

# **“The Middle Powers Initiative and Alternative Multilateral Approaches”**

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Prepared for “Lessons Learned from Non-Proliferation Failures  
and Successes”

Moscow  
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It is an honor to speak here today on behalf of the Middle Powers Initiative (MPI), a non-governmental program dedicated to the worldwide reduction and elimination of nuclear weapons. My most heartfelt thanks go to the organizers and sponsors for gathering such an outstanding group of experts and hosting us so very well. Special thanks are due to Alexander Nikitin.

I represent the Global Security Institute, the non-governmental organization that proudly houses the Middle Powers Initiative, and we are but one NGO that seeks to make a contribution to enriching the public debate and perspective of official decision-makers by advancing nuclear non-proliferation and disarmament based on principles of global security and the rule of law. In other words, we are not constrained by the prism of purely national interests and can approach an issue from a universal perspective. We firmly believe that threats posed by nuclear weapons are best understood in that framework.

We believe that nuclear weapons themselves are more of a problem than any problem they seek to solve and that they are unworthy of civilization. We believe that the world will be far safer without them and that as long as any country has them the stimulus for their proliferation will remain. Our focus is thus global and not just national.

It is all the more heartening that I am invited to speak to you today as a representative of civil society. We are, after all, as President Putin said in his February 10 address in Munich, living in a multipolar world, guided not just by military and strategic concerns, but rather a multiplicity of political, economic, cultural and moral imperatives. Unilateral or even plurilateral approaches to our global security are not sustainable or effective. Only true multilateralism, imbued with principles of democracy, inclusivity and sustainability will enhance the security and well-being of all peoples. Civil society participation is a critical element of such a system, as affirmed by the Secretary-General's Panel of Eminent Persons on United Nations-Civil Society Relations.

There is no global problem that so clearly requires the multilateral approach expressed by President Putin than that of the scourge of nuclear weapons, the greatest threat to global security. The acquisition, use and threat of use of nuclear weapons is not a national or even an international problem, but rather is global in its scope. Any nuclear catastrophe—whether a nuclear terrorist attack, an interstate nuclear war, or a nuclear accident à la Chernobyl—would have devastating consequences on a regional, if not global scale. The illicit networks that transfer nuclear materials are themselves global entities. Solutions require multilateral cooperation.

Our multipolar world, however, is not an egalitarian one, as President Putin noted in Munich. The interests of the most powerful consistently override or even ignore the interests of the majority. The effect is that even our most revered multilateral institutions are not fulfilling their potential to maintain a global security regime based

on the rule of law. What we have been witnessing, in effect, is a reign of what Dr. Hans Blix called “ad hockery”, wherein one or a handful of countries circumvent multilateral processes and laws to advance their own interests, at the expense of our international legal regime and the civilized society that such a law-based regime builds.<sup>1</sup>

The weakening of multilateral processes manifested most terribly in 2005, when the Review Conference of states party to the nuclear Non-Proliferation Treaty (NPT) failed to agree on ways to advance the disarmament and non-proliferation regime. 10 years after all states party to the NPT agreed to extend the treaty indefinitely, progress on disarmament has remained unacceptably slow. I have circulated and attach hereto as Exhibit A an article from the *Journal of International Law and Politics* titled “The Nuclear Non-proliferation Treaty and Its 2005 Review Conference: A Legal and Political Analysis.”

We are living with a core contradiction: nuclear weapon states (NWS) want to keep their nuclear weapons indefinitely and at the same time condemn others who would attempt to acquire them. As Mohammed ElBaradei, head of the IAEA, has said, “you cannot... dangle the cigarette from your mouth and tell everybody else not to smoke. It is not doable.”

The rhetoric from the NWS remains firmly in favor of disarmament, though this is not reflected in their actions. The UK took a decision to renew their Trident system into the next century. In the US, the administration expresses its strong desire to build a new generation of nuclear weapons, the Reliable Replacement Warhead, and Russia is seeking to modernize its forces. China and France have not made any significant cuts since they affirmed, along with the other five NWS in 2000, their “unequivocal undertaking... to accomplish the total elimination of their nuclear arsenals.”

This incoherence in policy leads to instability in cooperation. As a result of weak action on disarmament, we have been unable to amass a strong consensus on non-proliferation. Nothing could be more hazardous in today’s globalized world.

It is not enough to affirm one’s commitment to disarmament without undertaking actions that work to fulfill the commitment. As authoritative former US policymakers Schultz, Perry, Kissinger and Nunn wrote in a *Wall Street Journal* op/ed this year, “Without the bold vision, the actions will not be perceived as fair or urgent. Without the actions, the vision will not be perceived as realistic or possible.”<sup>2</sup> UK Foreign

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<sup>1</sup> Dr. Hans Blix, Chairman of the Weapons of Mass Destruction Commission, asserted that civilized society requires the primacy of law and third party mediation in an extemporaneous speech to the Article VI Forum in Vienna, March, 2007. The recent domination of ad hoc approaches to security, what he collectively termed “ad hockery”, constitutes a threat to civilized mediation and arbitration. See [www.middlepowers.org](http://www.middlepowers.org) for more speeches and documents from the Article VI Forum in Vienna.

<sup>2</sup> Schultz, George, William Perry, Henry Kissinger and Sam Nunn, “A World Free of Nuclear Weapons,” *Wall Street Journal*, January 4, 2007. See: [http://www.gsinstitute.org/docs/01\\_04\\_07\\_WSJ.pdf](http://www.gsinstitute.org/docs/01_04_07_WSJ.pdf). For

Secretary Margaret Beckett endorsed this statement just this week, in a powerful speech to the Carnegie Endowment in Washington.<sup>3</sup>

The Global Security Institute, founded by the visionary Senator Alan Cranston and advised by an extraordinary network of global leaders—including former Soviet President Mikhail Gorbachev—seeks to advance exactly the type of bold vision that nuclear abolition requires.<sup>4</sup> The Middle Powers Initiative, informed by the political and moral authority of middle power countries which have forgone the development of nuclear weapons, promotes the type of security-enhancing, threat-reducing actions that will fulfill our courageous vision.

The abject failure of the 2005 Review Conference and the predominance of ad hoc, non-legal approaches to security inspired the Middle Powers Initiative to host the Article VI Forum, a project intended to stimulate and shape effective disarmament and non-proliferation policies.

MPI has thus far convened four meetings of the Article VI Forum (A6F): first at the United Nations in New York, and then subsequent meetings in The Hague, Ottawa and most recently in Vienna. These are high-level meetings with key diplomats and leaders, exploring the political, legal and technical elements required for a nuclear weapon-free world.

