfill an essential role by insuring certainty by the nature of the outcome by military aggression. And then paragraph 63: 'A credible alliance, nuclear posture and the demonstration of alliance solidarity in common commitment to war prevention continue to require widespread participation by European allies involved in collective defense planning in nuclear roles in peacetime basing nuclear forces on the territory and in command control consultation arrangements.' Well that is pretty clear.

At the same time, in the summit communiqué, the famous ‘paragraph 2’ states: “Arms control, disarmament and non-proliferation will continue to play a major role in the achievement of the alliance security objective. There still is a longstanding commitment in this area. As part of its broad approach to security NATO actively supports arms control and disarmament, both conventional and nuclear and pursues its approach against proliferation of weapons of mass destruction.”

This duplication or ambivalence, in my eyes, one can explain by simply stating it is a sequential process and the one is just in place for the moment before other will be solved. To my mind it is a contradiction given the situation around the Review Conference, which also was pointed at by mister ElBaradei. This came more before in what we call the paragraph 32 report which was accepted in December 2000: the report on options on confidence and security-building measures, verification, non-proliferation, arms control and disarmament, in which on the one hand again a commitment to nuclear forces was made and on the other the entire 13 steps were taken up in precisely the same document.

This ambivalence or schizophrenia continues right through the years and I wont bore you by quoting them all but I believe it is significant because it reflects a difference of opinion within NATO circles about whether further movement should be made towards nuclear disarmament or not. In June 2004 we had the statement paragraph 14, the final communiqué of NATO summit. It says that alliance policy of support of arms control disarmament and non-proliferation will continue to play a major role in the achievement of the alliances security objectives including preventing the proliferation of weapons of mass destruction and the means to delivery. We stress the importance of all states abiding by and fully implementing the arms control disarmament and non-proliferation commitments. To strengthen consisting international arms control, disarmament and multilateral non-proliferation, export control regimes. In the final communiqué in December 2004 there is no reference what so ever to this subjects. It disappeared. The nuclear planning group, which is closer to this business, is especially noticeable to its deafening silence. At least as far as I know until last week there have been no communiqués or meetings, but it is their business, this nuclear NATO policy. To my mind it seems to be a process in which the people or countries that are pushing towards this arms control policy are slowly taking a silent position and the question disappear behind the horizon. The reason why this is nevertheless relevant is the existing arrangements. I think they are interesting to bring them up.

NATO has a nuclear policy. This much is clear. It still maintains. The membership of NATO is tight to underwriting NATO-nuclear policy that is to say, the preparedness to use nuclear weapons in certain circumstances. The way in which the NATO states are involved in this matter differs. The most interesting ones are the five which are involved in nuclear sharing. These include Italy, Germany, Turkey, Belgium and the Netherlands. They have not only stored nuclear weapons on their territory, but also trained pilots to fly nuclear missions, practice the nuclear missions and provide nuclear strike squadrons for the NATO nuclear mission in times of war. They neither confirm or deny that they do so. Or give the location of the nuclear weapons. So much for the faint transparency

We can have a fairly interesting perhaps ideological debate on whether this is contrary to the NPT and the agreement as it was signed. What I would like to emphasize is that it is a fairly clear political contradiction at the very least, to have an arrangement where you are preparing your member states to wage nuclear war on the one hand and at the same time claiming in the negotiation process at the NPT Review Conference

that in fact you are a non-nuclear weapon state. There is a problem there at the very least. The NATO nuclear doctrine is a condition for membership for NATO-countries and that of course brings us to the trends.

On the one hand, NATO has repeatedly told us everything is going down and disappearing and ultimately there will be perhaps in some day no more nuclear weapons or NATO-dedicated nuclear weapons. Not officially, but certainly some of the arguments that we talked about give that impression. But there is another trend and that is the enlargement of NATO, and the enlargement of the area of the number of countries involved in its nuclear policy. That is the precise reverse of the creation of a nuclear weapons free zone which is an important part of the policy of a number of non-nuclear weapon states in the southern hemisphere. We are getting a larger and larger part in the northern hemisphere, which is effectively put under a nuclear umbrella. This is a foolish course to take because we are basically wrecking our changes to be credible at the NPT in trying to stop others from proliferation or acquiring nuclear weapons. That is the key political argument against this business. In so far as American nuclear policy is changing after the nuclear posture review a few years ago, there has been a shift of the United States. As far as NATO-nuclear doctrine is tied to that, there are some signs that it is. If this is true there is a danger that we are signing as NATO states to this more aggressive and offensive US nuclear policy. That is another dangerous nuclear trend that I would warn against.

