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Global Security Institute

Middle Powers Initiative Report

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The Article VI Forum:

Responding to the Challenges to the NPT

**A Consultation of Like-Minded States and Special Dialogue with
Nuclear Weapons States**

Report of the Third Meeting

Ottawa, Canada

September 28-29, 2006

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LETTER FROM THE CHAIRMAN

Dear Excellencies, Colleagues and Friends,

It is my privilege to present to you the report of the third meeting of the Article VI Forum, entitled *Responding to the Challenges to the NPT: A Consultation of Like-Minded States and Special Dialogue with Nuclear Weapons States*. It was a substantive and frank consultation that delved into the technical issues vital to the Nuclear Non-Proliferation Treaty's (NPT) successful continuation as well as strategies for working with nuclear weapons states.

It was particularly gratifying to hold such a meaningful meeting in Ottawa. I wish to express my thanks to the Honourable Peter MacKay, Minister of Foreign Affairs, and the staff of the Department of Foreign Affairs and International Trade whose generous support was vital to the success of the consultation.

At the conclusion of the Ottawa consultation, the message from participants was clear: the Article VI Forum has a significant role to play in assisting like-minded governments in defending the principles of the NPT. We now enter the next stage of our work: the beginning of the preparatory process for the 2010 NPT Review Conference. The first session of the Preparatory Committee will take place in Vienna, April 30 to May 11, 2007. The fourth meeting of the Article VI Forum will be held one month prior in the same complex – the Vienna International Center. In Vienna, our focus will sharpen on how to ensure that the next three years of deliberations can overcome the sorry legacy of the 2005 Review Conference and revitalize history's most widely adhered-to arms control treaty: the NPT.

The Middle Powers Initiative remains committed to helping achieve a successful NPT Review Conference in 2010.

Sincerely,

A handwritten signature in black ink that reads "Douglas Roche". The signature is written in a cursive, slightly slanted style.

Hon. Douglas Roche, O.C.
Chairman, Middle Powers Initiative

FOREWORD

We are grateful to Canada for hosting the Article VI Forum. Canada could have developed nuclear weapons. Instead it is helping to lead the world to a safer place.

The Article VI Forum concentrates on fulfilling the disarmament pledges contained in Article VI of the Nuclear Non-Proliferation Treaty (NPT). Nuclear disarmament is a compass point that gives coherence to proposals that reduce threats, advance non-proliferation, diminish no country's security, and strengthen the rule of law. The Comprehensive Test Ban Treaty, a Fissile Materials Cut-Off Treaty with verification, de-alerting the major arsenals, and making irreversible and verifiable the reductions in Russian and US deployments are modest in relation to the dangers before us.

What a deal the NPT offers: non-proliferation in the present in exchange for disarmament in the future. Nevertheless, the NPT is at risk because even practical progress is being ignored without coherent intellectual basis. Arguments are made that the laudable quantitative reductions from Cold War heights should satisfy our concerns while we simultaneously hear proposals and plans for deployments of new weapons systems and for new missions for existing weapons. We hear rationales for weaponizing space and for lowering the threshold of uses. Under such circumstances, it is not responsible to sit back.

Diplomats and civil society experts in this field have a unique responsibility. Scientists alone had the expertise to alert the international community to the dangers of climate change. Similarly, diplomats know that the levels of cooperation needed to effectively address climate change will not be achieved when collective security interests are slighted. Restraints over short-term economic opportunity in deference to long-term environmental responsibility will not be achieved.

The world is riddled with paradox. Nuclear weapons are but one. The more they are perfected, the less security is obtained. Additionally, when one state, or group of states, pursues excessive security through advancement of its own arsenal in derogation of legal duties to move toward disarmament, our collective capacity to constrain proliferation is diminished. Thus, less stability is obtained by the whole and our collective security suffers. We are challenged: can we find effective ways of addressing our common human security fast enough? If we fail, no state, no person, no life will be safe. Let us continue our efforts with a sense of proportion regarding our responsibilities.

Sincerely,



Jonathan Granoff
President, Global Security Institute

EXECUTIVE SUMMARY

1. Twenty-five nations met in the Canadian capital on September 28-29 for a Middle Powers Initiative (MPI)-sponsored consultation on Responding to the Challenges to the NPT. This was the third meeting of the MPI's Article VI Forum, an initiative designed to create an informal setting where diplomats, experts and NGOs can discuss ways to strengthen the nuclear disarmament and non-proliferation regime through the Nuclear Non-Proliferation Treaty (NPT).
2. The Ottawa consultation centered on the premise that the next NPT Review Conference in 2010, the central instrument meant to stop the proliferation of nuclear weapons, must not repeat the failure of the 2005 Review.
3. Canadian Foreign Minister Peter MacKay delivered a welcoming address, saying "Canada is committed to a coherent, comprehensive and packaged approach toward the NPT that does not neglect any of the 'three pillars' on which the Treaty is based: non-proliferation, disarmament and peaceful uses of nuclear energy." He added, "Canada recognizes and supports the valuable role that civil society can play in the NPT Review Process. Our support for this meeting here in Ottawa today is a tangible sign of that belief." The consultation was held in the Foreign Ministry building with the support of the Government of Canada.
4. The UN Under-Secretary-General for Disarmament Affairs, Nobuaki Tanaka, delivered the keynote address. "Multilateralism," he said, "is what is required to consolidate these gains in a coherent global framework that is stable, permanent, and just. It is here that the middle powers have enormously important contributions to make. They enter this process from the moral high ground of those states that chose not to seek weapons of mass destruction – they are practicing what they preach."
5. In addition to 23 "middle power" governments, two of the nuclear states, the UK and China, sent diplomats to participate in the technical discussions on the first day. The US, Russia and France were invited, but did not attend. Some 60 representatives from NGOs attended, as well as officials from the United Nations, the International Atomic Energy Agency, the Comprehensive Test Ban Treaty Organization, and members of the International Panel on Fissile Materials, a panel of some of the world's leading nuclear scientists in order to promote the control of the stocks of weapons-grade nuclear materials.
6. The consultation focused on five technical issues, identified at earlier consultations, which are key to any progress in nuclear disarmament and non-proliferation: the Comprehensive Test Ban Treaty (CTBT); a Fissile Materials Cut-Off Treaty (FMCT); de-alerting and reduction of US/Russian nuclear dangers; negative security assurances (NSAs); and verification. Diplomatic and academic experts gave their views on each of these five issues, both the technical dimensions of the issue and the political potential of moving these issues forward in the disarmament and non-proliferation fields.
7. The CTBT –not yet entered into force – and an FMCT –for which negotiations have not yet

begun – were seen as the two avenues for effective work on disarmament in the short term. The CTBT was signed in 1996 but ten of the 44 countries needed for entry-into- force, including the US and China, have not ratified the treaty. This treaty is considered key to disarmament and non-proliferation efforts since by halting testing, nuclear weapons states cannot reliably develop new weapons and states aspiring to nuclear status cannot test to ensure their weapons will work. Depending on its scope, an FMCT would halt the production of new fissile materials, require the inventory of all stock and the elimination of excess materials not needed for functioning nuclear weapons.

8. Verification is a cross-discipline issue dealing with the various ways to ensure that arms control agreements – bilateral and multilateral – are adhered to. The irony is that as the science of verification (satellite inspections, detection systems for air, soil and water, tamper-proof seals) improves, the political commitment to verification is weakening. This is particularly true of the United States, which over the last six years has rejected any verification mechanisms for either existing or planned treaties, arguing that verification is too unreliable. This position has been rejected by the scientific community and the vast majority of states.

9. NSAs – guarantees by the nuclear powers not to use nuclear weapons against non-nuclear states – are a long-standing demand of non-nuclear weapons states parties to the NPT. Their argument is simply that since they have renounced the use of nuclear weapons, the five nuclear states parties to the NPT should give them unequivocal legally-binding guarantees that they would not be targets of nuclear weapons.

10. Unlike the other four issues, which require multilateral cooperation, de-alerting is essentially a bilateral issue between the United States and Russia. The strategic postures of the two largest nuclear states still – 15 years after the end of the Cold War – involve approximately 3,000 nuclear weapons on hair-trigger alert aimed at each other. The goal of middle powers is to encourage the US and Russia to remove these weapons from high alert in order to avoid accidents.

11. The panelists addressing Multilateral Deliberations and Negotiations discussed the various stratagems for advancing the key disarmament and non-proliferation initiatives, especially an FMCT and the NPT Review Process. The lack of progress on negotiating an FMCT is raising the possibility of finding some other forum for talks outside of the Conference on Disarmament. While a permanent secretariat would help avoid deadlock in the NPT Preparatory Committees and Review Conferences, panelists believed that dedicated diplomatic initiatives using the existing mechanisms could ensure that the 2010 Review Conference does not repeat the fate of 2005. Besides political avenues, participants suggested that efforts on the technical and scientific front could help advance an FMCT, as such expertise aided the diplomats negotiating the CTBT.

12. The panel on Building Political Engagement with the Nuclear Weapon States focused on both the political underpinnings of the dialogue and the institutional methods for promoting that engagement. At the same time that nuclear doctrines expand the circumstance in which these weapons can be used, the avenues for dialogue between nuclear and non-nuclear powers contract. Therefore, convincing the nuclear weapons states that disarmament is in their own interests has become more difficult. The way out of this dilemma lies in using existing structures

– the NPT, Nuclear Weapon Free Zones – in new, creative and positive ways.

13. In conclusion, Senator Douglas Roche, O.C., the Chairman of MPI, said MPI “takes it as a hallmark that we are in business to help the NPT. We are committed to the NPT.” He added that MPI was ready to help the middle powers in ensuring a positive outcome for the NPT Review Process, which starts in 2007 and culminates in the 2010 Review Conference.

14. The 25 States participating in the consultation were: Argentina, Austria, Belgium, Brazil, Canada, Chile, China, Costa Rica, Germany, Indonesia, Ireland, Italy, Japan, Lithuania, Malaysia, Mexico, the Netherlands, New Zealand, Norway, South Africa, South Korea, Sweden, Switzerland, Turkey and the United Kingdom.

OPENING SESSION

15. Senator Douglas Roche, O.C., the Chairman of the Middle Powers Initiative (MPI), opened the Ottawa Consultation by welcoming the participants to the third Article VI Forum and thanking the Government of Canada, and in particular the officers of the Department of Foreign Affairs for their great assistance and courtesy. He also offered “a special welcome to the representatives of the nuclear weapons States Parties to the NPT (Nuclear Non-Proliferation Treaty) who have come today to engage with us in a dialogue on these technical issues. It is important for all of us to develop understanding of the perspectives and security needs of all states.”

16. Setting the tone for the two day meeting, he said, “The agenda of the Article VI Forum is both substantive and hopeful. But it is not complacent. MPI has very much in mind the recent warning of UN Secretary-General Kofi Annan that the international community appears to be ‘sleepwalking’ towards a possible nuclear catastrophe.”

17. He noted this consultation was convened to examine five priority measures needed for moving forward the nuclear disarmament and non-proliferation agenda: a Fissile Materials Cut-Off Treaty

(FMCT); verification of the reduction and elimination of nuclear arsenals; the reduction of the operational status of nuclear forces; the Comprehensive Nuclear Test Ban Treaty (CTBT); and strengthening assurances of non-use of nuclear weapons against non-weapon States.



Ms. Macha MacKay, Hon. Douglas Roche, Hon. Peter MacKay, Amb. Johannes Landman, USG Nobuaki Takana (hidden) and Mr. Jonathan Granoff

18. “The Article VI Forum is precisely focused on paving the way to a successful 2010 NPT Review Conference,” Sen. Roche said, “MPI takes the view that the NPT cannot withstand two successive failed Review Conferences. Thus we seek to influence the preparatory process to ensure that political agreement on basic items can be reached to fulfill commitments to ‘systematic and progressive’ nuclear disarmament. In the Article VI Forum, we combine long-range vision and short-term practicalities. Our work can truly move the world to safety and true human security. I wish us all well as we continue in this vital endeavor.”