After the last consultation in Vienna, held one month prior to the first preparatory committee meeting of the 2010 Review Conference, MPI produced a position paper, entitled *Towards 2010: Priorities for NPT Consensus*, which is attached hereto as Exhibit B, that outlines specific areas where progress can be made on a consensus basis:

- **verified reduction of nuclear forces, in particular by the US and Russia;**
- **de-alerting, or the standing down of nuclear forces;**
- **starting negotiations on a Fissile Material Cut-off Treaty;**
- **achieving the entry-into-force of the Comprehensive nuclear Test-Ban Treaty;**
- **strengthening negative security assurances;**
- **improved NPT governance; and**
- **the regulation of nuclear fuel production.**

These seven priorities, we believe, constitute a near consensus and are ripe for progress. However, we fully realize that there are other issues which need focused

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commentary by GSI leadership on the op/ed, see:

[http://www.gsainstitute.org/gsi/newsletter/newsletter\\_2007-01-17.html](http://www.gsainstitute.org/gsi/newsletter/newsletter_2007-01-17.html).

<sup>3</sup> Read the text of Secretary Beckett's speech:

<http://www.carnegieendowment.org/events/index.cfmfa=eventDetail&id=1004&&prog=zgp&proj=znpp>

<sup>4</sup> For a complete listing of GSI's distinguished Advisory Board, see:

<http://www.gsainstitute.org/gsi/advisors.html>

diplomatic and political attention such as a Middle East zone free from weapons of mass destruction.

As an aside, all of the proposals we are supporting enhance the security of every nation and actually diminish the security of none. Moreover they strengthen international law and cooperation amongst nations thus making us all safer.

The majority of the world's people and governments desire a world free of nuclear weapons. There still exists, however, a minority of governments—a very small minority, mind you—that believe that nuclear weapons enhance their security. However, as the Nobel Peace Laureates recently declared, “In the hands of anyone, the weapons themselves remain an unacceptable, morally reprehensible, impractical and dangerous risk.”<sup>5</sup> The *Wall Street Journal* op/ed, written by individuals so clearly identified with a realistic approach to international security, reinforces these conclusions of the Nobel Laureates, men and women strongly identified with a morally informed perspective.

This represents a confluence of moral and political authority like none we have seen since the start of the nuclear age. The time to fulfill the bold vision of nuclear abolition has come. And I feel privileged to work with all of you, and the rest of the world's governments and peoples, towards achieving that vision.

Thank you.

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<sup>5</sup> The Rome Declaration of the Nobel Peace Laureates, November, 2006. See: [http://www.gsainstitute.org/gsi/newsletter/newsletter\\_2007-01-17.html#rd](http://www.gsainstitute.org/gsi/newsletter/newsletter_2007-01-17.html#rd).

## **Exhibit A**

“The Nuclear Non-Proliferation Treaty and its 2005 Review Conference: A Legal and Political Analysis,” *Journal of International Law*, Summer 2007.

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THE NUCLEAR NONPROLIFERATION TREATY AND  
ITS 2005 REVIEW CONFERENCE: A LEGAL AND  
POLITICAL ANALYSISBY JONATHAN GRANOFF<sup>1</sup>

Nuclear weapons continue to pose the greatest threat to the survival of humanity, and their destructive capacity is beyond comprehension. It is noteworthy that the very first resolution of the General Assembly of the United Nations called for the elimination of atomic bombs.<sup>2</sup> “The atomic bomb used against Hiroshima in 1945 was [about] 12.5 kilotons, the equivalent . . . of 12,500 tons of TNT.”<sup>3</sup> By the mid 1950s both the United States and the Soviet Union had

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1. President of the Global Security Institute, co-chair of the Blue Ribbon Task Force on Non-Proliferation, Senior Advisor to the Committee on National Security and Member of the Council of the International Law Section of the American Bar Association. He serves on numerous other governing and advisory boards including the Lawyers Committee on Nuclear Policy, the Lawyers Alliance for World Security, the Jane Goodall Institute, the Bipartisan Security Group, and the Middle Powers Initiative. Mr. Granoff has lectured worldwide emphasizing the legal, ethical, and spiritual dimensions of human development and security, with a specific focus on the threat posed by nuclear weapons. He is an award-winning screenwriter and has been featured in more than fifty publications. For the past four years he has had the privilege of representing the International Peace Bureau, a Nobel Peace Laureate organization, at the Nobel Peace Laureate Summit in Rome, where he has chaired a special session on Terrorism and Threats to Humanity. Mr. Granoff earned his B.A. cum laude from Vassar College and his Juris Doctor from Rutgers University School of Law.

2. Resolution I (1) “was adopted unanimously on January 24, 1946 at the First Session of the General Assembly of the United Nations.” *See* Model Nuclear Weapons Convention, U.N. GAOR, 52nd Sess., Agenda Item 71, at 11, U.N. Doc A/C.1/52/7 (Nov. 17, 1997).

3. AMBASSADOR THOMAS GRAHAM, JR., COMMON SENSE ON WEAPONS OF MASS DESTRUCTION. 10 (2004).

developed “nuclear weapons in the megaton range, equivalent to one million tons of TNT,” and some in excess of twenty megatons.<sup>4</sup> One megaton would compare “to a freight train loaded with TNT, stretching from New York to Los Angeles.”<sup>5</sup> There are approximately 27,000 of these horrific devices, thousands of which remain on hair trigger alert, which increases risks of accidents, misunderstandings or even deliberate use.<sup>6</sup> The potential horror that could be effected by these weapons is enormous.<sup>7</sup>

Public appreciation of the destructive force of these devices is inadequate. General George Lee Butler, who as former Commander-in-Chief of U.S. Strategic Air Command (1991-1992) and U.S. Strategic Command (1992-1994) was responsible for all nuclear forces in the U.S. Air Force and Navy, stated forcefully: “Despite all the evidence, we have yet to fully grasp the monstrous effect of these weapons, that the consequences of their use defy reason, transcending time and space, poisoning the Earth and deforming its inhabitants.”<sup>8</sup> Nuclear weapons, he concluded, are “inherently dangerous, hugely expensive and militarily inefficient.”<sup>9</sup> Hence, the Nuclear Nonproliferation Treaty (NPT),<sup>10</sup> the central legal instrument

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4. *Id.*

5. *Id.*

6. WEAPONS OF MASS DESTRUCTION COMMISSION, WEAPONS OF TERROR: FREEING THE WORLD OF NUCLEAR, BIOLOGICAL AND CHEMICAL ARMS 87 (2006), available at [http://www.wmdcommission.org/files/Weapons\\_of\\_Terror.pdf](http://www.wmdcommission.org/files/Weapons_of_Terror.pdf). See also STANSFIELD TURNER, CAGING THE NUCLEAR GENIE 18-19 (1997).