Now I come to the positive side or the challenge and the things that can be done about it. We have got a number of examples. The excellent Canadians who have actually in the past dropped their nuclear task where in a similar position to the five NATO countries which share nuclear weapons and are prepared to use them. In 2001 Greece did the same, quietly, they did not make a big thing about it and perhaps that was wise. We have therefore a precedent. We have at the moment in the Belgian parliament a resolution that should be coming to a vote in the upcoming weeks. The resolution calls for the removal of NATO tactical nukes from Belgian territory. And of course there will be all kinds of quivers about the time scheme, among others. It works in a positive way in the sense that it applies pressure towards a shift in NATO nuclear policy. Remember we are talking here about.

Finally, of course perhaps the NATO could consider itself having the no-first-use or negative security assurances into play that I know is an important point for the Netherlands. Why not making this point broader, why not bring it in the arena again. To me these things are ways of getting the debate going and above all it is a practical solution at the NPT Review Conference, perhaps within reach. Merely pretending this problem does not exist, denying it, is not going to solve anything

## **Key elements of the debate after the second round of introductions**

### *Reaction by the Netherlands M.P. Bert Koenders*

In his opening words Member of Parliament for the Social Democrats, Bert Koenders, raised the question of what we are going to do with the non-proliferation treaty and the current developments. He stressed that it is not getting as much attention politically as it should. It is nevertheless one of the core treaties of the international multilateral agreements and very important to our future. He addresses to the changing political situation after the signing of the NPT and CTBT. The sanctions that were laid upon India and Pakistan were given up to quickly by the international community. It showed that non-proliferation did not have the highest priority. Also with Iraq it was made clear that verification of the treaties was absolutely necessary to stop proliferation and weapons of mass destruction. With this in mind he talked about the way we can approach this lack of political support, because he thinks that saving the 13 steps is already very difficult. At the moment the only parties interested in this issue are Greens (GroenLinks), Social Democrats (PvdA) and Socialists (SP). Mr. Koenders pointed out that we have to make it a big issue and try to make it a priority in parliament. If we succeeded in making it a priority in the Netherlands we could improve our position towards the United States and the European Union. But he brought up two difficulties that make the situation rather complicated. One of them is the relation with the United States. The Netherlands needs to enlarge its maneuverable room but at the same time has to work on the relationship with the United States and consider his position in the European Union. The NPT issue should be on the table. Maybe if we link the problem to other issue which for example have to do with fissile material. He also pointed out a possible cooperation between Spain en the Netherlands while the NATO-5 is not possible anymore due to the pro-United States approach of Germany. There are new threats and challenges. The usability of nuclear weapons as a war-fighting strategy is a threat, although not entirely new. Going back to the NPT he stressed that there should be enough room for disarmament in the NPT. How is something that has to be thought about? Focusing on NATO he agrees that there is a controversy between the rules NATO-members follow on their nuclear strategy and at the same time bind themselves to the NPT-rules. In his view the nuclear weapons have to leave European soil, which would also enlighten the relations with the Russian Federation.

### *Moscow Treaty & UN resolution 1540*

During the Q&A, a number of participants argued that the Moscow Treaty was in no certain way a good substitute for the NPT. In their eyes, the 13 practical steps have been carefully constructed and cannot be replaced by a treaty, which has no transparency. Another treaty, which has been linked, to the NPT is resolution 1540 of the United Nations against the proliferation of nuclear weapons and nuclear material. One of the participants showed that this resolution might enhance the transparency because of the more comprehensive compliance countries are willing to give to the United Nations. He stated that perhaps even the United States will report more to the Security Council then to the NPT. However, '1540' is only focused on non-proliferation. Therefore, some argued, it might be wiser to work on the NPT then to concentrate on the possibilities of the UN resolution.



## *NATO*

In reaction to the speech of Karel Koster on the ambiguity of the nuclear doctrine of the NATO the question was raised what the role of NATO should be and if this still had to be based on a nuclear doctrine. What was clear from the discussion was that a debate on the tactical nuclear weapons is needed.