FISSILE MATERIALS CUT-OFF TREATY

19. As they did at the second Article VI Forum consultation in The Hague, members of the International Panel on Fissile Materials (IPFM) conducted a session on the technical issues connected with a *Fissile Materials Cut-Off Treaty*, chaired by **Dr. William Walker**, a panel member from the University of St. Andrews, United Kingdom.

20. The ascendancy of an FMCT as a focal point for any progress in nuclear disarmament and non-proliferation now raises “politically loaded questions. But what is clear ... is that the issue is not going to go away,” said **Jean du Preez**, the Director of International Organizations and Nonproliferation Program at the Monterey Institute of International Studies. “Many countries feel that an FMCT that is not verifiable is not worth it, others countries feel that to not include previously produced stocks mean it would not be a disarmament measure.”

21. The idea of an FMCT has been a priority of many governments, including the US, and the UN General Assembly (GA) for decades. Negotiations for an FMCT figured into both the 1995 extension deal of the NPT and the Final Document of the 2000 Review Conference. GA resolutions on the subject had passed by consensus until 2004 when the US, having changed its position to oppose verification for an FMCT, voted against the resolution. This also questions the continuing validity of the Conference on Disarmament mandate for a treaty, said Mr. du Preez.

22. A key objective is that “it would reinforce non-proliferation commitments by all states,” he said. “This I daresay would be a more important objective than any disarmament objective. In that lies the secret to its success because it would capture all parties, not only the nuclear weapon states (NWS). It would thus reinforce the non-nuclear weapon states (NNWS) non-proliferation commitments and it would reduce the discrimination that is embedded in the NPT.” The disarmament aspect would also be important “provided that it includes previously produced material.” The treaty monitoring system would also help ensure that fissile materials stay out of the hands of non-state actors. “It has to be verifiable [or else] it could not meet any of these objectives,” he added.

23. Despite these disagreements and back-sliding, Mr. du Preez said, “I think there is a recipe for a bargain.” He outlined four elements for such a “grand bargain.” First, fissile materials in nuclear warheads and in the production pipeline “should be included, but this should be done over time. One could perhaps look at the nuclear weapons states making a voluntary commitment to declare total quantities of fissile materials for military purposes, but it is unlikely that would be verifiable.”

On September 28, the Minister of Foreign Affairs of Canada, the Hon. Peter MacKay, gave welcoming remarks to the Article VI Forum, becoming the first foreign minister to address an Article VI Forum gathering. The following are excerpts from his presentation:

The greatest challenge to the NPT [Nuclear Non-Proliferation Treaty] today ... remains the recognition that the Treaty is a three-way bargain of non-proliferation, disarmament and peaceful uses.

Other issues to resolve include:

- the nature of Negative Security Assurances to be extended to the non-nuclear weapon states;
- how to respond to states who withdraw from the NPT, and how to integrate non-signatory states into the nuclear non-proliferation regime;
- clarifying the relationship between the right to peaceful use of nuclear power and the non-proliferation provisions of the Treaty; and
- further steps in the nuclear disarmament process, including entry into force of the Comprehensive Test Ban Treaty and negotiation of a Fissile Material Cut-off Treaty.

Above all, Canada is committed to a coherent, comprehensive and packaged approach toward the NPT that does not neglect any of the “three pillars” on which the Treaty is based: non-proliferation, disarmament and peaceful uses of nuclear energy.

The Article VI Forum meeting provides an opportunity to wrestle with these and other questions, perhaps to bridge some of the differences that have manifested themselves at the 2005 Review Conference, and to build toward a productive 2010 Review Conference.

In concluding, I should note that Canada recognizes and supports the valuable role that civil society can play in the NPT Review process. Our support for this meeting here in Ottawa today is a tangible sign of that belief.

The Nuclear Non-Proliferation Treaty is, after all, more than just a document that binds governments; it is part of the collective heritage of civilized humanity. In this regard, I wish you every success in your deliberations.



Second, “fissile material declared excess but not yet in the civilian fuel cycle must be captured because this would make a treaty both a disarmament and non-proliferation mechanism.” Third, highly-enriched uranium (HEU) in naval reactors “will have to be addressed.” This would be “very controversial but important” since such material “clearly is a source that could be diverted for

military purposes.” Fourth, an FMCT should subject newly produced fissile materials from civilian reactors to “international monitoring to prevent it from being diverted for weapons purposes.”

24. Summing up, Mr. du Preez said an FMCT “will only be relevant if it aims to prevent the production, sale, use and transportation of weapons-useable nuclear material, and to close this path permanently to nuclear armaments, proliferation and terrorism.”

25. **Dr. Frank von Hippel**, Professor of Public and International Affairs at Princeton University and the co-chair of the IPFM, examined the various options and difficulties involved in verifying an FMCT, but he preceded that by noting it all hinged on what an FMCT would actually cover. Since there is no agreement in the diplomatic community as to the mandate of either a treaty or even of the negotiating body, Dr. von Hippel based his analysis on three assumptions: all civilian reactors would be subject to the International Atomic Energy Agency (IAEA) safeguards; materials declared in excess for weapons purposes would be subject to trilateral-type safeguards; and that HEU for naval reactors after an FMCT enters into force would be subject to transparency arrangements to assure that it is not diverted to weapon use.

26. Working from that basis, Dr. von Hippel said the challenges are to verify that:

- *Production facilities are shut down or converted to civilian use.* Verifying these actions would be “relatively straightforward and inexpensive,” he said. The US and Russia already have a bilateral agreement for the shut-down of their plutonium reactors and such actions are easily verified – even by satellites.

- *Civilian nuclear materials are not diverted to weapon use.* The procedures could be the same as the IAEA uses to monitor non-weapon states, he said. In addition, an increasing number of enrichment plants in the NWS are already subject to IAEA monitoring and UK and French activities are subject to monitoring by Euratom, the European agency for managing atomic energy.

- *No significant undeclared fissile-material production activities in weapon and naval fuel facilities.* What will be needed are “managed access arrangements” as exists under the Chemical Weapons Convention. The IAEA “already has such access” for non-weapon states and those rights have been strengthened by the Additional Protocol.



Dr. Frank von Hippel

- *No clandestine production elsewhere.* Although “small centrifuge facilities present a challenge in both weapons and non-weapons states, “there are tools for detecting clandestine production,” including technology that can determine if particles are highly-enriched.

- *Material declared excess is not returned to weapons use.* The Trilateral Initiative of the IAEA, Russia and the US has proven that “non-intrusive” verification can monitor the location of fissile materials, therefore “there is an approach to verify material declared in excess but not yet converted to an unclassified form.”

- *HEU committed to naval fuel use is not diverted to weapons.* Such HEU is “a huge amount of material that has to be captured,” he said, adding that the particulars of this agreement have to be

worked out with the weapon states, but it is possible to track the HEU from creation to installation in a propulsion reactor, using a system based on the Trilateral Initiative.

27. In a conclusion laced with qualifications, Dr. von Hippel said, “*If* FMCT is defined so that civilian material is subject to international monitoring and the weapon states are willing to accept managed access to their weapon and naval-reactor fuel cycles on the same basis that the non-weapon states accept IAEA access to their non-nuclear military facilities under the Additional Protocol, *then* the difficulty of verifying the FMCT in a weapon state *could* be of the same order of difficulty as verifying the NPT in a non-weapon state.”

28. **Dr. R. Rajaraman**, Emeritus Professor of Physics at Jawaharlal Nehru University in New Delhi, said it was “absolutely essential” that an FMCT be an instrument for disarmament and horizontal and vertical proliferation. While four of the five nuclear powers in the NPT have suspended fissile material production (the case of China is not clear on this point) and are climbing down from their peak stockpiles, the new nuclear weapon states – India and Pakistan – feel their stockpiles of fissile materials still have to grow and therefore will be less inclined to cap their production at this time.



Dr. William Walker and Dr. R. Rajaraman

29. Dr. Rajaraman said they do, however, support an “evolution of some form of an FMCT regime,” while improving their own capacities for producing fissile materials. This stance then leads to the questions: Why do they need more weapons? What is the actual number of weapons needed for effective deterrence? To inflict “unacceptable damage” on the other country, he calculated, India or Pakistan could launch two 20 kiloton nuclear weapons on cities such as Lahore or Karachi and kill 400,000 - 600,000 people. “Surely the prospect of half a million people killed should be unacceptable damage to any remotely responsible leadership and should deter them from launching any adventure.” He asked, “So who needs a hundred bombs?” A better use of resources would be to keep the arsenals at minimal levels and use the funds to ensure viability of the existing weapons. “But it is unlikely that this simple logic will suffice to stop the further growth of nuclear weapons in South Asia,” he conceded.

30. The argument also applies to the United States and Russia, Dr. Rajaraman said, since one dozen weapons each would be enough to inflict unacceptable damage on the other. He said China “seem[s] content to have just 20-odd missiles” targeted at the US as a deterrent. Therefore, efforts to control fissile materials and stem proliferation can succeed only if the major powers “further reduce their own arsenals drastically and quickly.”

31. **Ambassador Johannes Landman**, the Permanent Representative of the Netherlands to the

Conference on Disarmament, rounded out the session with a political perspective on how an FMCT is faring in the CD. He said the CD had done more in 2006 “than is the habit of the last ten years,” with movement on the four priority issues, including an FMCT. All the delegates “played the game” so the conference had “thorough discussions,” with the Prevention of an Arms Race in Outer Space (PAROS) and an FMCT getting the most attention. The FMCT discussions “really stood out because of the input of the experts” of the IPFM, said Amb. Landman, adding that the US text for an FMCT also helped. “It doesn’t exclude anything,” he said, “It is the first concrete sign of engagement under the Bush administration.” Despite this, the CD ended its 2006 without a substantive report for reasons that had nothing to do with an FMCT. Therefore, the groundwork laid in the last three months of 2006 will be “crucial in making next year even more meaningful than last year, but the odds are not good.”

COMPREHENSIVE TEST BAN TREATY ISSUES

32. *Comprehensive Test Ban Treaty* issues were addressed in a session chaired by **Ambassador Carlo Trezza**, the Permanent Representative of Italy to the Conference on Disarmament. Amb. Trezza, observed that the CTBT process has been more successful than an FMCT. Even though it has not yet entered into force, no nuclear explosions have taken place since 1998 and a moratorium is in force for those NPT nuclear weapon states that have not yet ratified the Treaty. Further, the international monitoring system established within the framework of the CTBT is already an important multilateral arms control verification instrument. Not knowing that North Korea would conduct a nuclear test just two weeks later, he predicted, “Any nuclear explosion taking place today would create a shock to the international community and would be seen with great criticism.” The weakness of the CTBT, in Amb. Trezza’s view, is its entry into force provision, which he advised, “we should avoid” when crafting the entry into force provisions of an FMCT.

33. **Ambassador Jaap Ramaker**, Special Representative of the ratifying states to promote the ratification process of the CTBT, began by noting that the NPT and the CTBT are closely connected, “both conceptually and politically.” The preamble to the NPT in 1970 cited the determination of all parties to the 1963 Partial Test-Ban Treaty “to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time...” The conclusion of the CTBT in 1996, he said, brought that decades-old vision a step closer to reality and also made good on a commitment the States Parties made in 1995 in connection with the indefinite extension of the NPT. However, he warned, ten years later, North Korea’s claims to have withdrawn from the NPT and its threats of a nuclear test, the IAEA’s inability to confirm the peaceful nature of Iran’s nuclear program, and the US - India nuclear cooperation agreement, have led many to consider the NPT a beleaguered treaty.

34. Addressing this concern, Amb. Ramaker declared: “One way, if not *the* one way, to give new life to the international community’s efforts to come to grips with nuclear weapons and its potential proliferation would be to bring the CTBT into effect in the not too distant future. Indeed,” he declared, “a fulfillment of that wish would be the blood transfusion the nuclear non-proliferation regime presently so badly needs.”