7. Admiral Stansfield Turner, former Director of the United States Central Intelligence Agency, illustrated the effects of a nuclear explosion: The fireball created by a nuclear explosion will be much hotter than the surface of the sun . . . and it will be hundreds or thousands of times brighter than the sun at noon. If the fireball is created by the detonation of a 1-MT [megaton] nuclear weapon, for example, within roughly eight- to nine- tenths of a second each section of its surface will be radiating about three times as much heat and light as a comparable area of the sun itself. . . This flash of incredibly intense, nuclear driven sunlight could simultaneously set an uncountable number of fires over an area of close to 100 square miles.

*Id.* app. A, at 127-28. According to Turner, there is the power of nearly “1 million Hiroshima-type bombs” in today’s approximately 30,000 nuclear warheads. *Id.* at 9.

8. CHARLES J. MOXLEY, JR., NUCLEAR WEAPONS AND INTERNATIONAL LAW IN THE POST COLD WAR WORLD 535 (2000) (quoting Otto Kreisher, *Retired Generals Urge End to Nuclear Arsenal*, SAN DIEGO UNION-TRIB., Dec. 5, 1996, at A1).

9. *Id.*

10. See Treaty on the Non-Proliferation of Nuclear Weapons, July 1, 1968, 21 U.S.T. 483, 729 U.N.T.S. 161; see also DOUGLAS ROCHE, AN UNACCEPTABLE



containing and constraining their spread, is essential to our security. According to Ambassador Robert T. Grey, a former U.S. arms control negotiator, the NPT is “in many ways an agreement as important as the UN Charter itself.”<sup>11</sup>

The NPT arose because intelligence estimates during the 1960s reported that by the end of the 1970s there would be “twenty-five to thirty states with nuclear weapons integrated into their national arsenals and ready for use.”<sup>12</sup> Because of the success of the NPT, we have escaped a “nightmarish” alternate world where dozens of nuclear-weapon States threaten civilization, where it is therefore impossible to keep these devices “out of the hands of terrorists,” and where nearly every political crisis risks “going nuclear.”<sup>13</sup>

The treaty came into force in 1970 and has effectively constrained proliferation. Its success is based on a careful “bargain” which is described by Ambassador Thomas Graham, Jr., who led the U.S. negotiating team at the 1995 Review and Extension Conference of the NPT:

In exchange for a commitment from the non-nuclear weapon states (today, some 182 nations) not to develop or otherwise acquire nuclear weapons and to submit to international safeguards intended to verify compliance with the commitment (Article 2), the NPT nuclear weapon states promised unfettered access to peaceful nuclear technologies (e.g. nuclear power reactors and nuclear medicine; Article 4), and pledged to engage in disarmament negotiations aimed at the ultimate elimination of their nuclear arsenals (Article 6).<sup>14</sup>

To understand current tensions related to the treaty, a brief review of its history is valuable.

During the negotiation process that created the NPT, several prominent non-nuclear weapons states (NNWS), including Germany, Italy, and Sweden, refused to allow the treaty to be permanent. Instead, they ensured that it would be reviewed after twenty-five

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RISK at app. 99 (1995).

11. Robert T. Grey, *Preface* to GLOBAL SECURITY INSTITUTE, STATUS OF THE NUCLEAR NON-PROLIFERATION TREATY (2003), *available at* [http://www.gs institute.org/gsi/pubs/06\\_03\\_npt\\_brief.pdf](http://www.gs institute.org/gsi/pubs/06_03_npt_brief.pdf). The only countries not party to the treaty are Israel, India, Pakistan and, since its withdrawal, North Korea. All other countries in the world are bound by its terms. *See* GLOBAL SECURITY INSTITUTE, STATUS OF THE NUCLEAR NON-PROLIFERATION TREATY 1 (2003).

12. GRAHAM, *supra* note 3, at 10.

13. *Id.*

14. *Id.* at 52.

years, and at that time would either be extended for a fixed period, indefinitely extended (Article X), or terminated. However, by the 1995 Review and Extension Conference, many NNWS were extremely dissatisfied with the progress on disarmament of the nuclear weapons states (NWS)—U.S., Russia, U.K., France, and China—and argued that they would not accept the inequity of a dual global system of nuclear haves and have-nots. They demanded and obtained a new bargain containing a Statement of Principles and Objectives for Nuclear Nonproliferation and Disarmament which “politically, if not legally, condition[ed] the indefinite extension of the treaty.”<sup>15</sup> The Statement pledged to accomplish the following:

1. Complete a “Comprehensive Test Ban Treaty . . . by the end of 1996”
2. Reaffirm the commitment “to pursue . . . nuclear disarmament”
3. Commence “negotiations for a treaty to stop” production “of nuclear bomb material[s]”
4. “Sharply reduce global nuclear arsenals”
5. Encourage “the creation of nuclear-weapon-free zones”
6. Vigorously work to make the treaty universal by bringing in Israel, Pakistan and India, who have nuclear weapons and remain outside the treaty
7. Enhance IAEA [International Atomic Energy Agency] safeguards and verification capacity
8. Reinforce negative security assurances already given to NNWS “against the use or threat of use of nuclear weapons against them. . . .”<sup>16</sup>

The bargain to extend the treaty centered on a strengthened review process with almost yearly preparatory conferences and a rigorous review every five years to ensure “[t]he determined pursuit by the nuclear-weapon states of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goals of eliminating those weapons . . . .”<sup>17</sup>

Five years later, the 2000 Review Conference successfully reached a consensus on thirteen practical steps to advance the

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15. *Id.* at 53.

16. *Id.* at 54.

17. Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, 1995, *Final Document, Part I: Organization and Work of the Conference*, at 10, U.N. Doc. NPT/CONF.1995/32.

commitment to lower the salience of nuclear weapons in policies, reinforce nonproliferation measures, and move toward the elimination of nuclear weapons. All 187 States Parties agreed on the following issues:

1. Signing the CTBT: The importance and urgency of signatures and ratifications, without delay and conditions, and in accordance with constitutional processes to achieve the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT).
2. Stopping Testing: A moratorium on nuclear-weapon-test explosions or any other nuclear explosions pending entry into force of the CTBT.
3. Fissile Material Cut Off Treaty: The necessity of negotiations in the Conference on Disarmament on a non-discriminatory, multilateral, and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices. The Conference on Disarmament is urged to agree on a program of work that includes the immediate commencement of negotiations on such a treaty with a view to their conclusion within five years.
4. Negotiations on Nuclear Disarmament: The necessity of establishing in the Conference on Disarmament an appropriate subsidiary body with a mandate to deal with nuclear disarmament. The Conference on Disarmament is urged to agree on a program of work that includes the immediate establishment of such a body.
5. Irreversibility: The principle of irreversibility to apply to nuclear disarmament and nuclear and other related arms control and reduction measures.
6. Commitment to Progress on Elimination: An unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament to which all States Parties are committed under Article VI.
7. Upholding Existing Treaties: The early entry into force and full implementation of START II and the conclusion of START III as soon as possible while preserving and strengthening the ABM Treaty as a

cornerstone of strategic stability and as a basis for further reductions of strategic offensive weapons in accordance with its provisions.