Most participants stressed the relevance of NATO, including in relation to nuclear issues. With regard to dealerting, the Organization could play a role in negotiations with the Russian Federation on this issue. However, some participants were very skeptical about the willingness to de-alert of not only Russia, but also of the United States. It was argued that if NATO as an organization was serious about dealerting and would agree to withdraw United States tactical nuclear weapons from Europe, then Russia will be serious about dealerting too.

### **Concluding remarks by Senator Roche**

The Middle Powers Initiative is dealing with governments. It is to governments that we wish to direct our work. They are the ones that are negotiating at the NPT, we are not there. What we have observed is that there is a strengthening taking place of what might be called moderate positions that I can believe lead to a successful NPT. Eight NATO states did vote for the New Agenda Coalition (NAC) resolution. The NAC contains the essential elements that found their way to the Atlanta Consultation II. What we have here are a set of recommendations that already carry the support of NAC and the eight NATO states. I would hope that those governments, including and especially the government of the Netherlands, would find ways to work together, going into the NPT review and at the NPT Review. The last time in 2000, the NAC found themselves negotiating with the nuclear weapon states, somewhat to the exclusion of others. I believe in a proactive cooperation by the eight NATO states and the New Agenda states, that follows up the work that is going on now in all these consultations have taken place. Essentially we want the same, namely that we need some concrete achievement.

Finally I think the United States is not impetuous to a strengthened approach brought to them by these strengthened middle powers. It has been said that some spokes persons in the United States said that they do not care, whether there is any final document or not. I would prefer to turn that around and say that it was the United States that led the way in 1995 for the indefinite extension. They campaigned hard and vigorously in order to get the NPT extended indefinitely. It was central to their own interest. I do not think that the central interest of the United States for the NPT has changed. I think the United States, at the end of the day, on the 28<sup>th</sup> of May, will adopt a totally negative position to some concrete achievable limiting positions that are brought to them by a consortium of the NAC and the eight NATO states. The Netherlands has an important role to play in effecting this situation that will be central to the success of the 2005 Review Conference.

### **Closing remarks by Jonathan Granoff**

Most of the world does not recognize how important the nuclear non-proliferation threat is. It really does not matter if the world does not recognize it as such. For our purposes, we know it is. Many people do not know how nuclear energy works. But it is a very important kind of knowledge. There are only a hand full of people in the world who really understand nuclear power, and the extraordinary dangers that nuclear power possesses. The fact that a lot of people do not know that does not undermine its importance. I think it in fact heightens our need to work amongst a very small group of people on the planet that knows that the NPT is absolutely essential to global security.

I want to say first that regardless of what happens at the NPT in May the importance on the NPT will remain. I am certain that the problems before us are not going to be resolved in May 2005. It would be extremely worthwhile if we plan on a follow-up here at Clingendael. This interchange is extremely valuable and would be even more valuable if we had a larger participating body. I think the ideas that have been shared, certainly merit a larger participating body. Every comment and every presentation I think works to a much more oxygenated open hearing. Formally, we would like to be able to come back and continue this process with the same issue that is going to be

before us and how do we deal with it at the other side of the NPT. I think the whole thing comes down to a practicality that is much more ... to understand in the environmental area. As I understand it, it is a tragedy of the commons. One shepherd with a myopia of self-interest decides to maximize its financial benefit. It is a very reasonable position, if you only care about your own position. That shepherd extensively grazes his commons. Other shepherds follow the example and soon the commons is overgrazed and every shepherd loses. Today, seventy percent of the fishing stocks are at risk from over-fishing. People want to maximize their profit. I think the same kind of thinking acts to security issues. If one country or a small group of countries says we are going to maximize our security interests to the detriment of the common security then the entire common itself is placed at risk. I think this is precisely what happens with weapons of mass destruction, nuclear weapons in particular. That a small group of countries has said, we are going to maximize our security interests without understanding that they are outing in motion the tragedy of the commons. The Netherlands has a history of a global perspective of seeing that principles and law are fundamental to civilization. I hope that the Netherlands can be one of the leaders in combining the world that we need to operate this universal principle of law and morality.