35. At the 2003 Article XIV Conference in Vienna, Amb. Ramaker was appointed as Special Representative with a mandate “to assist the coordinating state in the performance of its function in promoting the early entry into force of the Treaty.” Amb. Ramaker explained that he is focusing on the last ten on the list of 44 whose reluctance to ratify, for whatever reason, prevents the CTBT from entering into force. Of those states, two - Indonesia and Colombia – have no security issues preventing them from ratifying, therefore joining the treaty would send a powerful message to the eight “hardcore” cases. “Their reluctance so far to do so,” he conceded, “is a major setback for our efforts to keep the momentum and puts a heavy responsibility on their shoulders.”

36. Of the five NWS recognized by the NPT, France, Russia and the United Kingdom have ratified the CTBT. He visited China last year, where, he said, “My Chinese interlocutors told me that for China there is no question of going back, but they admitted that they are going forward with a great deal of caution.” According to Amb. Ramaker, the timing of ratification is caught up in internal debate in which “unfortunately the nuclear weapons policies of the United States play a role.” Regarding the US position, Amb. Ramaker said that he sees no change for the time being, but he expressed hope that the United States would in due course wish to revisit the question of CTBT ratification. He suggested, “A sober analysis of whether or not, on balance, they indeed would not be better off with the Treaty - as the prevailing expert view in the United States is - than without it, could indicate the way forward.”



Amb. Jaap Ramaker and Amb. Carlo Trezza

37. The remaining states need to be looked at in wider regional contexts. In the Middle East, Israel, Egypt and Iran, all have signed the CTBT. Amb. Ramaker stressed the importance for ratifying States to convince these countries of the value of taking the next step. For example, he said, Iran’s ratification of the CTBT would be “a positive welcome signal,” in their own interest and going in the direction of concrete confidence building measures that the international community is asking for. He suggested that Israel and Egypt could be encouraged to take the step towards ratification in tandem, but acknowledged that these countries’ concerns are not the same, noting that Egypt is a party to the NPT and Israel is not.

38. With respect to North Korea, Amb. Ramaker observed that nothing should stand in the way, once the “excruciatingly slow-going” six-party process reaches its desired outcome. But, he acknowledged, “To put it mildly, we are not there yet.”

39. Turning to South Asia, Amb. Ramaker reported that during a visit to Pakistan in 2004, he

had suggested that Pakistan, together with India, consider transforming their mutually agreed but unilateral moratoria on nuclear weapons testing into a binding legal agreement, as an interim measure. Such a bilateral agreement could eventually be turned into a joint decision to join the CTBT. Amb. Ramaker got no reaction in Pakistan and was subsequently not welcome in India, but he noted, “in principle nothing in their present stated positions would contradict such an approach.”

40. Responding to a school of thought that the entry-into-force provisions be relaxed to allow for a provisional entry-into-force, he said, “The stringent entry-into-force clause, rather than being a weakness, is more and more considered a strength, certainly in a time when the major role of the CTBT may well lie in our efforts to prevent the further spread of nuclear weapons rather than as a disarmament measure.” On the other hand, he acknowledged that after a decade has passed without the CTBT’s entry-into-force, some are losing patience and arguing that the moratoria observed by countries capable of conducting nuclear test explosions is the best we can expect. Once the International Monitoring System being set up in Vienna is fully operational, they say, it could monitor the observance of these moratoria. But, Amb. Ramaker warned, “That was not the deal at the time that we extended the NPT indefinitely. Countries are only too well aware that unilateral decisions not to test do not have the authority and legitimacy of a legally-binding international instrument.”

41. Amb. Ramaker expressed his strong view that provisional entry-into-force of the CTBT would be a distraction that would take pressure off the ten non-ratifiers, and might even lead some countries to withdraw their signatures. While allowing that this option may, in the very long term, become desirable as the only way to circumvent the “hostage problem,” in which one county is holding up entry into force, Amb. Ramaker was clear in his opposition to such a course of action. “Each and every additional signature and ratification increases that support and at the same time



Members of the MPI International Steering Committee: Dr. David Krieger, Ms. Alice Slater, Mr. Aaron Tovish, Dr. Gunnar Westberg, and Mr. Alyn Ware

underscores the determination of the international community to make sure that nuclear weapon test explosions are a thing of the past.”

42. In the discussion that followed, speakers disagreed about the best approach to entry-into-force. One diplomat argued that to change course now would imply that the “quintessentially multilateral” formula enshrined in Article XIV was wrongly conceived. In order to be successful,

Speaking at a public event the evening before the opening of the Article VI Forum, Dr. Hans Blix, the Chairman of the Weapons of Mass Destruction Commission (WMDC) addressed the issues raised in the WMDC Report, *Weapons of Terror: Freeing the World of Nuclear, Biological and Chemical Arms*, and the current state of “stagnation” in the field of arms control and disarmament.

Kevin Sorenson, Chairman of Standing Committee of Foreign Affairs and International Trade, introduced Dr. Blix, highlighting his credentials such as his work in Iraq and within the International Atomic Energy Agency (IAEA) and the WMDC. Alexa McDonough, Foreign Affairs Critic of the New Democratic Party, called Dr. Blix a “great international statesman” and expressing gratitude for his work and WMDC’s clear message to the world for the need to eliminate WMDs.

Dr. Blix detailed some of the current challenges to disarmament and arms control. The current Iraq war taught, Dr. Blix observed, that “the pursuit of counter-proliferation by military action in Iraq without ‘external validation’” can have devastating consequences. In Iraq, the absence of Security Council involvement might have contributed to this current situation. He expressed the hope that this military philosophy had run its course, and “it would be natural if some re-evaluation were taking place” on the efficacy of the military, diplomacy and the UN on terrorism, proliferation and other threats.



Eradicating WMDs by war was not very successful, and arms control and disarmament had been facing significant challenges. “The year 2006,” remarked Dr. Blix, “will not go down in history as the

he said, multilateralism must be inclusive. The CTBT requires the support and active engagement of all countries possessing nuclear technology. Another diplomat countered that it could be important for the sake of the argument that the CTBT truly reflects the emergence of a norm of customary law. Referring to possible future implications for Iran, he suggested that without provisional entry-into-force of the CTBT, the general obligation of the signatories may be further undermined with time.

43. Several speakers brought up the value and importance of the International Monitoring System already in place under the auspices of the Comprehensive Nuclear Test Ban Treaty Organization. One diplomat observed that when the Partial Test Ban Treaty was negotiated in the 1960s, a CTBT was not possible because seismic technology was not developed enough to detect small underground explosions. He noted the important role played by civil society in providing technical expertise in this field more than ten years before the CTBT negotiations began, and, referring to

year of disarmament, but perhaps the year when it was realized that achieving disarmament by war and democracy by occupation is difficult and that we must resume our efforts to bring about global disarmament – revive disarmament – through cooperative action and negotiations.” The WMDC report was an attempt to increase dialogue, detailing steps that could immediately be taken towards a safer world.

North Korea and Iran presented both challenges and opportunities to the disarmament and arms control field. A multilateral approach could help to achieve the aims of the nuclear Non-Proliferation Treaty (NPT) “if these countries were to face not only an expectation that they should help to solidify the global proliferation regime but also to see a readiness among nuclear weapons states to do the same by moving to concrete measures of arms control and disarmament in the nuclear field, as promised in Article VI of the Nuclear Non-Proliferation Treaty and when the treaty was extended without time limit.” By promoting compliance with the NPT, nuclear proliferation could be precluded.

It is time, he said, that nuclear weapons states move forward with their agreements under the NPT. “It is not a treaty that appoints the nuclear weapons states parties individually or jointly,” remarked Dr. Blix, “to police non-nuclear weapons state parties and to threaten them with punishment.” By not fulfilling their obligations, the viability of the treaty was threatened, making the possibility of a nuclear-free world more distant.

The first route against proliferation was to create situations where states do not need nuclear weapons. Dr. Blix expressed the urgent need for the entry into force of the Comprehensive Test Ban Treaty (CTBT). It would be difficult to convince North Korea to abide by the CTBT if neither the US and China had not ratified it. Fissile Material Cut-off Treaty (FMCT) should also be negotiated without delay. The US draft was welcomed, but must be complemented by a verification system. Dr. Blix warned that the US-India nuclear agreement might provoke Pakistan and China to increase their stocks of fissile material. However, before India, Pakistan and China would adhere to a verified cut-off treaty, they would likely want the five other nuclear states to agree to the treaty.

Frank von Hippel’s presentation, expressed his hope that scientists will make a similar contribution to an FMCT.

44. A number of speakers brought up the problem of US intransigence. One diplomat expressed the optimistic view that “the US is a vibrant democracy,” and that public opinion can change government policies. NGOs and civil society, he said, have a very important role to play. Amb. Ramaker agreed, adding that we would never have had this treaty without the strong support of the Clinton administration. But, he warned, the CTBT will never enter into force without US support and leadership.

VERIFICATION

45. A strengthened IAEA Additional Protocol, fully implemented by all non-nuclear weapons states (NNWS), would be the most important step those states could take improve treaty verification, according to **Dr. Trevor Findlay**, Director of the Canadian Centre for Treaty Compliance, the presenter for the panel on *Verification*. The Protocol increases the verification powers of the IAEA and expands transparency and verifiability in respect of the peaceful nuclear fuel cycle. It permits the IAEA to certify more states for integrated safeguards, which lessens the verification burden on qualifying states, while maintaining, if not improving, verifiability in those states. It would also allow redirection of saved verification resources towards states of greater concern. The best outcome, he said, would be for the IAEA Board to make the Additional Protocol mandatory, in the meantime, the IAEA and interested states should encourage others to adopt the Protocol, so that it becomes the “gold standard” for safeguards and adopted universally.

46. The second most important step for the NNWS would be to pass national implementation legislation and other national measures to implement the NPT within their territories. Security Council Resolution 1540 in April 2004 makes such legislation mandatory for all states, even those which are not NPT parties such as India, Pakistan and Israel. A fully compliant state will have legislation that bans its citizens from any activities that would violate the state’s obligations not to proliferate nuclear weapons, either on its territory or elsewhere, and with criminal penalties ensured for violations of that legislation. Such laws will also include secondary regulations pertaining to the requisite governmental coordination agency, intelligence, police and customs activities and structures, so as to ensure effective implementation of the primary legislation, achieving its full cooperation with the IAEA.

47. Dr. Findlay noted that the NWS do participate in the safeguards regime to some extent. Their volunteering of nuclear facilities for safeguarding, while demonstrating their goodwill, may not be accepted as it may be a waste of IAEA safeguards. While all of the NWS have concluded Additional Protocols, these are largely symbolic since they have nuclear weapons and they vary widely in provisions obliging states to provide the IAEA with additional information and don’t permit the Agency to seek access to undeclared sites and materials, as in the case of the NNWS.

48. The record of the NWS on verifying their actions under their Article VI obligation is poor, he said. Although the US and the Soviet Union were verification pioneers in their Strategic Arms Limitation Talks Treaty, Strategic Arms Reduction Treaty (START) and Intermediate-Range Nuclear Forces Treaties, producing creative and workable verification regimes that enhanced confidence, the START I verification regime expires in 2009 and START II has never entered into force.

49. Even worse, the successor agreement, the 2002 Treaty on Strategic Offensive Reductions (SORT), contains no verification provisions despite the desire of Russia to include them. Even with an improved US-Russia relationship, verification is still necessary. If the relationship ever deteriorates, such verification mechanisms may help to bolster trust, he argued. He further noted that verification not only demonstrates compliance to the rest of the world, but it also builds the capacity needed for other disarmament agreements, in the present or future.

50. The various Cooperative Threat Reduction programs involving the US and other western states on the one hand, and Russia and other former Soviet states on the other, are helping to reduce nuclear weapon delivery systems (submarines) and weapons-useable materials and to produce information about the former Soviet arsenal. This is, however, agonizingly slow and subject to too much resistance.