8. Implementing Existing Treaties: The completion and implementation of the Trilateral Initiative between the United States, the Russian Federation, and the International Atomic Energy Agency.
9. Progress by NWS: *Steps by all the nuclear-weapon States leading to nuclear disarmament in a way that promotes international stability and is based on the principle of undiminished security for all:*
  - a. Further efforts by the nuclear-weapon States to reduce their nuclear arsenals unilaterally.
  - b. Increased transparency by the nuclear-weapon States with regard to their nuclear weapons capabilities and the implementation of agreements pursuant to Article VI as a voluntary confidence-building measure to support further progress on nuclear disarmament.
  - c. 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.
  - d. Concrete agreed measures to further reduce the operational status of nuclear weapons systems.
  - e. A diminishing role for nuclear weapons in security policies to minimize the risk that these weapons will ever be used and to facilitate their total elimination.
  - f. The engagement as soon as appropriate of all the nuclear-weapon States in the process leading to the total elimination of their nuclear weapons.
10. Excess Fissile Materials Under IAEA Control: Arrangements by all nuclear-weapon States to place, as soon as practicable, fissile material designated by each of them as no longer required for military purposes under IAEA or other relevant international verification and arrangements for the disposition of

- such material for peaceful purposes, to ensure that such material remains permanently outside of military programs.
11. General and Complete Disarmament: Reaffirmation that the ultimate objective of the efforts of States in the disarmament process is general and complete disarmament under effective international control. This commitment was disjoined from nuclear disarmament obligations.
  12. Reporting: Regular reports, within the framework of the NPT strengthened review process, by all States parties on the implementation of Article VI and paragraph 4(c) of the 1995 Decision on “Principles and Objectives for Nuclear Non-Proliferation and Disarmament,” and recalling the Advisory Opinion of the International Court of Justice of 8 July 1996.
  13. Verifying: The further development of the verification capabilities that will be required to provide assurance of compliance with nuclear disarmament agreements for the achievement and maintenance of a nuclear-weapon-free world.<sup>18</sup>

Despite the initial progress made by the NPT, the process has slowed down significantly over the last few years. The commitments that produced the consensus in 2000 lost the support of the United States. Without active U.S. leadership, hopes for progress on nuclear nonproliferation and disarmament were dashed from the outset of the 2005 Review Conference, which was held at the U.N. in May 2005.<sup>19</sup> The States that were parties to the treaty were unable to generate even a timely working agenda, and fifteen out of twenty days were squandered on procedural battles. The procedural squabbles masked real differences on substantive political issues. Due to the time wasted

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18. Reaching Critical Will, *The Promises of the 2000 NPT Review Conference*, <http://www.reachingcriticalwill.org/legal/npt/13point.html>. See also Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, 2000, *Final Document, Part I: Review of the operation of the Treaty, taking into account the decisions and the resolution adopted by the 1995 Review and Extension Conference*, at 3, U.N. Doc. NPT/CONF.2000/28; *2000 NPT Review Conference Final Document*, ARMS CONTROL TODAY, JUNE 2000, at 28, available at [http://www.armscontrol.org/act/2000\\_06/docjun.asp](http://www.armscontrol.org/act/2000_06/docjun.asp).

19. Jimmy Carter, *Erosion of the Nonproliferation Treaty*, INT’L HERALD TRIB., May 2, 2005, available at <http://www.iht.com/articles/2005/05/01/opinion/edjimmy.php>.

on procedural issues, there was inadequate time left to work out the substantive details of the treaty even though there had been four preparatory conferences beginning in 2002. Warnings of this deadlock came as early as the Preparatory Conference of 2003 with the withdrawal of North Korea, the severe criticism of Iran's fuel program, and the push of the U.S. administration to advance its new "bunker buster" nuclear weapon. Thus, despite the efforts of the world's best diplomats, no substantive progress on disarmament or nonproliferation was made at the Conference in 2005. In view of these difficulties, the Mayor of Hiroshima gravely stated that "we stand today on the brink of hyper-proliferation and perhaps of repeating the third use of nuclear weapons"<sup>20</sup>

At the commencement of the 2005 Review, U.N. Secretary General Kofi Annan warned against further stalemate when he asked delegates "to imagine, just for a minute," the consequences of a nuclear attack on a great city.<sup>21</sup> He predicted the basis for the ensuing impasse accurately when he made the following distinction: "Some will paint proliferation as a grave threat. Others will argue that existing nuclear arsenals are a deadly danger."<sup>22</sup>

The 2005 agenda stalled along several fault lines. The United States would not permit the commitments already made under the treaty review process to be the basis for a working agenda and focused instead on the proliferation threats posed by Iran and North Korea. Conversely, Egypt demanded clear expositions based on previous commitments, focusing on the need to work to make the treaty

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20. Hon. Douglas Roche, GLOBAL SECURITY INSTITUTE, DEADLY DEADLOCK: A POLITICAL ANALYSIS OF THE SEVENTH REVIEW CONFERENCE OF THE NUCLEAR NON-PROLIFERATION TREATY 4 (2005), available at <http://www.gs institute.org/2005NPTpoliticalanalysis.pdf>.

21. *Id.* at 6.

22. *Id.* at 6. Secretary General Kofi Annan stated the following with regard to the threat posed by nuclear weapons:

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

The Secretary-General, *Address to the Nuclear Non-Proliferation Treaty Review Conference*, 1 (May 2, 2005), available at <http://www.un.org/events/npt2005/statements/npt02sg.pdf>.

universal. Additionally, Iran baited the NWS on their failure to make progress on disarmament and specifically the United States for its development of low-yield nuclear weapons and pursuit of space weaponization. In the end, no consensus document was generated.<sup>23</sup>

According to some legal scholars, good faith compliance with the treaty can be measured by the extent to which a State adheres to commitments made at the 1995 Review and Extension Conference and at each subsequent quinquennial review conference.<sup>24</sup> It is the unwillingness of the United States to respond to specific demands to review its previous commitments that seems to be primarily responsible for undermining the integrity of the NPT, for if commitments made yesterday need not be held to account today, why should any commitments made to the body of the NPT ever be taken seriously? As a result of this failure, international law faced a grave threat at the 2005 Review Conference.