## **Programme of the Seminar ‘The NPT and the 2005 Review Conference’**

- 12:45 – 13.00                      Opening Maj. Gen. (ret.) RNLMC Kees Homan
- 13:00 – 14.15                      **Session 1: Short introductions on current developments regarding the NPT and the NPT Review Conference from an international perspective**
- Ambassador Robert T. Grey Jr., Director, Bipartisan Security Group  
*Diplomatic History and the Core Bargain of the Nuclear Non-proliferation Treaty*
- Senator Douglas Roche, Chairman, Middle Powers Initiative  
*Where We Are and What Needs to Be Done: The Role of the Middle Powers*
- Alyn Ware, Global Coordinator, Parliamentary Network for Nuclear Disarmament  
*The Role of Parliamentarians*
- Mr. Jonathan Granoff, President, Global Security Institute  
*Nuclear Weapons: The Challenge of the Modern Age*
- 14:15 – 14.45                      Discussion with Members of Parliament  
Q & A
- 14:45 – 15.00                      Break
- 15:00 – 16.15                      **Session 2: Short introductions on current developments regarding non-proliferation from a Netherlands governmental and NGO perspective, and the importance of the CTBT**
- Ambassador Jaap Ramaker Special Representative to Promote the Ratification of the CTBT  
*Current developments regarding the Comprehensive Test Ban Treaty*
- Ambassador Chris Sanders, Permanent Representative to the Netherlands on the Conference on Disarmament at Geneva  
*The Netherlands and the NPT and NPT-Review Conference*
- Karel Koster, Coordinator, Project on European Nuclear Nonproliferation  
*Dangerous contradictions: NATO Nuclear Doctrine and the NPT*
- 16:15 – 17.00                      Discussion with Members of Parliament  
Q & A
- 17:00 – 17.15                      Closure
- 17:15                                      Reception

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## Appendix

Atlanta Consultation II. On the future of the NPT. Nuclear disarmament & nonproliferation: a balanced approach, San Francisco: Middle Powers Initiative, 2005. Executive Summary and Recommendations.

### Executive Summary

The Middle Powers Initiative organized an Extraordinary Strategy Consultation on the Non-Proliferation Treaty 2005 Review Conference in cooperation with former U.S. President Jimmy Carter at The Carter Center in Atlanta, January 26-28, 2005. *Atlanta Consultation II: On the Future of the NPT* involved 75 participants and observers, including high-level representatives of key governments and non-governmental expert practitioners. The Consultation was modeled after the successful *Atlanta Consultation I*, which MPI held at The Carter Center in 2000.

The important dialogue during *Atlanta Consultation II* formed the basis for MPI's recommended policy options (see Recommendations) presented herein to the states party to the NPT for their consideration.

*Atlanta Consultation II* was based on the initiatives of the New Agenda Coalition (NAC) and MPI's briefing paper, *Building a Nuclear Weapons-Free Future* (See Appendix B). Well-established but unfulfilled pragmatic and effective steps toward nuclear disarmament were emphasized at the Consultation. They include reducing the operational status of nuclear weapons; negotiating a fissile materials treaty; applying the principles of transparency and irreversibility to U.S.-Russian arms reduction agreements; controlling/eliminating non-strategic weapons held by the United States and Russia; establishing a body in the Conference on Disarmament (C.D.) to deal with nuclear disarmament; and bringing the Comprehensive Test Ban Treaty into force.

The entire nuclear non-proliferation regime is under stress from the policies and doctrines of the

nuclear weapon states and from attempts by more states to go nuclear. As President Carter said at the opening plenary, "*It is disturbingly obvious that there has been no improvement over the situation as it was described in our previous meeting. In fact, proliferation and the behavior of the nuclear weapon states with regard to disarmament have worsened over the past five years.*"

The Consultation noted how shocking it is that, after three two-week meetings of the Preparatory

Committee, an Agenda for the Review Conference has not yet been agreed upon. It is improper for any state to obstruct the setting of an Agenda and attempt to go forward without recognizing the results of the 1995 and 2000 Review Conferences. The Agenda for 2005 must refer to the specific matters of substance as well as the resolution on the Middle East adopted in 1995, and also the outcome of the 2000 Review Conference, including developments affecting the operation and purposes of the Treaty.

The President-designate of the Review Conference has a right to expect support from the parties on this issue. Lack of an agreed agenda may block the work of the Conference and precipitate a long and fruitless discussion, preventing meaningful debate on the substantive issues. Different parties have different views on what would constitute a successful Conference. All parties agree, however, that the Conference

should strive to preserve and strengthen the credibility of the Treaty so that it can be effective and lasting.