Dr. Trevor Findlay

51. Dr. Findlay said if the US and Russia really take their Article VI obligations seriously, they would:

- give SORT a verification regime;
- hasten the mutual nuclear transparency process that will be necessary if nuclear disarmament is to ever be achieved. For a start, they should account for their production to date of fissionable material;
- negotiate a verifiable treaty on tactical nuclear weapons that would reveal how many they have and their location, and facilitate verification of reductions and eventual elimination; and
- implement, at least on a trial basis, the Trilateral Agreement among Russia, the US and the IAEA (which seeks to involve the Agency in verifying disposal of excess fissionable material) to see how it works and provide the IAEA with experience.

52. In addition, he said, all of the NWS should intensify their research into, and cooperation on, outstanding challenges in verifying nuclear disarmament. The US and the UK have been leaders in this area and have also shared information on the results. The UK have just concluded a five year program at the Atomic Weapons Establishment at Aldermaston using the actual dismantling of their Chevaline warheads to study and trial potential methodologies. But all NWS need similar programs as their arsenals differ and may require bespoke verification measures. More importantly, he said, is research on undeclared weapons, facilities and materials.

53. Dr. Findlay also referred to the 2005 report of the US National Academy of Sciences' Committee on International Security and Arms Control assessing current and foreseeable methods for monitoring nuclear weapons and nuclear explosive materials. Some of the conclusions were that:

- Current and foreseeable technologies exist to support verification of declared weapons at declared sites, based on transparency and monitoring. This would apply for *all* categories of nuclear weapons and for verifying declared nuclear explosive components and materials. These techniques could be applied to existing bilateral and multilateral treaties without the need for further negotiated agreements;

- While there are some tensions between transparency and confidentiality, the use of available and foreseeable technologies could substantially alleviate this problem;
- A degree of uncertainty is inescapable due to the nature of nuclear explosive material production, nuclear materials and nuclear weapons; and
- The biggest challenge is a state giving the appearance of cooperation while covertly retaining undeclared stockpiles of nuclear weapons or nuclear explosive materials and/or production programs, the challenge referred to as the “breakout problem.” The risk of undetected non-compliance can be reduced through multiple technical and management measures, increased transparency and robust national technical means of intelligence collection. The sheer size and age of the Russian stockpile presents a particular “breakout” challenge where current uncertainties amount to the equivalent of several thousand weapons.



Ms. Regina Hagen

54. Dr. Findlay said we need to encourage a full-scale study of the possibility and implications of “breakout” in a nuclear weapon-free world. More immediately, we need to equip the IAEA to fulfill a much greater role in nuclear verification. The IAEA’s Special Committee on Safeguards and Verification should not only be tasked with considering further improvements in nuclear safeguards, à la the NNWS, but also with improvements to the Agency’s generic capacities. The Agency needs to be better funded; some of the funding, moreover, should be directed to research into advance verification techniques. Some funding should also be directed to research into advance verification techniques.

55. During the following discussion, much attention was directed to the IAEA’s Additional Protocol and how it – or a strengthened version of a safeguard regime – could be improved as verification needs became greater. It was also noted that the International Network of Engineers and Scientists Against Proliferation (INESAP) has created an Independent Group of Scientific Experts on the Detection of Clandestine Nuclear Weapons-Usable Materials Production with the aim to research, develop and field test techniques to detect clandestine production of fissile materials. Participants also argued that verification of stocks would be harder if those stocks increased due to a greater reliance on nuclear power; this discussion led to disagreements between those maintaining a “nuclear renaissance” would slow disarmament and those asserting the “inalienable right” to power technology under the NPT.

NEGATIVE SECURITY ASSURANCES

56. The Permanent Representative of Germany to the Conference on Disarmament, **Ambassador Bernhard Brasack**, the chair of the panel on *Negative Security Assurances* (NSAs), opened the

session noting that it is “no surprise” that NSAs are “at the heart of the NPT” since the non-nuclear States Parties are “fully justified” in expecting such assurances as part of the NPT bargain. Endorsements of NSAs were part of the extension package at the 1995 Review Conference and the Final Document of the 2000 Review Conference. Amb. Brasack spoke of a proposal to have an ad hoc committee on the subject in the CD, and noted that the European Council said NSAs can serve as an incentive to forgo WMD as a deterrent.

57. **Jean duPreez** of the Monterey Institute started off with a bleak view of the state of the issue saying, “It is no surprise that the demise of NSAs is directly related to changes in nuclear postures.” NSAs had to be seen in the context of evolving US nuclear policies and “how these policies not only continue to be the main motivation behind the objectives of many non-nuclear weapon states – most notably of the NAM [Non-Aligned Movement] – for legally binding negative security assurances, but that the US nuclear policies continue to be emulated by other nuclear weapon states, including those outside of the NPT.”

58. Noting that this year is the 60th anniversary of the “non-use” of nuclear weapons, he said this that record could end because of NWS or terrorism. “Threatening this legacy is the nuclear weapons doctrine of the United States and other nuclear states,” he said.

59. According to Mr. du Preez, this unraveling began within months after the 1995 NPT Review and Extension Conference. NSAs were a part of the deal for getting the non-nuclear weapon states to agree to an indefinite extension of the NPT. “Yet within months, the [US] Department of Defense updated sub rosa plans that called for nuclear strikes on certain non-nuclear states;” at this point, strategic planners had Libya in mind. By 1996, “it was clear that US nuclear policy was poised to abandon completely its recent NSA pledges,” he said. This Clinton-era policy “foreshadowed” the Bush era policy of preemption. “It can argued that, in many ways, the Bush White House basically took the nuclear postures of the Clinton era to their next ‘logical’ level.” The terror attacks of 9/11 galvanized these ideas, foreseeing “actual battlefield uses for nuclear weapons against NNWS as a component to the War on Terror and policies emphasizing counter-proliferation and ‘regime change.’ This has triggered renewed urgency in the debate for legally binding NSAs,” said du Preez.



Amb. Bernhard Brasack

60. In 2002, the Bush administration “made it clear that it no longer felt bound by any [NSA] pledges,” noted Mr. du Preez. This reversal “however, poses a quandary for US policymakers.” If US wants to dismantle North Korea’s nuclear weapon program, “forestall Iranian nuclear aspirations,” and “avoid a nuclear tipping point” that could result in “dozens” of new nuclear states, the US “will need to shed much of its unilateralism and work to improve the health of the international non-proliferation regime.” Since the US has concluded that its security requires the ability to threaten NNWS with nuclear weapons, “this unilateral approach guarantees not more security but

less.”

61. This disagreement over NSAs “reached an ominous crescendo” at the 2004 Preparatory Committee (PrepCom) meeting and at the 2005 Review Conference. One of the reasons for the 2005 failure was the refusal of the United States to recognize “the legitimate demand not to be threatened with nuclear weapons,” he said. Although he said “the future is pretty dim” on advancing NSAs, Mr. du Preez saw five potential avenues for pursuing legally binding NSAs, all of which had their own sets of problems:



Mr. Jean du Preez

- Adding a NSA **protocol to the NPT**: This has been proposed by the New Agenda Coalition. “It is highly doubtful that such a protocol, at least in the near future, would be enacted.”
- A reaffirmation of NSAs by the nuclear powers in a **Security Council resolution**. However, it is doubtful that the Council could come to any agreement and in any case it is “likely that the NAM and other NNWS will reject” a council resolution “as yet another ploy by the NWS to preempt any progress on NSAs within the NPT context.”
- Negotiate a **treaty** in the CD. Some proponents of NSAs have opposed this idea, which would take the issue outside of the NPT context. However, the most recent NAM summit document does not explicitly say that legally-binding NSAs need to be negotiated within the NPT.
- Provide NSAs in the context of **nuclear weapon free zones (NWFZ)**: The US has said that such a path “would be the only acceptable approach.” However, since NWFZs are not by nature universal, zones are “a poor instrument for insuring NSAs,” he said. While NWFZs have “an important role in strengthening the security of states” in a zone, these “remain complementary instruments to the NPT. Pending the total elimination of nuclear weapons, only the NPT can provide security against the threat or use of nuclear weapons against NNWS parties to the Treaty.”
- **Unilateral assurances** which, Mr. du Preez called “most likely, but the worst possible solution.” The United States may make an NSA offer to North Korea as a part of any agreement and it is possible such a deal could be made with Iran. All this does, he said, “would signal to would-be proliferators that the way to extract assurance against the threat or use of nuclear weapons is to threaten to use or develop them first.”

62. Ultimately, he said, the NPT is the only treaty that “establishes an international norm.” Therefore, he added, “a protocol or some kind of instrument linked to the NPT remains the best

option.” Regardless of how it is formulated, it is important that NSAs be given in the NPT, thus creating an “incentive to those outside the treaty to join.” Conversely, with the US-India nuclear deal, the United States has given India “a huge incentive” to stay out of the NPT. “It’s paying off staying outside,” he said.

63. During the discussion period, participants took exception to Mr. du Preez’s view on NSAs through NWFZs, with one saying the situation “is not as gloomy” as du Preez suggested; protocols to the Tlatelolco Treaty have been signed, in other cases protocols can be negotiated independently of the zone treaty, and the establishment of NWFZs encourage the establishment of more zones (the Central Asia NWFZ being the most recent example). One participant suggested NWFZ for cities since cities are “passive hostages” to the politics of nations. Another said it was “worthwhile to explore how to move the concept of zones further.” Another participant said “we should not be so skeptical” of NWFZs since “hundreds of countries are embedded” in these zones or of bilateral arrangements (including potential deals with North Korea or Iran) as these would take effect only if nuclear weapons are renounced. Concerning the CD route to NSAs, a participant noted that this option runs the risk of “being held hostage to the consensus rule.”



DE-ALERTING AND REDUCING US/RUSSIAN NUCLEAR DANGERS

64. Despite the Cold War ending over 10 years ago, nearly 10,000 active warheads remain on alert between the United States and Russia. This presents an ongoing direct threat and therefore a crucial area for progress in disarmament efforts. Barriers and opportunities to this effort were presented by **Dr. John D. Steinbruner**, Director of the Center for International and Security Studies at University of Maryland School of Public Policy. Dr. Steinbruner brought compelling information to the discussion regarding both technical details of the two largest nuclear arsenals in the world and the public awareness of the arsenals. **Dr. David Krieger**, President of the Nuclear Age Peace

Foundation, chaired the session on *De-Alerting and Reducing US/Russian Nuclear Dangers*.

65. Dr. Steinbruner said that presently the United States has 5,966 active warheads on 1,225 delivery vehicles. Russia maintains 4,399 active warheads on 927 delivery vehicles. In accordance with SORT, the number of active warheads is to be reduced to a range of 1,700-2,200 by the year 2012. He pointed out that since no more than 2,000 warheads are necessary to do maximum damage, the physical and social threat is unchanged from the peak of the arsenal sizes in the 1980s.

66. Dr. Steinbruner said the Russian arsenal is intrinsically more vulnerable to preemptive threats than its American counterpart. Additionally, the Russian military continues to lack the assets for reliable operational warning. It is estimated that legitimate deterrent levels can be assured at 100 warheads on either side. He added that a thorough strategic assessment of present Russian nuclear weapons capabilities is long overdue to reduce this grave threat to both the people of Russia and other nations of the world.

67. Turning from the strategic concerns of the Russian arsenal to the public awareness of the US arsenal, Dr. Steinbruner recounted data sampled during the 2004 US Presidential election. The median guess by the general public was that the American arsenal consisted of only 200 warheads. Perhaps even more importantly, only 18% of respondents guessed a number of warheads over 1,000. Such a paucity in awareness may be seen as an uninterested electorate at best, and a sign of military complicity in ignorance at worst.