Universally respected nonproliferation goals were not seriously negotiated, not because of a poverty of valid proposals,<sup>25</sup> but because

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23. See Rebecca Johnson, *Politics and Protection: Why the 2005 NPT Failed*, DISARMAMENT DIPLOMACY, Fall 2005, available at <http://www.acronym.org.uk/dd/dd80/80npt.htm>. For a full exposition of the statements of the participating States, reports on the proceedings, and NGO presentations, the web site of Reaching Critical Will is outstanding and gained widespread praise from many diplomats. See Reaching Critical Will, *The Nuclear Non-Proliferation Treaty*, <http://www.reachingcriticalwill.org/legal/npt/nptindex1.html#docs> (last visited Mar. 03, 2007).

24. See Lawyers' Comm. on Nuclear Pol'y, *The Thirteen Practical Steps: Legal or Political?*, May 2005, available at <http://www.lcnp.org/disarmament/npt/13stepspaper.pdf>.

Serious arguments have been made that such compliance has not been forthcoming. See generally Lawyers' Comm. on Nuclear Pol'y, *Nongovernmental Organizations' Statements to the States Party to the Seventh Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons*, May 11, 2005, available at <http://www.lcnp.org/disarmament/npt/ArtVIcompliance.pdf>.

25. For example, Mohamed ElBaradei, the Director-General of the IAEA, has proposed seven practical steps that could have been reviewed to good effect. These ideas are detailed on the IAEA website:

1. A five-year moratorium on building new facilities for uranium enrichment and plutonium separation. "There is no compelling reason for building more of these proliferation-sensitive facilities, the nuclear industry already has more than enough capacity to fuel its power plants and research facilities," Dr. ElBaradei said.

2. Speed up efforts to convert research reactors operating with highly enriched uranium (HEU) to use low enriched uranium, and accelerate technical research to make HEU unnecessary for all peaceful nuclear applications.

of a failure of political will. Consequently, important issues with regard to nuclear proliferation went unaddressed. The Conference failed to yield any effective means of addressing new threats posed by States' leaving the treaty or misusing the treaty's guarantee of the right to peaceful uses of nuclear energy by developing facilities to produce nuclear weapons materials. In addition, the Conference was unable to prevent the failure of the NWS States to fulfill their pledges to develop threat reducing, legally verifiable, practical steps toward elimination of nuclear weapons.

The consequences of these failures are serious. The U.N. *High-Level Panel on Threats, Challenges and Change* issued a report in December of 2004 titled *A More Secure World: Our Shared Responsibility*.<sup>26</sup> The panel was headed by Anand Panyarachun, a former prime minister of Thailand, and included Brent Scowcroft, the United States national security adviser under the first President Bush; Yevgeny Primakov, a former prime minister of Russia; Qian Qichen, a former foreign minister of China; and Amre Moussa of Egypt, secretary general of the League of Arab States.<sup>27</sup> The report stated: "We are approaching a point at which the erosion of the non-

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3. Establish the "Additional Protocol" as the norm for verifying compliance with the NPT. [This is a] move that would expand IAEA inspectors' access to physical structures and information about nuclear programs.

4. Call on the UN Security Council to act swiftly and decisively on the case of any country that withdraws from the NPT.

5. Call on all States to act on the Security Council's recent resolution 1540, to pursue and prosecute any illicit trading in nuclear materials and technology.

6. Call on all five Nuclear Weapon States party to the NPT to accelerate implementation of their "unequivocal commitment" to nuclear disarmament. "Negotiating a treaty to irreversibly ban the production of fissile material for nuclear weapon programmes would be a welcome starting point," Dr. ElBaradei said.

7. Acknowledge the volatility of longstanding tensions that give rise to proliferation—in regions like the Middle East and the Korean Peninsula—and take action to resolve existing security deficits and, where needed, provide security assurances.

Int'l Atomic Energy Agency [IAEA], *Strengthening the NPT and World Security: 2005 Review Conference of Non-Proliferation of Nuclear Weapons Treaty*, May 2, 2005,

[http://www.iaea.org/NewsCenter/News/2005/npt\\_2005.html](http://www.iaea.org/NewsCenter/News/2005/npt_2005.html) (last visited Mar. 03, 2007).

26. THE SEC'Y GEN.'S HIGH-LEVEL PANEL ON THREATS, CHALLENGES AND CHANGE, *A MORE SECURE WORLD: OUR SHARED RESPONSIBILITY*, U.N. Doc. A/59/565, U.N. Sales No. E.05.I.5 (2004), available at <http://www.un.org/secureworld/report2.pdf>.

27. *Id.*



proliferation regime could become irreversible, and result in a cascade of proliferation.”<sup>28</sup>

As an eyewitness to the debacle of the NPT, I saw a level of cynicism that was nothing short of shocking given the importance of this legal instrument. All too many diplomats expressed concern that the United States was not taking seriously enough international cooperative security under the rule of law. In that regard, one cannot overlook statements such as those contained in the March 2005 National Defense Strategy of the United States. In the section addressing the Changing Security Environment, there is a new definition of vulnerability, which is very much at odds with U.S. traditional advocacy of promoting law and diplomacy as a means of achieving security: “Our strength as a nation state will continue to be challenged by those who employ a strategy of the weak using international fora, judicial processes, and terrorism.”<sup>29</sup>

Without U.S. leadership toward international fora and judicial process embodied in arms control agreements and other instruments of cooperative security, the heads of state of the world will remain unwilling and unable to address proliferation issues through diplomacy. On September 13, 2005, in addressing the press regarding the September 2005 Summit at the U.N. of Heads of State in reference to their Final Statement, Secretary General Kofi Annan lamented this development: “The big item missing is non-proliferation and disarmament. This is a real disgrace. We have failed twice this year: we failed at the NPT [Non-Proliferation Treaty Conference], and we failed now.”<sup>30</sup>

This institutional deadlock has arisen from a profound failure of political will to work cooperatively. It cannot be ignored. When diplomacy fails, use of force, war, violence, and much bloodshed is the result. Ambassador Paul Meyer of Canada summed up the situation in a particularly poignant manner:

We have let . . . short term, parochial interests

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28. *Id.*; The Secretary General, *Follow-up to the outcome of the Millennium Summit*, ¶ 111, delivered to the General Assembly, U.N. Doc A/59/565 (Dec. 2, 2004).

29. DEP’T OF DEFENSE, NATIONAL DEFENSE STRATEGY OF THE UNITED STATES 5 (2005), available at <http://www.congr.gov/pdf/library/Copy%20of%20national%20defense%20strategy%202005.pdf>.