MPI calls on all governments to assert in public declarations—prior to the 2005 Review Conference—the integrity of the strengthened review process decided upon in 1995 and enhanced in 2000. Any reopening of the debate on commitments agreed upon at the Review Conferences since 1995 would invariably lead to an undermining of the Treaty. It is of utmost importance for the review process to continue from the point of the 13 Practical Steps arrived at by consensus in 2000 and move forward from there.

A successful outcome is linked to the ability of the Review Conference to address equally every aspect of the Treaty. The strengthening of the commitments contained in the NPT regarding nuclear non-proliferation and nuclear disarmament should be done in a balanced way. Reinforcement of non-proliferation provisions should be carried out along with a stronger adherence to the commitment to nuclear disarmament contained in Article VI.

A key issue is how to preserve the integrity and credibility of the Treaty in face of recent doubts about compliance and of withdrawn support from political commitments accepted in previous Review Conferences. Lack of trust in the fulfillment of non-proliferation obligations and backtracking from previous disarmament commitments only erodes the credibility of the Treaty.

On the disarmament side of the equation, agreement is within reach on a programme of work in the Conference on Disarmament encompassing commencement of negotiations on a fissile materials treaty and establishment of a body to deal with nuclear disarmament. It is vital to finally and definitively overcome the deadlock that has stalemated the C.D. for years, prior to or at the Review Conference. Doing so in advance of the Conference would greatly enhance prospects for a cooperative outcome.

The present crisis regarding compliance with non-proliferation obligations by North Korea, and to a lesser extent Iran, points to the obvious need to ensure that the safeguards and verification system provided for in Article III works effectively. In light of recent episodes that gave rise to accusations of lack of compliance, there is a need to strengthen the non-proliferation provisions of the Treaty. Adherence to the Additional Protocol on Safeguards should become a universal standard for compliance with non-proliferation obligations and treatment as a member in good standing of the NPT with access to nuclear fuel.

A more far-reaching non-proliferation-related proposal has come from IAEA Director-General Mohamed ElBaradei, who called for "*working towards multilateral control over the sensitive parts of the nuclear fuel cycle—enrichment, reprocessing, and the management and disposal of spent fuel.*" The matter is extremely sensitive. Non-nuclear weapon states regard access to technology as their right under Article IV of the NPT. However, it was understood from the beginning of the nuclear age that the spread of nuclear technology, especially the means of producing fuel for nuclear reactors, would also provide the foundation for nuclear weapons programmes. For reasons of effectiveness, legitimacy, and promotion of global norms generally, states should seriously consider proposals for multilateral controls.



## **Recommendations**

The Middle Powers Initiative recommends the following policy options to states party to the Nuclear Non-Proliferation Treaty for their consideration:

1. A successful outcome of the Review Conference depends on its ability to address equally every aspect of the Treaty. The strengthening of the commitments contained in the NPT regarding nuclear non-proliferation and nuclear disarmament should be done in a balanced way.
2. The Review Conference must refer to the substance of the consensus decisions from the 1995 and 2000 Conferences, including the 13 Practical Steps adopted in 2000 and the Resolution on the Middle East adopted in 1995.
3. The United States and Russia should build upon their progress in the Moscow Treaty by applying the principles of transparency, irreversibility, and verification to reductions under the Treaty, and by negotiating further deep, verified, and irreversible cuts in their total arsenals, encompassing both warheads and delivery systems.
4. Russia and the United States should engage in a wider process of control of their non-strategic weapons, through formalization and verification of the 1991-1992 initiatives, transparency steps, security measures, U.S. withdrawal of its bombs deployed on the territories of NATO countries, and commencement of negotiations regarding further reduction/elimination of non-strategic weapons.
5. Nuclear weapon states should implement their commitment to decreasing the operational readiness of nuclear weapons systems ("de-alerting") by planning and executing a programme to stand down their nuclear forces, culminating in a global stand-down by the 2010 Review Conference.
6. Nuclear weapon states should further implement their commitment to diminishing the role of nuclear weapons in their security policies by not researching or developing modified or new nuclear weapons and by beginning negotiations on a legally-binding instrument on the non-use of nuclear weapons against non-nuclear weapon states party to the NPT.
7. States should begin and rapidly conclude negotiations on a treaty banning the production of fissile materials for nuclear weapons in accordance with the 1995 statement of the Special Coordinator and the mandate contained therein, with the understanding that negotiations can and should address a range of issues, including dealing with existing military materials. As soon as possible a technical advisory panel should be created to assist with issues regarding verification of the treaty. In addition, states should work to develop a global inventory of weapons-useable fissile materials and warheads, and the nuclear weapon states should accelerate placing their "excess" military fissile materials under international verification. States should seriously consider proposals to ban production of all weapons-usable fissile materials, and to establish multilateral controls on uranium enrichment and plutonium reprocessing technology and a moratorium on supply and acquisition in the meantime.