Amb. Nobuyasu Abe

68. Dr. Steinbruner suggested that with the considerable advances in military capability, particularly regarding dramatically more powerful and precise conventional weapons systems, the threshold of non-nuclear forces has achieved a credible deterrent to the extent that a reliance on a nuclear deterrent is no longer necessary or worth the risks and costs. To eliminate the US and Russian arsenals' reliance on the now unnecessary nuclear deterrent would greatly reduce the risks posed by the present strategic orientation.

69. At present, no formal discussion between the US and Russia is taking place, he noted. The current rate of refurbishment will not realize the 2002 Moscow Treaty quantity range of 1700-2200 by the year 2012. Additionally, it is imperative to realize that neither force can be reconfigured without a concurrent action by the other side. Achieving assured reliable verification would entail demanding a shift in three principle areas: attitude, technical design, and operational practice.

70. Solidification of the management of the Russian arsenal requires a comprehensive de-alerting, said Dr. Steinbruner. A concurrent, partial de-alerting in the present political climate may be feasible as a first step. Such an action may be prudent considering the perception by many that a

total de-alerting is a radical proposition. Pursuing these partial first-steps may generate essential symbolic meaning to initiate the process without yielding a major operational sacrifice.

71. Considering the above threats described by Dr. Steinbruner, one diplomat during the discussion period asked that if the risk from an accidental attack is greater than being intentionally attacked, why haven't steps been taken to de-alert? Dr. Steinbruner replied that very few officials would agree that an accidental attack poses a greater risk. Systemically, the military structure, like other large



Dr. John Steinbruner and Mr. Jonathan Granoff

institutions, has a very powerful intrinsic self-preservation drive that results in a resistance to change. Furthermore, one of the designers of the Russian alert system confirmed, “if terrorists knew what I know, they could instigate a counter-attack launch in both directions.” Such a profound threat implores humanity to address both the institutional and cultural challenges faced in achieving de-alerting. Subsequently, a diplomat mentioned the fact that India, Pakistan and Israel are not presently using alert systems.

72. Another participant pointed to the potentially expanded threats posed by US attempts to combine conventional and nuclear weapons, thus further shortening the present alert times. Dr. Steinbruner said that this idea is perhaps one of the most dangerous issues before Congress, yet is receiving little attention in the media.

73. On the theme of US capability enhancements, an NGO representative raised the threat posed by intercontinental ballistic missile delivery system upgrades that would enable precision global strikes with either type of warhead in a 30-minute time window. Conceivably, Russia will seek to obtain a comparable capability. Dr. Steinbruner identified the need to establish the legitimacy (or lack thereof) of implicitly threatening all nations with such a capability.

74. Regarding the Moscow Treaty of 2002, a participant pointed to several feeble elements of the agreement. It is weakened by the lack of a comprehensive schedule, verification regime, enforcement mechanism, and warhead decommissioning. Dr. Steinbruner said that what was needed was either

establishing a comprehensive and formal regime for this treaty or an extension of the provisions of START I past its expiration in 2009.

75. Towards the closing of the panel, a diplomat reminded the audience that the root of the problem lies with persisting Cold War mistrust amongst high-level decision makers. Sustained incremental progress on building this trust is key to de-alerting and reducing the threats posed by the US and Russian nuclear arsenals.

MULTILATERAL DELIBERATIONS AND NEGOTIATIONS

76. Day two of the Article VI Forum, *Responding to the Challenges to the NPT*, was dedicated to “Actions that Non-Nuclear Weapon States Can Take.” The first panel, *Multilateral Deliberations and Negotiations*, was chaired by Ms. Alice Slater, representing the Nuclear Age Peace Foundation.

77. **Ambassador Joon Oh**, Deputy Permanent Representative of the Republic of Korea to the United Nations, and 2006 Chair of the United Nations Disarmament Commission, opened the panel by noting that three or four States - depending on how you count North Korea - remain outside the NPT, and that non-compliance by some member States has been a source of great concern in the international community. The danger of connections between state and non-state actors also is looming larger. Amb. Oh cited the WMD Commission’s (WMDC) finding that the threats posed by nuclear weapons fall into three categories: the risk posed by existing weapons, the risk of further proliferation and the threat of terrorism.



Amb. Joon Oh

78. Amb. Oh acknowledged that the NPT-based multilateral approach has experienced setbacks in recent years, citing the 2005 failures of the NPT Review Conference, the United Nations World Summit and the ongoing impasse in the CD. He emphasized the importance of the NPT as the only legally-binding international treaty by which nearly every country in the world, including five nuclear weapon states, has committed to nuclear disarmament and non-proliferation. “Thoughts of doing away with the NPT or devising a substitute,” he said, “are not only unrealistic, but are likely not to serve our collective interest.”

79. Amb. Oh stressed that implementation of existing commitments, such as the Principles and Objectives adopted in connection with the 1995 NPT Extension and the 13 Practical Steps contained in the Final Document of the 2000 Review Conference, should be a priority. It is also important to remedy the inherent loopholes in the treaty, he said. “As we all know, the NPT can be misused by a member State that develops nuclear technology ostensibly for peaceful purposes, then withdraws from the Treaty in order to pursue weaponization.” This concern extends to possible proliferation of sensitive fuel cycle technologies, including enrichment and reprocessing, either by

member States or “criminal actors.” He suggested that universalization of the Additional Protocol to the IAEA Safeguards Agreement would be useful in both addressing these risks and increasing confidence in the IAEA safeguards system.

80. Turning to nuclear disarmament, Amb. Oh underscored the importance of early entry-into-force of the CTBT and immediate commencement of negotiations for an FMCT. With respect to the CTBT, he said, “I believe we need to consider all options including a provisional entry-into-force.” Regarding an FMCT, he described as “encouraging” this year’s substantive discussion on an FMCT in the CD as well as the draft text proposed by the United States. Although it would be desirable for an FMCT to include verification mechanisms, “my government believes that if this is the stickiest issue, we should start the negotiations without preconditions, to move forward quickly.”



Amb. Alfredo Labbe

81. In conclusion, Amb. Oh stated the need for more public diplomacy efforts to alert the people of the world to the dangers of nuclear proliferation and the benefits of nuclear disarmament. “This is important,” he stressed, “in garnering political will in all States to take the path in favor of disarmament and against proliferation.”

82. **Dr. Tariq Rauf**, Head of the Verification and Security Policy Coordination of the IAEA, addressed the Forum in his personal capacity. The IAEA, he noted, does not have a formal role in implementation of the NPT, only in implementation of the safeguards in non-nuclear weapon States Parties to the NPT. He began by answering a question posed by Senator Roche: should like-minded States start a process to negotiate a verifiable FMCT?

83. Dr. Rauf explained that by going outside the CD to begin negotiations on an FMCT, along the model of the land mines treaty process, those who wish could start the negotiating process and others could join later. This strategy, he said, was used in setting up the International Criminal Court. “You set it up, it acquires customary international legal status, and then others who are frozen out would feel uncomfortable and would eventually find their way in.” Unfortunately, he stated, “That hasn’t happened, and I’m not sure whether it would happen even if one were able to negotiate an FMCT in a parallel structure outside the CD.”

84. He observed that an FMCT is already being implemented and verified in the 185 NNWS parties to the NPT. But, he noted, an FMCT doesn’t really affect them, it affects the five NPT NWS, the three countries outside the NPT, and the fourth country that has said it has left the NPT. “If those key countries that hold military stocks of nuclear materials are not present and are not party to this agreement,” he said, “its value is not entirely clear.” Some also say that this would be the final deathblow to the CD, the only multilateral negotiating forum on nuclear disarmament.

85. The other approach is to continue efforts at the CD. “I’m told that there is a feeling that the FMCT is an issue that is ripe for negotiation,” Dr. Rauf bemused. He added that other countries feel that other issues, such as Prevention of an Arms Race in Outer Space, NSAs, and nuclear disarmament are also ripe for negotiation, and there are linkages. Some countries have supported parallel informal mechanisms for having side discussions on an FMCT. And, after ten years, the IAEA was invited to give a presentation on an FMCT. Thus far, however, no one has been able to find a solution to the impasse.

86. Dr. Rauf pointed out that the CD has a remarkable record of success, producing the Biological and Toxin Weapons Convention, the Chemical Weapons Convention, the CTBT and the NPT, and should not be expected to churn out a treaty every few years. It takes time, he said, to build consensus on security issues of vital interest to States. Dr. Rauf acknowledged that frustration has built up because for a decade the CD has not been able to produce an agreed treaty. But, he concluded, “I think it’s still worthwhile to continue to pursue this discussion within the CD.”

87. Dr. Rauf recalled that during the CTBT negotiations, an international group of seismic experts was able to provide technical data that helped break the stalemate on verification. He suggested that a parallel effort in support of an FMCT could be established on the margins of the CD, with voluntary participation of member States and NGOs. He noted that INESAP and the IPFM are already doing work in this area.

88. Turning to multilateralism, Dr. Rauf expressed his concern that the non-proliferation/disarmament regime is under attack, citing an “increasing tendency” to ensure that the work of multilateral treaty-based mechanisms is hampered so that “small, unrepresentative groups of states, which might be called ‘like-minded,’ Security Council, or G-8, can then take actions which are one way or another portrayed as being mandatory.”

SC Resolution 1540, he noted, is one manifestation. Although its objectives are laudatory in that they seek to close the gaps between existing multilateral treaties, he asserted that associated efforts are underway to tinker with both the obligations of the NPT and the work of the IAEA. Dr. Rauf offered several other examples, including the Proliferation Security Initiative, in which



Hon. Douglas Roche and USG Nobuaki Tanaka

UN Under-Secretary General for Disarmament Affairs, Nobuaki Tanaka, gave the keynote address to the Article VI Forum on September 29. The following are excerpts from his speech:

Following the adjournment of the 2005 NPT Review Conference without a final document, Secretary-General Kofi Annan warned that the international community seems almost to be “sleepwalking” down a path to a nuclear-armed world, and he specifically referred to the World Summit Outcome Document’s silence on WMDs as a “real disgrace.”

Other concerns have been voiced worldwide over the failure of the nuclear weapon states to live up to their own disarmament commitments under Article VI. Although the number of nuclear warheads has been significantly reduced from the overkill situation at the peak of the Cold War, tens of thousands of nuclear weapons still remain, many on hair-trigger alert. Nuclear weapons modernization programs are underway, and no possessor state has yet developed a systematic plan to implement its nuclear disarmament commitments.

There is a certain irony here – the more worries are voiced over the behavior of a few non-compliant states, the more likely it becomes that additional states will re-assess their security requirements. We may already be witnessing the quiet expansion of a new club within the NPT – namely, a growing number of nuclear weapon-capable states, which will create new uncertainties and instabilities. The fact that there are states with nuclear weapons outside the NPT – ones that are now allowed to tap certain technological and commercial benefits even as non-parties – only further jeopardizes respect for the treaty and calls into question its relevance.

More positive developments in recent years include the adoption of Resolution 1540 by the Security Council, which obligates states to control against the proliferation of weapons of mass destruction, including their acquisition by non-state actors. The Additional Protocol is another positive step forward in restoring international confidence in the credibility of safeguards after the Iraq experience (in the 1980s) revealed many of the shortcomings of conventional NPT safeguards agreements.

These challenges are surely not new to this audience. They underscore one fundamental reality in our world today – that its security problems are too extensive geographically and too complex politically to be solved by the actions of individual states alone, no matter how powerful they might be. Many heads of states last year voiced their support for the United Nations activities and stressed the need for its stronger mandates.

This is not to deny that there is indeed a useful place for unilateral actions and a role for ad hoc coalitions. Multilateralism, however, is what is required to consolidate these gains in a coherent global framework that is stable, permanent and just. It is here that the middle powers have enormously important contributions to make. They enter this process from the moral high ground of those states that chose not to seek weapons of mass destruction – they are practicing what they preach.

... The success of the efforts of MPI’s Article VI Forum will bring the NPT back to a new historic milestone – namely, the fulfillment of the “grand bargain” that led to the negotiation of the treaty in the first place. This is indeed a worthy aim.

small groups of States are bypassing the multilateral process, citing complexities, inefficiency, and the consensus rules in order to exercise “leadership.”