30. Press Conference, Secretary-General (Sept. 13, 2005), <http://www.un.org/News/briefings/docs/2005/sgsm10089.doc.htm> (last visited Mar. 3, 2007).

override the collective long-term interest in sustaining this Treaty's (NPT) authority and integrity. We have witnessed intransigence from more than one State on pressing issues of the day, coupled with the hubris that demands the priorities of the many be subordinated to the preferences of the few. . . . If there is a silver lining in the otherwise dark cloud of this Review Conference, it lies in the hope that our leaders and citizens will be so concerned by its failure that they mobilize behind prompt remedial action. . . . This is a treaty worth fighting for and we are not prepared to stand idly by while its crucial supports are undermined.<sup>31</sup>

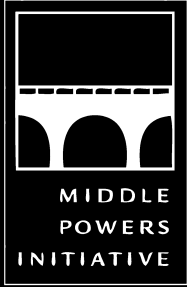
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31. DOUGLAS ROCHE, *BEYOND HIROSHIMA* 75-76 (2004).

## **Exhibit B**

Towards 2010: Priorities for NPT Consensus

A Middle Powers Initiative Paper for the NPT Preparatory Committee



A program of the  
Global Security Institute

# Middle Powers Initiative Report

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## **Towards 2010**

### **Priorities for NPT Consensus**

**Middle Powers Initiative Paper for the  
NPT Preparatory Committee**

**April 2007**



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# **Towards 2010**

## **Priorities for NPT Consensus**

### **Middle Powers Initiative Paper for the 2007 NPT Preparatory Committee, Vienna**

**Since the 2000 Review Conference, the NPT has suffered a long winter of discontent. It is time for a springtime of hope. That hope must be based on realistic political prospects for progress. This paper, based on four meetings of the Article VI Forum, specifies areas where progress can be made on a consensus basis. Leadership by middle power states is essential in forging the consensus. The threat-reducing, security-enhancing aspects of that consensus should be compelling to security policy planners in nuclear weapons states.**

**The Article VI Forum was inaugurated by the Middle Powers Initiative (MPI) following the failure of the 2005 NPT Review Conference to effectively review previous disarmament commitments under the treaty and address needed means of strengthening its non-proliferation aspects. The Forum seeks to stimulate and shape effective responses to ensure the viability of the non-proliferation/disarmament regime and to examine the political, technical, and legal elements of a nuclear weapons-free world. As a contribution to the NPT review process culminating in 2010, this paper summarizes priorities for action identified by MPI based upon Forum consultations. MPI alone takes responsibility for the recommendations contained herein.**

**Four meetings of the Article VI Forum have been convened: 1) at the United Nations in New York in October 2005; 2) at the Clingendael Institute in The Hague in March 2006; 3) at the Foreign Affairs Building in Ottawa in September 2006; and 4) at the Vienna International Centre in March 2007. MPI is grateful to the governments of Canada and Austria and the IAEA for their support of the meetings in Ottawa and Vienna.**

**Thirty invited states participated in one or more of the four meetings. They were: Argentina, Austria, Belgium, Brazil, Canada, Chile, Costa Rica, Egypt, Germany, Holy See, Hungary, Indonesia, Ireland, Italy, Japan, Jordan, Lithuania, Malaysia, Mexico, Mongolia, The Netherlands, New Zealand, Norway, Poland, Republic of Korea, Samoa, South Africa, Sweden, Switzerland, and Turkey.**

## **A. Meetings of the Article VI Forum**

The *first meeting* of the Forum considered near-term action to respond to the crisis of the regime, and the elements of an institutional/legal framework prohibiting and eliminating all nuclear weapons. The meeting was addressed by, among others, Ambassador **Choi Young-jin** of South Korea, Permanent Representative of the Republic of Korea to the United Nations in New York and Chairman of the UN General Assembly First Committee on Disarmament and Security, and **Ambassador Nobuyasu Abe**, UN Under-Secretary-General for Disarmament Affairs.

Topics examined at the *second meeting* included legal aspects of non-proliferation and disarmament; the technical basis for a production cutoff and stockpile reductions of fissile materials; and political requirements to meet the NPT's core mandates. The International Panel on Fissile Materials contributed expert analysis, as it did in subsequent meetings. Speakers included **Kim Campbell**, former Prime Minister of Canada; **Ruud Lubbers**, former Prime Minister of The Netherlands; **Marian Hobbs**, former New Zealand Minister for Disarmament and Arms Control; Ambassador **Hans Corell**, former UN Under-Secretary-General for Legal Affairs and UN Legal Counsel; and Professor **Frank von Hippel** of Princeton University and Professor **José Goldemberg** of the University of São Paulo, co-chairs of the International Panel on Fissile Materials.

The *third meeting* focused on five measures: the Comprehensive Nuclear-Test-Ban Treaty (CTBT); a Fissile Materials Cut-off Treaty (FMCT); de-alerting and reduction of US/Russian nuclear dangers; negative security assurances; and verification of reduction and elimination of nuclear forces. The meeting was addressed by, among others, **Peter MacKay**, Foreign Minister of Canada; **Nobuaki Tanaka**, UN Under-Secretary-General for Disarmament Affairs; Ambassador **Jaap Ramaker**, Special Representative of the CTBT ratifying states; Ambassador **Yukiya Amano**, Japan's Permanent Representative to International Organizations in Vienna and presumed President of the 2007 PrepCom; and Ambassador **Sergio Duarte** of Brazil, the President of the 2005 NPT Review Conference. While the Article VI Forum was established primarily to facilitate planning and action by like-minded middle power states, MPI invited the nuclear weapons states to participate in a day devoted to technical and policy issues. The United Kingdom and China attended.

The *fourth meeting* considered fuel cycle and proliferation challenges; the CTBT and FMCT; steps towards implementation of the 1995 Middle East resolution; WMD Commission recommendations on achieving security without nuclear weapons; steps non-nuclear weapons states can take; and strategy and procedure in the NPT review process. Speakers included **Jayantha Dhanapala**, former UN Under-Secretary-General for Disarmament Affairs; **Hans Blix**, Chairman of the WMD Commission and former Director General of the IAEA; and **Tibor Toth**, Executive Secretary of the CTBTO.

## **B. Priorities for the NPT Review Process**

As is well known, the nuclear non-proliferation/disarmament regime is beset by severe challenges. Chief among them are the failure of the nuclear weapons states to meet specific

disarmament commitments made in the NPT context; programs for replacement and modernization of nuclear forces in the weapons states; crises in Northeast Asia and the Middle East, raising the specter of regime breakdown in those regions; the proposed U.S.-India deal permitting nuclear commerce with a non-NPT state possessing nuclear weapons; and the longer-term and vexed question of if and how to regulate the potential spread of a uranium-enrichment capability beyond the dozen states now possessing it. A new consensus is emerging on the necessity of action to revitalize the regime, as evidenced by developments including the June 2006 report of the WMD Commission; the Article VI Forum meetings in which there appeared to be considerable agreement among states from different regions of the world, some allied with the United States, some not; the “Renewed Determination” resolution in the General Assembly; and a January 4, 2007 op-ed by four senior U.S. statesmen, George Shultz, William Perry, Henry Kissinger, and Sam Nunn, calling for “reassertion of the vision of a world free of nuclear weapons and practical steps towards achieving that goal.” The op-ed explains: “Without the bold vision, the actions will not be perceived as fair or urgent. Without the actions, the vision will not be perceived as realistic or possible.” Indeed, practical steps must be taken to end the corrosion of international security architecture, diplomacy, and law.