8. Adherence to the Additional Protocol on Safeguards should become a universal standard for compliance with non-proliferation obligations and treatment as a member in good standing of the NPT with access to nuclear fuel.

9. Prior to or at the Review Conference, a firm agreement should be reached on a programme of work in the Conference on Disarmament that includes a subsidiary body to deal with nuclear disarmament. Achieving such an agreement in advance would greatly enhance the prospects for a cooperative outcome to the conference. Should it not prove possible to overcome the deadlock on a programme of work, alternative venues should be pursued.

10. The Comprehensive Test Ban Treaty should be brought into force at an early date. In the meantime, states should continue to observe the moratorium on nuclear testing, fund the Preparatory Commission for the Comprehensive Test Ban Treaty Organization, and support completion of the International Monitoring System.

11. States should use the opportunity provided by the NPT review process to build upon the 13 Practical Steps to undertake deeper consideration of the legal, political and technical requirements for the elimination of nuclear weapons, in order to identify steps that could be taken unilaterally, bilaterally, and multilaterally that would lead to complete nuclear disarmament. The United Kingdom's initiative on verification, the New Agenda Coalition's proposals on security assurances and the strengthening and expanding of Nuclear Weapon Free Zones are positive examples in this regard. Such consideration should include the investigation of means to enhance security without relying on nuclear weapons.

### **13 Practical Steps Excerpted From the Final Document of the NPT 2000 Review Conference**

The Conference agrees on the following practical steps for the systematic and progressive efforts to implement Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraphs 3 and 4 (c) of the 1995 Decision on “Principles and Objectives for Nuclear Non-Proliferation and Disarmament”:

1. The importance and urgency of signatures and ratifications, without delay and without conditions and in accordance with constitutional processes, to achieve the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty.
2. A moratorium on nuclear-weapon-test explosions or any other nuclear explosions pending entry into force of that Treaty.
3. The necessity of negotiations in the Conference on Disarmament on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices in accordance with the statement of the Special Coordinator in 1995 and the mandate contained therein, taking into consideration both nuclear disarmament and nuclear non-proliferation objectives. The Conference on Disarmament is urged to agree on a programme of work which includes the immediate commencement of negotiations on such a treaty with a view to their conclusion within five years.
4. The necessity of establishing in the Conference on Disarmament an appropriate subsidiary body with a mandate to deal with nuclear disarmament. The Conference on Disarmament is urged to agree on a programme of work which includes the immediate establishment of such a body.
5. The principle of irreversibility to apply to nuclear disarmament, nuclear and other related arms control and reduction measures.
6. An unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament to which all States parties are committed under Article VI.
7. The early entry into force and full implementation of START II and the conclusion of START III as soon as possible while preserving and strengthening the ABM Treaty as a cornerstone of strategic stability and as a basis for further reductions of strategic offensive weapons, in accordance with its provisions.
8. The completion and implementation of the Trilateral Initiative between the United States of America, the Russian Federation and the International Atomic Energy Agency.
9. Steps by all the nuclear-weapon States leading to nuclear disarmament in a way that promotes international stability, and based on the principle of undiminished security for all:

- \* Further efforts by the nuclear-weapon States to reduce their nuclear arsenals unilaterally.
- \* Increased transparency by the nuclear-weapon States with regard to the nuclear weapons capabilities and the implementation of agreements pursuant to Article VI and as a voluntary confidence-building measure to support further progress on nuclear disarmament.
- \* The further reduction of non-strategic nuclear weapons, based on unilateral initiatives and as an integral part of the nuclear arms reduction and disarmament process.
- \* Concrete agreed measures to further reduce the operational status of nuclear weapons systems.
- \* A diminishing role for nuclear weapons in security policies to minimize the risk that these weapons ever be used and to facilitate the process of their total elimination.
- \* The engagement as soon as appropriate of all the nuclear-weapon States in the process leading to the total elimination of their nuclear weapons.

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

11. Reaffirmation that the ultimate objective of the efforts of States in the disarmament process is general and complete disarmament under effective international control.

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

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