89. “Is this really the way to go forward?” Dr. Rauf asked. “My personal view is this is too simplistic and too optimistic a gloss given to efforts that are really designed to undermine the multilateral process.” He suggested that a better way forward might involve some kind of “synergy,” whereby countries with more diplomatic resources work in a way that underpins and strengthens multilateral processes, rather than undermining them.

90. Dr. Rauf reiterated Senator Roche’s statement that the NPT cannot afford two failed Review Conferences in a row. “Since we are now on the cusp of starting the next review process for the 2010 NPT Review Conference and the first Preparatory Committee will be held next year, I think it’s imperative to also focus on process. If there is no process in the context of the NPT whereby we can have a meaningful discussion and exchange of views on nuclear disarmament, then we’re not going to make progress in any significant way.”

91. Because there is no NPT secretariat, he explained, the Chairs and the Presidents rely on the UN Department of Disarmament Affairs (DDA) to provide the paperwork and prepare the draft agendas and timetables for the NPT review process. The DDA has done an admirable job, but is not in a position to take the lead in offering innovative approaches in improving the structure. That, he stated, is the responsibility of member states. “In my view,” Dr. Rauf said, “this is one of the reasons why both the review cycles that started in 1997 and 2003 were a failure.” The Chairs and secretariat, he explained, did not make any effort to change the structure of the PrepComs, even though this was specifically mandated in the 1995 and 2000 strengthened review commitments. “We are still following the structure of the pre-1995 NPT Review Conferences.”

92. Dr. Rauf stressed that “process will trip us up,” recalling that Amb. Duarte, President of the 2005 Review Conference, was not able to start the work until nearly half way through the conference, due in part to lack of agreement on process. “In looking at the process in a fresh way and improving the structure of the process, in trying to have a results-oriented outlook, I don’t think it’s beyond the will of the NPT parties today to identify some issues where we want to reach agreement in terms of making more progress at the 2010 Review Conference.” He added: “PrepComs could be used usefully to make statements on issues that affect the integrity and authority of the NPT, like the DPRK [North Korea] and implementation of safeguards.” We don’t have to wait until 2010.

93. Dr. Rauf concluded by suggesting two additional areas in which progress can be made through multilateral approaches. With a “renaissance” in nuclear power, he said, we will have to find a way



Dr. Tariq Rauf

to assure access to nuclear technology to those countries that have made the sovereign choice to develop nuclear energy; at the same time, we must minimize the proliferation risks of the sensitive parts of the nuclear fuel cycle. He also proposed to address the concerns of many in the NAM that the outdated Nuclear Suppliers Group is a discriminatory and not very transparent “cozy club,” and that a multilateral convention on nuclear export controls should be a priority.

94. **Ambassador Hamidon Ali**, the Permanent Representative of Malaysia to the United Nations, used a culinary analogy to frame his remarks. The NNWS already have the necessary “ingredients” - the “what” and the “why” - to respond to the challenges of the NPT. The primary ingredient, he said, reflecting the long-held perspective of the NAM, is strict adherence by all States parties to the NPT to the provisions, in particular, nuclear disarmament by the NWS. Other necessary ingredients include:

- achieving the full implementation, in particular by the NWS, of the outcomes of the 1995 and 2000 Review Conferences;
- questions concerning State parties adherence to the NPT are treated in a nondiscriminatory and nonselective manner; and
- ensuring that questions arising from State parties alleged non-adherence to the NPT are resolved through dialogue, peaceful negotiations and confidence building measures.

95. What’s lacking, according to Amb. Ali, is consensus on the necessary approach - the “how,” the “when” and the “who.” Consensus remains elusive because of divergent views and decreasing political will among States parties to the NPT. He stressed that political will has been diminished by many setbacks in the field of disarmament, non-proliferation and arms control in the past few years, noting in particular the impact of the War on Terror in the aftermath of 9/11. “We have to buy time,” so that hopefully, a new situation shall enable states that have the political will to move forward.

96. He observed that divergent views between NAM States Parties and other non-nuclear weapon States parties to the NPT are not substantive, but rather on process and the best ways to respond to the challenges to the NPT. “These differences are surmountable,” he said, “through dialogue, appreciation of each others’ views, and a lot of compromise.”

97. While we have the necessary ingredients to respond to the challenges to the NPT, he said what is missing is a “master chef” who can put these ingredients together. To underscore the importance of the process, he explained that if we get the right person with the necessary skills to prepare for the upcoming PrepCom and Review Conference, we will be on the right track. The candidate for President of the Review Conference should be assisted by the Chairpersons of the PrepComs. They should be the ones, he said, guiding the way forward. “The key to the recipe we’re cooking,” Amb. Ali stated, “is a manifestation of political will, in particular among the NWS.” The political will expressed by the NWS will determine the timeline and the process for moving eventually to complete nuclear disarmament.

98. Amb. Ali underscored the importance of maintaining a strategic partnership between governments, NGOs and civil society in order to generate ideas in response to the challenges to the NPT. Highlighting the positive example of the Article VI Forum, he declared that civil society and NGOs should be considered as equal stakeholders in our endeavor to achieve the objectives of the NPT. Amb. Ali encouraged the idea of frequent meetings, both formal and informal, between NGOs and NPT States Parties; but cautioned, however, that “such interaction should seek to compliment and not to undermine existing process under the NPT framework.”

99. Finally, Amb. Ali noted, at some stage we need to get the NWS to engage in this work. Malaysia is a NAM member, he said. The interest of NAM is to see total and complete disarmament, while not forgetting about non-proliferation. “We should strike a balance between the two pillars of the NPT.”

BUILDING POLITICAL ENGAGEMENT WITH THE NUCLEAR WEAPON STATES

100. **Ambassador Don MacKay**, the Permanent Representative of New Zealand to the Conference on Disarmament, chaired the session on *Building Political Engagement with the Nuclear Weapon States*. He opened by saying that the basic questions in dealing with NWS is “How do you get the major states to engage when they don’t think it’s in their interest?” While states generally agree on the need to preserve the NPT, their assessment in terms of what they want out of the treaty and the review process is somewhat different. He said it was “striking” that some of the NWS considered the 2005 Review Conference a success.

101. **Ambassador Henrik Salander**, Deputy Director-General of the Swedish Ministry of Foreign Affairs, said he concurred with the five priority issues outlined in the briefing paper that served as the agenda for the first day’s sessions. He proposed that middle powers could engage with the NWS by being very firm but also creative. NWS should be held to their commitments but through a positive dialogue offered with ideas to get them out of their dilemma. He noted that there will be new leaders in US, UK, France and Russia by the 2010 Review Conference.



Amb. Henrik Salander

102. At the most basic level, the NWS must be urged to acknowledge that it is impossible to hold back proliferation if certain states reserve the right to keep their weapons. “Is anybody actually prepared to use nuclear weapons?” he asked, noting that since the threshold for actually using nuclear weapons is most probably very high, at least in democratic states. Regionally, some may have them to deter use by other states but this is not a global position any longer. “The negative side of use is so enormous that even states possessing nuclear weapons are uncertain whether the advantage outweighs the consequences.”

103. Despite this, Amb. Salander noted policy changes of some states, which now contemplate first

use, pre-emptive use and threats of use against other types of WMD. Even with lower-yield weapons, one could not be positive that their use would be authorized because of their “incalculable political consequences.” A nuclear response to a chemical or biological event would be “an escalation of enormous proportions. In fact, a response so disproportionate that threatening it would probably not be credible.” If the US used nuclear weapons first, the result would be a “world which has passed the point of no return, which would be ruled by violence, by one or a few dominant powers against the will of most others. Is it politically possible for the US or any other democratically governed state to use them first? I believe the answer is no.”

104. He then turned to the fora where dialogue on these questions could take place: dialogue with the NWS could occur in the European Union or NATO where non-nuclear powers could be asked what they think of first use or preemptive first use; the MPI’s parliamentary approach can be very fruitful; the NWS should be engaged during this NPT cycle leading to the 2010 Review Conference.

105. Amb. Salander, who also served as the Secretary-General of the WMDC, said the Commission’s report represents the first politically urgent, comprehensive, negotiated set of proposals in this area in the last six years since the 13 Practical Steps. The report’s theme also fits with the MPI and Article VI Forum by reasserting the centrality of nuclear disarmament and putting it on par with proliferation and terrorism while reasserting the validity of multilateralism and the long term impossibility of unilateralism. As for the report’s proposed World Summit, most of the commissioners think that this should not take place until at the very earliest 2009 and probably not until 2011 after the Review Conference, said Amb. Salander.



Mr. Mark Gwozdecky

106. Rather than dealing with measures to be undertaken, **Mark Gwozdecky**, the Director of the Non-Proliferation and Disarmament (Nuclear) Division in the Canadian Department of Foreign Affairs, focused on the need for fresh and creative thinking based on five “behaviors” or principles required to facilitate a responsible and credible engagement with NWS:

- *Understanding* their nuclear doctrines and acknowledging their belief that deterrence has worked. In the post-9/11 atmosphere of greater insecurity, we need to articulate alternatives that lead to greater security.
- *Reason* as the basis for research and dialogue with NWS leading to conversation on a common definition of what will keep us secure into the future. He commended MPI for acknowledging the complicated nature of the disarmament/security equation, and for partnering with former political leaders, military representatives and other credible technical experts.
- *A holistic approach* that understands that the NWS do not consider the issue of nuclear

disarmament in isolation but part of a greater security calculus. Their policies are shaped by their disproportionate security burden for, as permanent members of the UN Security Council, they are obligated to deal with threats to international peace and security. Therefore, we need to demonstrate that we will work for all three pillars of the NPT: disarmament, non-proliferation and the peaceful use of nuclear technology.

- A need for *realism*: While having the obligation to advocate for nuclear disarmament, we also need to recognize and support the overriding global security objectives of the NPT. We do not want a world where NWS have rid themselves of such weapons while non-state actors or rogue states have them or actively seek them. We need to frame our engagement on disarmament in a greater framework of global security and develop better alternatives. He commended the work being done on verifiability by the Canadian Centre for Treaty Compliance and the work on detection of breakout being planned by INESAP.
- *Advocacy and public education* require not just grabbing the next headline but a more durable approach to changing public perceptions and influencing policy makers. While US polls show nuclear arms control and disarmament issues are important, they do not control voting patterns. Fundamental change will not occur until a new generation is educated on nuclear dangers.

107. **Ambassador Juan Manuel Gómez-Robledo**, the Deputy Permanent Representative of Mexico to the United Nations, began by noting that the current problems do not arise from institutional distrust but rather institutional acceptance that “nuclear warfare is still an open option in today’s world.” Recent failures such as the “total rejection by nuclear weapons states of programs like the Practical Steps or the 1978 Final Document” of the First Special Session on Disarmament should “prompt us to question our tactics, strategies and means of engaging NWS in putting disarmament back at the core of multilateral action.”



Amb. Juan Manuel Gómez-Robledo

108. He believed that options such as a Fourth Special Session of the General Assembly devoted to Disarmament, a World Summit, or a strengthened review process of the NPT, have little chance for breaking the deadlock for they would be using inefficient machinery which remains trapped in Cold War logic. Negotiations in the past have worked in situations where the NWS set the priorities, and the multilateral negotiations only began after agreement among the five permanent Security Council members.

109. Furthermore, Amb. Gómez-Robledo said, two major events have further eroded our capacity to exert pressure: a) the indefinite extension of the NPT in 1995 without getting anything in exchange and; b) the 2005 US-India Nuclear Agreement, which he called a “unilateral reward for those who cheat and lie, but still represent a powerful source for billionaire business in the area

of energy.” Furthermore, he noted the deal included “no obligation in the end for India.”