It is therefore essential to consider carefully the key measures whose implementation prior to the 2010 Review Conference, or whose endorsement at that conference, would ensure both strengthening non-proliferation constraints and providing impetus and credibility to the treaty’s mandate to achieve the universal elimination of nuclear weapons. MPI seeks to contribute in this regard by identifying seven priorities:

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

As can be seen by perusing reports from the Article VI Forum meetings available at [www.middlepowers.org](http://www.middlepowers.org), MPI is aware that there are other important tasks, for example: ensuring that nuclear trade is not permitted with India unless and until a CTBT and verified FMCT have entered into force; taking steps towards implementation of the 1995 NPT resolution calling for a zone free of WMD in the Middle East; finding ways to institutionalize planning for security without nuclear weapons at the national and international levels; and negotiating an instrument on space security that would, among other things, provide a more conducive environment for elimination of nuclear arsenals. The seven priorities, however, are ones that MPI believes are sufficiently mature and general to be usefully emphasized now within the NPT review process.

**Verified reduction of nuclear forces.** More than fifteen years after the collapse of the Soviet Union, the United States and Russia remain locked in a Cold War-style nuclear balance of terror characterized by large arsenals and high alert rates. That relationship must be dramatically changed in order to break through to a new stage in reducing and eliminating arsenals globally. Between



them, the United States and Russia have about 95% of the world's 11,000-plus operational warheads and of the total world stockpile of nearly 26,000. The 2002 Strategic Offensive Reductions Treaty (SORT) commitment for each side to deploy no more than 2200 strategic warheads expires upon its coming into effect at the end of 2012, and SORT does not require verified dismantlement of delivery systems or withdrawn warheads. Key steps are:

- negotiation of a new U.S.-Russian strategic reduction treaty applying the principles of verification, transparency, and irreversibility that would include a requirement of dismantlement of weapons withdrawn under SORT
- unless superseded by a new treaty, extension of START, which expires in 2009 and provides limits on multiple-warhead missiles and some monitoring mechanisms for SORT
- U.S. withdrawal of nuclear bombs based in NATO countries, and negotiation of reductions of U.S. and Russian non-strategic nuclear weapons, either together with reductions of strategic nuclear weapons or separately

To have the confidence needed to move to low levels of nuclear forces and a nuclear weapons-free world, verification and transparency measures need to be implemented beginning now, above all regarding U.S.-Russian stocks and reductions. Verification should involve international monitoring, to provide accountability to the entire community of states. All nuclear-armed states must initiate processes to apply the principles of verification, transparency, and irreversibility to reduction and elimination of their arsenals. Declarations of fissile materials contained in military stocks and warheads is one of the first steps that could be taken.

**Standing down nuclear forces (de-alerting).** The United States is estimated to have more than 1600 warheads ready for delivery within minutes of an order to do so, and Russia more than 1000 warheads similarly ready for launch. It is an absolute scandal that, every moment of every day, the two countries remain locked in a Cold War-style nuclear standoff. Experts have explained that the standoff can be defused through measures that lengthen the time required for a nuclear launch, from days to weeks to months. Warheads can be removed from missiles; strategic submarines kept in port; and nuclear bombs and air-launched cruise missiles stored separately from air fields. An accompanying step is the elimination of the launch-on-warning option that requires nuclear forces to be on hair-trigger alert. A U.S.-Russian joint commission could facilitate implementation of such measures and the necessary monitoring/verification. While most urgent with respect to Russia and the United States, it is also vital that other weapons states, which to various degrees already maintain their forces in a de facto de-alerted condition, adopt and affirm de-alerting as an entrenched, declared policy and practice. De-alerting would help alleviate risks associated with mistakes, coups, attacks on nuclear weapons facilities, false warnings, unauthorized launches, and hacking into command and control systems.

**Negotiation of a Fissile Materials Cut-off Treaty.** Achievement of an FMCT would restrain arms racing involving India, China, and Pakistan, cap Israel's arsenal, and establish ceilings on other arsenals as well. A verified FMCT also would help build a stable framework for reduction and elimination of warheads and fissile material stocks; help prevent acquisition of fissile materials by terrorists; meet a key NPT commitment; and institutionalize one of the basic pillars of a nuclear weapons-free world. Verification is imperative and feasible, as the International Panel on Fissile Materials has demonstrated. A verification system could initially

focus on declared enrichment and reprocessing facilities in the weapons-possessing states. They could be monitored just as the same kinds of facilities are monitored through IAEA safeguards in non-weapon countries. Later stages of verification could focus on the more difficult task of confirming the absence of clandestine activities. An FMCT should also bar the conversion of the existing large stocks of civilian materials to weapons use and provide that existing military materials declared “excess” to “military” needs would be subject to a verified ban on weapons use. These and other matters like HEU used in naval reactors are susceptible to practical approaches, within an FMCT, or in subsequent agreements reached within an FMCT framework, or in parallel negotiations. Especially given the complexities involved in a thorough-going FMCT, a two-pronged approach may be warranted: formalizing, by joint declaration or agreement, a moratorium on production by all weapons-possessing countries; and negotiating a fissile materials treaty that provides tools for achieving disarmament as well as halting further production.

**Bringing the Comprehensive Nuclear-Test-Ban Treaty into force.** The DPRK’s nuclear test explosion conducted on October 9, 2006 put the importance of the CTBT into sharp relief. The CTBT would help to check the spread of nuclear arms and to constrain refinement of advanced arsenals; protect the environment; and have a substantial organizational and technical infrastructure. Like the FMCT, it would be an indispensable part of the architecture of a nuclear weapons-free world. The Preparatory Commission for the CTBT Organization has made great strides in developing the International Monitoring System, which will likely be completed in 2007. It successfully detected the DPRK explosion and confirmed that it was nuclear. In a 2002 study, the U.S. National Academy of Sciences concluded that with a fully functioning monitoring system, clandestine nuclear explosions with a yield of more than one to two kilotons are detectable by technical means alone, and further found that any undetected low-yield explosions are not likely to significantly advance weapon development. Bringing the CTBT into force therefore remains a very high priority. Although 135 states have ratified the treaty, ten of the 44 states whose ratification is required for entry into force have yet to do so. Of the ten, three weapons-possessing states, the United States, China, and Israel, have signed but not ratified the treaty; three other weapons-possessing states, India, Pakistan, and North Korea, have not signed or ratified. Other key states yet to ratify include Iran and Egypt.