110. On the other hand, he saw nuclear weapon free zones as a vehicle for pursuing cooperation.



Ms. Stine Rodmyr, Dr. John Burroughs, and Ms. Jacqueline Cabasso

He said NWFZs get the NWS to exchange information about issues such as maritime transit of nuclear weapons and to ask the NWS to withdraw their reservations (which are not permitted in any case). In addition, nations in the zones are working together to press NWS to give NSAs through the protocols to the zone treaties. Mexico hosted the first Conference of NWFZs in May 2005 where this was high on the agenda. They are consulting on a second conference possibly in February 2007 in Mexico to celebrate the 40th Anniversary of the Tlatelolco Treaty, he added.

111. During the discussion, several participants shared the view that NNWS were wrong to agree to the extension of the NPT in 1995 since they now have no leverage over the NWS. Now the NWS do not care about 2010. One diplomat agreed and said this problem must be solved before 2010. This led to a plea for diplomats to review the arguments in favor of indefinite extension at the 1995 Review and Extension Conference. He noted the failure of the NWS to uphold their agreements. “If that behavior is reinforced by politeness and deference, it will continue and the result will be another NPT conference failure in 2010? . . . How do we sustain in a diplomatic context the courage to confront a lack of integrity and, in essence, a misrepresentation to all countries and all peoples of the world by those having control over these horrible and cowardly weapons that they possess and have become more bold in threatening their use?”

112. One line of argument supported Amb. Salander’s suggestion that we need to help NWS out of their predicament of being trapped with nuclear weapons but unable to imagine a future without them, including understanding NWS security concerns and priorities. A diplomat stressed the need to consider and approach each NWS in a unique way. He noted the different treatment required for democracies as opposed to other states and the need in the US to talk with not just the administration but also Congress, the media and so on.



Ms. Jennifer Nordstrom and Prof. Hiromichi Umabayashi

113. One NGO said diplomats were called upon as the “only ones competent and capable of doing for us what the scientists did for climate security, speaking out ... about the risk to our world security You may be the only ones capable of pushing the matter up the political ladder to get the attention it deserves.”

114. The utility of NWFZs as a vehicle for discussions with NWS came up during the session. However, one participant said the NWS démarched the IAEA not to attend the NWFZ Conference in March 2005 in Mexico and the signing ceremony for the Central Asian NWFZ. The IAEA attended nonetheless. On the other hand, one participant suggested that work on the zones is just “playing around the edges, doing what seems possible rather than attacking the problem head on.” It was also considered important that there be future steps to enhance cooperation among the zones.

115. One idea critiqued was Amb. Salander’s view on whether a democratic state would or would not use nuclear weapons. One person argued that the weapons have a strong antidemocratic tendency, and expressed concern that “If you have a leader in a democratic state as we do now who is spoken to by God, or thinks so, you have a problem, for you have no other democratic control on the use of the weapon.” One ambassador was more optimistic about the power of democracies to restrain use and stated that world opinion is against use.

116. This led to a discussion of whether threatening to use a nuclear weapon is “use.” The former US doctrine stated nuclear weapons were deployed only to prevent use, a participant noted. The new US policy documents, particularly the Nuclear Posture Review, lower the threshold for use. One ambassador agreed that a threat is the same as use and in fact upgrades the value of the weapons.

117. An ideological battle was called for by one ambassador who said “we are facing a great danger of the devaluation of multilateralism in the US polity, or, to put it another way, a glorification of unilateralism” and this battle must be fought at the level of public opinion, including think tanks, academia, and other civil society institutions.

CONCLUDING SESSION: LOOKING TOWARDS VIENNA

118. Two of the leading authorities on international arms control and the NPT - **Ambassador Sergio Duarte** of Brazil, the President of the 2005 NPT Review Conference, and **Ambassador Yukiya Amano**, Japan's ambassador to International Organizations in Vienna and current chair of the IAEA Board of Governors – spoke at the concluding session analyzing the 2005 NPT Review Conference and looking ahead to the 2010 conference.



Amb. Yukiya Amano, Hon. Douglas Roche, and Amb. Sergio Duarte

119. The session was called *Looking Towards Vienna* – at that time, Vienna being the presumed venue for the first session in 2007 of the PrepCom meeting for the 2010 Review Conference. (Since then, the UN GA has decided that the first session of the PrepCom will take place in the Austrian capital, from April 30 to May 11.)

120. Both ambassadors, who spoke in their personal capacities, agreed that the deadlock that gripped the 2005 NPT Review Conference cannot be repeated in the next cycle.

121. Citing the WMDC report, Amb. Duarte said, “The nuclear weapon states no longer seem to take their commitments to nuclear disarmament seriously,” even though they are “essential to NPT bargain.” He said nuclear weapon states point to progress in reducing their strategic weapons, but we “must take their word for it since there is no mechanism in place by which those claims can be independently verified.” In addition, many weapons will be retained and others modernized, “leaving open the option for the use in any circumstances.” He cited US, French and Russia statements on nuclear retention and use. He noted the UK is still debating its nuclear policy and that little is known of China’s policies, but added that China “will continue to work toward reducing what they see as a strategic disadvantage” in relationship to the US and Russia. “The inevitable conclusion is disheartening,” he said, and despite Article VI commitments, “the nuclear

arms race is still on. It is now a qualitative race and progresses at a relentless rate.”

122. The possibility of proliferation has been met with “belligerent rhetoric” or proposals to curtail rights to peaceful nuclear power. If such proposals moved forward, “it would result in the extension of the discrimination built into the NPT by creating yet another two-tiered system of haves and have-nots, this time regarding peaceful activities.” He said, “The overwhelming majority of non-nuclear weapon states have acted – and continue to act – most responsibly by faithfully abiding by their responsibilities under the NPT. It is up to the nuclear weapon states to act by taking take concrete, irreversible and verifiable steps” towards nuclear disarmament.

123. Looking back at 2005 for lessons for 2010, he said, “The lack of confidence was the underlining factor that doomed the previous review.” Some parties think the NPT “no longer responds to their interests and aspirations,” therefore the failure was “due to a large extent to the perception by non-nuclear states that there has been no real resolve to eliminate nuclear arsenals.” The pursuit of nuclear disarmament and non-proliferation should not be conditional on each other. “The two processes must be mutually reinforcing.” This was the point that has been made by the New Agenda since 1998 and endorsed in the 2000 Final Document. This understanding “explains in part” the success of 2000, he said, “Unfortunately in 2005, that argument seems to have been lost.” Initiatives including a resurrected New Agenda, the Article VI Forum and other efforts “should lead us in the same direction - the goal of strengthening the NPT in all its aspects.”



Hon. Peter MacKay and USG Nobuaki Tanaka

124. Having said that, the question becomes “What is it that we really want? We know what the Nuclear Weapon States want – to maintain, legitimize and make increasingly acceptable their supremacy. The rest of us are perhaps too many and too different among ourselves to articulate a number of coherent, feasible and realistic common interests in the field of security.” Amb. Duarte added, “Unfortunately we are very far from being able to define our common interests and still farther perhaps from able to act decisively to uphold those interests.”

125. Amb. Amano also discussed the reasons for the 2005 failure including the amount of time consumed by procedural issues that were not resolved during the PrepCom, the “confrontational atmosphere,” the difficulty in finding ways to “address the concerns of the Middle Eastern countries, the wide differences among States as to “the severity of the proliferation threat” and the ways to deal

with nuclear disarmament. In addition, there was the issue of whether the Final Document “would be more forthcoming on substantive issues than the 2000 Final Document. Many countries may have thought it better to retain the 2000 agreement rather than to compromise and agree on a document with less substantive content.”

126. Therefore, “it is vital that the first session of the PrepCom gets off to a good start so that we can put behind us the negative legacy of the 2005 NPT Conference and have constructive discussions on substantive issues,” Amb. Amano said. The first step should be a “timely solution” of procedural questions, which will “help to create a constructive and cooperative atmosphere, and minimize the likelihood of a confrontational one developing.” He called on all states to demonstrate “maximum flexibility.” The PrepCom will be “a good opportunity to make a fresh start. He also noted that “there were many useful proposals” put forward at the 2005 conference. “We need to pick up the threads of these discussions again and allow sufficient time to consider these proposals properly.”

127. The 2007 session should settle procedural issues quickly and move on to “constructive discussion on all substantive issues relevant to the NPT, including long overdue issues proposals made at the 2005 Review Conference, and new issues.”

128. In concluding the third Article VI Forum consultation, Sen. Roche said MPI “takes it as a hallmark that we are in business to help the NPT. We are committed to the NPT.” He told the gathering that “the result of this process of meetings ... will find its way into a document that the MPI will take responsibility for, which we want to present into the first PrepCom in an appropriate way as the expression of an considered view of steps that need to be taken to help the work of the 2010 NPT Review.” Finally, he added, “I’m deeply encouraged ... You will be hearing from us.”

APPENDIX A

Materials from the Third Meeting of the Article VI Forum

PROGRAM

§ THURSDAY, SEPTEMBER 28, 2006 §
Foreign Affairs (Pearson) Building, Ottawa

“Responding to the Challenges to the NPT: The Primary Technical Issues”

Officials of NPT Nuclear Weapons States are invited to join this dialogue on technical issues on September 28

- 9:00 – 9:10 am** Welcome: **Hon. Douglas Roche, O.C., Chair, Middle Powers Initiative**
- 9:10 - 10:30 am** **Panel**
TOPIC: “Fissile Material Cut-Off Treaty (FMCT) Issues”

Chair: **Dr. Frank von Hippel, Co-Chair, International Panel on Fissile Materials**

PRESENTERS: **Dr. von Hippel; Mr. Jean du Preez, IPFM/Monterey Institute for International Studies; Dr. R. Rajaraman, IPFM**
- 10:30 – 11:00 am** **Coffee Break**
- 11:00 – 11:15 am** **Welcome Address**

Hon. Peter MacKay, Minister of Foreign Affairs, Canada

INTRODUCTION: **Hon. Douglas Roche, O.C., Chair, Middle Powers Initiative**
- 11:15 am – 12:30 pm** **Panel**
TOPIC: “De-Alerting and Reducing US/Russian Nuclear Dangers”

Chair: **Dr. David Krieger, President, Nuclear Age Peace Foundation**

PRESENTER: **Dr. John D. Steinbruner, Director, Center for International and Security Studies, University of Maryland School of Public Policy**
- 12:30 – 1:30 pm** **Lunch**
- 1:30 – 2:45 pm** **Panel**
TOPIC: “Comprehensive Test Ban Treaty (CTBT) Issues”

Chair: **Ambassador Carlo Trezza, Permanent Representative of Italy to the Conference on Disarmament**

PRESENTER: **Ambassador Jaap Ramaker, Special Representative to Promote the Ratification of the CTBT, The Netherlands**

- 3:00 - 4:15 pm** **Panel**
TOPIC: “Negative Security Assurances”
Chair: Ambassador Bernhard Brasack, Permanent Representative of Germany to the Conference on Disarmament
PRESENTER: Ambassador Laszlo Molnar, Hungary [replaced by Mr. Jean du Preez]
- 4:15 – 4:45 pm** **Coffee Break**
- 4:45 - 6:00 pm** **Panel**
TOPIC: “Verification”
Chair: Ms. Regina Hagen, International Network of Engineers and Scientists
PRESENTER: Dr. Trevor Findlay, Director, Canadian Centre for Treaty Compliance
- 6:00 – 7:30 pm** **RECEPTION (SKELTON LOBBY)**
WELCOME: Hon. Douglas Roche, O.C., Chair, Middle Powers Initiative
GUEST OF HONOR: H.E. Nobuaki Tanaka, U.N. Under Secretary-General for Disarmament Affairs

§ FRIDAY, SEPTEMBER 29, 2006 §
 Foreign Affairs (Pearson) Building, Ottawa

**“Responding to the Challenges to the NPT:
 Actions that Non-Nuclear Weapon States Can Take”**

Officials of Non-Nuclear Weapons States will engage in dialogue September 29

- 8:45 – 10:30 am** **Panel I: “Multilateral Deliberations and Negotiations”**
Chair: Ms. Alice Slater, Nuclear Age Peace Foundation
PRESENTERS:
Ambassador Joon Oh, Deputy Permanent Representative of the Republic of Korea to the United Nations
Dr. Tariq Rauf, Head of Verification and Security Policy Coordination, International Atomic Energy Agency
Ambassador Ali Hamidon, Permanent Representative of Malaysia to the United Nations