**Strengthened negative security assurances.** In recent years there has been emphasis in some nuclear weapons states on doctrine and preparation for nuclear strikes against non-nuclear weapons states. That trend gives a special urgency to the long-standing demand of non-weapons states party to the NPT for a legally binding instrument barring such use. The logic is unassailable; countries that have foresworn nuclear weapons are entitled to guarantees of non-use of the weapons against them. NPT weapons states have given such assurances in the form of declarations, and they are also legally codified in protocols to the regional nuclear weapons free zones. There is an excellent argument that the declarations are binding, notably because they were reiterated in connection with the 1995 indefinite extension of the NPT. However, the declarations and protocols contain loopholes, and the legally binding status of the declarations should be confirmed. The demand for negative security assurances should be placed in the larger context of the need for nuclear weapons states to acknowledge that in no circumstance is the use of nuclear weapons right, lawful, or prudent and to commit to non-use of the weapons, or as a beginning, no first use.

**Regulation of nuclear fuel production and supply.** As more countries develop nuclear power sectors to meet energy demands, build prestige, and perhaps in some cases, move towards a

weapons option, the need for nuclear fuel-cycle services will continue to grow. The likely result is that more states will seek enrichment and reprocessing capabilities, citing state sovereignty and Article IV as justifications. Already about a dozen countries possess such facilities, including four non-weapons states (Brazil, Germany, Japan, The Netherlands). At the present time, while the Security Council imposes sanctions intended to bring an end to Iran's nuclear fuel-cycle ambitions, uranium enrichment projects are under consideration in several other countries. Regardless of where nationally-controlled enrichment and reprocessing facilities are located, they bring with them the potential of weapons production and represent a formidable roadblock on the path to elimination of nuclear weapons. The better course would be for states to work towards less reliance on nuclear power for energy generation, and to establish an international sustainable energy agency. Interim steps would be for states to relinquish the right to construct new reprocessing facilities and to institute a moratorium on the construction of enrichment facilities. An international fuel bank, with the IAEA as guarantor, should be established to provide legally assured access to fuel by all NPT-compliant states. The aim should be to end the spread of nationally-controlled nuclear fuel production facilities, and to phase out or bring under multinational control existing facilities, including in the weapons-possessing states.

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

### **C. Disarmament as the Compass Point**

**The above outlined measures are valuable in and of themselves. They decrease risks of use, diminish the access of terrorists to catastrophic weapons and materials to build them, raise barriers to acquisition by additional states, and generate support for strengthening the regime and resolving regional crises. Moreover, the measures pass key tests: they do not diminish the security of any state; they reinforce the NPT and enhance the rule of law; they make the world safer now; they move the world towards elimination of nuclear weapons.**

Achievement of the measures is difficult, however, in the context of an unstable, two-tier world in which nuclear weapons seem to have a permanent place. Some weapons states

will hesitate to reduce flexibility by agreeing to the CTBT, the FMCT, intrusive verification of reductions and de-alerting, and strengthened security assurances. Similarly, some non-weapons states will be reluctant to agree to further steps to ensure peaceful use of nuclear energy such as the Additional Protocol and multilateral regulation of nuclear fuel production and supply. Accordingly, implementation or commitment to implementation of the measures should take place in the context of a visible intent to achieve a nuclear weapons-free world, such as was manifested at the 2000 Review Conference by the unequivocal undertaking of the weapons states to accomplish the total elimination of their nuclear arsenals.



**ENDORSEMENTS OF THE MIDDLE POWERS INITIATIVE  
AND THE ARTICLE VI FORUM**

*“I am very proud to be a part of the Middle Powers Initiative. I am on the Advisory Board of the Global Security Institute... I try to share whatever political capital comes from my former positions to be involved... but I recognize that my ability to do that rests very much on the kinds of work that people do around this table.”*

**- The Right Honourable Kim Campbell, P.C., Q.C., Secretary-General of the Club of Madrid, former Prime Minister of Canada**

*“I am very much in favor of what you are doing, trying to revitalize the NPT. I’m also very much in favor that you try to do this with the Middle Powers Initiative, saying, listen, we cannot afford to assume that the P5 will do everything for us and simply wait until they take action. You have to organize it.”*

**- The Right Honourable Ruud Lubbers, former Prime Minister of the Netherlands**

*“Something must rise from the ashes of the NPT Review and I want to thank you, Senator Roche, and the Middle Powers Initiative for the Article VI Forum. There is some hope.”*

**- Marian Hobbs, MP, former New Zealand Minister for Disarmament and Arms Control**

*“Concern over the state of the nuclear non-proliferation and disarmament environment is not limited to the diplomats in this hall. The cross-regional NGO grouping, the Middle Powers Initiative, has recently launched its Article VI Forum as a means of promoting greater cooperation between civil society and governments in pursuit of NPT goals. The Canadian Department of Foreign Affairs and International Trade was pleased to support the Article VI Forum in Ottawa, September 28-29, and we hope that those who participated in it will have come away with better insights into current problems facing the regime and a renewed sense of purpose to find practical solutions to them.”*

**- Canadian Ambassador Eric Walsh, Deputy Ambassador to the Conference on Disarmament, October 6, 2006**



## MIDDLE POWERS INITIATIVE

A program of the Global Security Institute

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

Through the Middle Powers Initiative, eight international non-governmental organizations work primarily with “middle power” governments to encourage and educate the nuclear weapon states to take immediate practical steps that reduce nuclear dangers, and commence negotiations to eliminate nuclear weapons. MPI is guided by an International Steering Committee chaired by Hon. Douglas Roche, O.C., former Canadian Disarmament Ambassador.

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

MPI, which started in 1998, is widely regarded in the international arena as a highly effective leader in promoting practical steps toward the elimination of nuclear weapons.

The work of MPI includes:

- a) **Delegations** to educate and influence high-level policy makers such as Foreign, Defense and Prime Ministers, and Presidents. Delegations focus on leaders who have great impact on nuclear weapon policy making, both domestically and internationally. MPI Delegations are planned to coincide with significant political events such as the NPT Review Conferences and their preparatory meetings, NATO and other summits;
- b) **Strategy Consultations**, which serve as “off the record” interventions designed to provide a working environment in which ambassadors, diplomats, experts, and policy makers can come together in an informal setting at pivotal opportunities, in order to complement the ongoing treaty negotiations at various forums such as the United Nations or the European Parliament; and
- c) **Publications**, such as Briefing Papers, that examine whether or not the nuclear abolition agenda is progressing and make corresponding recommendations to governments and activists. MPI Briefing Papers serve as intellectual catalysts for the MPI Delegations and MPI Strategy Consultations, and are widely read.



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