- 10:30 – 11:00 am Coffee Break**
- 11:00 am – 12:45 pm Panel II: “Building Political Engagement with the Nuclear Weapons States”**
- Chair: **Ambassador Donald MacKay, Permanent Representative of New Zealand to the Conference on Disarmament**
- PRESENTERS:
- Mr. Mark Gwozdecky, Director, Non-Proliferation and Disarmament (Nuclear) Division, Department of Foreign Affairs and International Trade, Canada**
- Ambassador Henrik Salander, Deputy Director-General, Ministry for Foreign Affairs, Sweden**
- Ambassador Juan Manuel Gomez-Robledo, Deputy Permanent Representative of Mexico to the United Nations**
- 12:45 – 1:30 pm Luncheon**
- 1:30 – 2:15 pm Keynote Address:**
H.E. Nobuaki Tanaka, Under-Secretary-General for Disarmament Affairs, United Nations
- Introduction:
Ambassador Johannes Landman, Permanent Representative of the Netherlands to the Conference on Disarmament
- 2:15 pm – 3:30 pm Closing Plenary**
- TOPIC: **“Looking Towards Vienna (Strategies for First NPT Prep Comm 2007)”**
- CHAIR:
Hon. Douglas Roche, O.C., Chair, Middle Powers Initiative
- Remarks:
Ambassador Sergio Duarte, Chairman 2005 NPT Review Conference
- Ambassador Yukiya Amano, Permanent Representative of Japan to the International Organizations in Vienna**

Adjournment

ROSTER OF PARTICIPANTS

H.E. Mr. Nobuyasu Abe
Ambassador of Japan to Switzerland

Mr. Witjaksono Adji
First Secretary
Permanent Mission of Indonesia to the
United Nations

H.E. Mr. Hamidon Ali
Permanent Representative of Malaysia to
the United Nations

H.E. Mr. Yukiya Amano
Permanent Mission of Japan to the Inter-
national Organizations in Vienna

Mr. Dainius Baublys
Counsellor
Permanent Mission of the Republic of
Lithuania to the UN

Ms. Judith Berlyn
Co-Chair, Canadian Peace Alliance

Mr. Wade Boese
Research Director
Arms Control Association

H.E. Mr. Bernhard Brasack
Permanent Representative of Germany to
the Conference on Disarmament

Ms. Adele Buckley
Chairperson
Canadian Pugwash Group

Ms. Jacqueline Cabasso
Executive Director
Western States Legal Foundation

H.E. Mr. Mario Campora
Advisor for Disarmament

Supreme Council of Ambassadors
Ministry of Foreign Affairs
Argentina

Ms. Phyllis Creighton
Science for Peace

Ms. Bev DeLong
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Lawyers for Social Responsibility

H.E. Mr. Sergio de Queiroz Duarte
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Ms. Sarah Estabrooks
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Dr. Craig Eisendrath
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Mr. Tom Gillon
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H.E. Mr. Juan Manuel Gomez-Robledo
Deputy Permanent Representative of
Mexico to the United Nations

**Permanent Mission of Mexico to the
United Nations**

**H.E. Mr. Robert Grey, Jr.
Director
Bipartisan Security Group**

**Ms. Debbie Grisdale
Executive Director
Physicians for Global Survival**

**Mr. Chris Grout
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**Mr. Mark Gwozdecky
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**Mr. Ryan Hewer
Policy Officer
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**Mr. Tsukasa Hirota
First Secretary
Embassy of Japan**

**Mr. Garry Jacobs
World Academy of Arts and Sciences**

**H.E. Mr. Cheng Jingye
Ambassador for Disarmament Affairs
Deputy Permanent Representative of the
People's Republic of China to the United
Nations**

Rev. Masamichi Kamiya

**Deputy Director
Rissho Kosei-kai**

**Ms. Gulcan Akoguz Karagoz
Counsellor
Turkish Embassy**

**Mr. Johan Kellerman
Counsellor
Permanent Mission of South Africa to the
United Nations**

**H.E. Mr. Alfredo Labbe
Deputy Permanent Representative
of Chile to the United Nations**

**H.E. Mr. Johannes Landman
Permanent Representative of the Nether-
lands to the Conference on Disarmament**

**Mr. Knut Langeland
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**H.E. Mr. Jean Lint
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**H.E. Mr. Don J. MacKay
Permanent Representative of New Zea-
land
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**Ms. Macha MacKay
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**Ms. Alexa McDonough, MP
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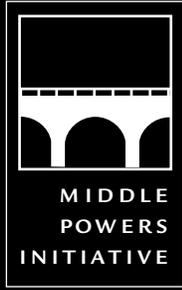
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APPENDIX B

MPI Briefing Paper
*Fulfilling the NPT Bargain for Disarmament and
Non-Proliferation: Next Steps*



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Middle Powers Initiative Briefing Paper

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Fulfilling the NPT Bargain for Disarmament and Non-Proliferation: *Next Steps*

Briefing Paper for the Third Meeting of the Article VI Forum

**Ottawa, Canada
September 28-29, 2006**

September 2006

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THE MIDDLE POWERS INITIATIVE

A Program of the Global Security Institute

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

www.middlepowers.org

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Summary

The Second Nuclear Age has begun and the danger of the use of a nuclear weapon is growing. The only guarantee against use is the complete elimination of all nuclear weapons. Though such a goal seems far off, the security architecture for a nuclear weapons-free world must be built. Both non-proliferation and disarmament must be addressed to effect a balanced implementation of the Non-Proliferation Treaty (NPT).

On June 1, 2006 at the United Nations, The Weapons of Mass Destruction Commission chaired by Hans Blix released its final report, *Weapons of Terror: Freeing the World of Nuclear, Biological and Chemical Arms*. The report states: “There is an urgent need to revive meaningful negotiations, through all available intergovernmental mechanisms, on the three main objectives of reducing the danger of present arsenals, preventing proliferation, and outlawing all weapons of mass destruction once and for all.” The Middle Powers Initiative strongly concurs. At the core of MPI’s mission is the belief that the safety and moral integrity of present and future generations depends upon initiating, achieving, and sustaining the universal elimination of nuclear weapons.

The Article VI Forum, sponsored by MPI, seeks to stimulate and shape effective responses to the crisis of the non-proliferation/disarmament regime and to examine the political, technical, and legal elements of a nuclear weapons-free world. Two meetings of the Forum have been convened, at the United Nations in New York in October 2005, and at the Clingendael Institute in The Hague in March 2006. This Brief outlines five priority measures to be considered at the third meeting in Ottawa, September 28-29, 2006: a Fissile Materials Cut-off Treaty; verification of reduction and elimination of nuclear arsenals; reduction of the operational status of nuclear forces; the Comprehensive Nuclear-Test-Ban Treaty; and strengthening assurances of non-use of nuclear weapons against non-weapon states. These measures would 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 non-proliferation side of the regime and resolving regional crises. They would make for a safer world now and create the pre-conditions for elimination of nuclear arms.

A. The Situation Today

1. A time traveler from the Cold War would find today’s world familiar in that nuclear weapons are very much part of the landscape, but strange in that there is no longer a veneer of a grand confrontation of ideologies, only the brute assertion of overwhelming power. A Second Nuclear Age has begun. In the First Nuclear Age, nuclear weapons were rationalized by the policy of mutually assured destruction. Now, there is a new emphasis on their war-fighting role. In January, President Chirac signaled that nuclear weapons could be used against a state responsible for a terrorist attack on France. According to credible media reports this spring and summer, until the Joint Chiefs of Staff insisted on their removal, U.S. civilian officials at the highest

level wanted to keep nuclear use options in plans for counter-proliferation strikes on Iran. The problem of nuclear weapons is re-emerging in other new ways: heightened concern about terrorist acquisition; the DPRK's declaration that it has a nuclear deterrent and its June missile test launches; Iran's pursuit of a uranium enrichment capability that would produce fuel for nuclear reactors or, should Iran so choose, material for nuclear bombs. The nuclear weapon states refuse to give up their arsenals and feign surprise that other nations, seeing that nuclear weapons have become the currency of power in the modern world, are trying to acquire them. So are terrorists. No major city in the world is safe from the threat of nuclear attack.

2. The events of the summer of 2006 are driving the world toward more danger. The conflict between Israel and Hezbollah; the ongoing conflicts in Iraq and Afghanistan; the continued confrontation with Iran; the DPRK's missile test launches, all increase the odds of regional nuclear arms racing and of wider conflicts in which nuclear weapons might be used. The aggravation of nuclear dangers underlines the imperative of returning to respect for the rule of law in the sphere of disarmament and non-proliferation. That in turn would contribute to building security in the Middle East and Northeast Asia.

3. The intensity of new nuclear dangers has led International Atomic Energy Agency Director General Mohamed ElBaradei, who won the 2005 Nobel Peace Prize, to state: "If we wish to escape self-destruction, then nuclear weapons should have no place in our collective conscience and no role in our security." UN Secretary-General Kofi Annan well articulated the urgency of the present situation in a speech this spring in Tokyo. "We seem to have reached a crossroads," he said. "Before us lie two very divergent courses. One path can take us to a world in which the proliferation of nuclear weapons is restricted, and reversed, through trust, dialogue and negotiated agreement, with international guarantees ensuring the supply of nuclear fuel for peaceful purposes, thereby advancing development and economic well-being. The other path leads to a world in which rapidly growing numbers of States feel obliged to arm themselves with nuclear weapons, and in which non-State actors acquire the means to carry out nuclear terrorism." The Secretary-General continued, "The international community seems almost to be sleepwalking down the latter path - not by conscious choice but rather through miscalculation, sterile debate and the paralysis of multilateral mechanisms for confidence-building and conflict resolution."

4. In *Weapons of Terror*, the WMD Commission calls for commencement of "preparations for a World Summit on disarmament, non-proliferation and terrorist use of weapons of mass destruction to generate new momentum for concerted international action." The Middle Powers Initiative endorses this call, as well as the thrust of the Commission's analysis and recommendations. The Commission observes: "Nuclear weapons must never again be used – by states or by terrorists – and the only way to be sure of that is to get rid of them before someone, somewhere is tempted to use them. Today, we are in a dangerous situation. There has been a third wave of nuclear proliferation. Proliferation has not been halted and serious steps to outlaw nuclear weapons have not been taken." The three waves of nuclear proliferation are: first, the United States, Soviet Union, United Kingdom, France, and China; second, Israel, India, and Pakistan, as well as South Africa until its arsenal was dismantled; third, Iraq, Libya, the DPRK, and possibly Iran. While nuclear weapons programs have been reversed in Iraq and Libya, the report conveys that the third wave is sending an ominous signal. Quoting the unanimous holding of the International

Court of Justice that “there exists an obligation to pursue in good faith and bring to a conclusion negotiations on nuclear disarmament,” the Commission states that the obligation “requires that states actively pursue measures to reduce the numbers of nuclear weapons and the importance of their role in military force structures. Yet, even though nuclear-weapon states ask other states to plan for their security without nuclear weapons, they do not themselves seem to be planning for this eventuality.” The Commission adds: “A nuclear disarmament treaty is achievable and can be reached through careful, sensible and practical measures. Benchmarks should be set; definitions agreed; timetables drawn up and agreed upon; and transparency requirements agreed.... It is time to move from the present stalemate and revive the discussion and negotiations about such steps.” Among those steps are the priority measures set forth in this Brief and virtually all of the MPI recommendations resulting from the 2005 strategy consultation at the Carter Center in Atlanta.

5. Most of the world’s governments – including allies of the nuclear weapon states – have called for implementation of concrete steps towards a nuclear weapons-free world. Freed of the constraints of consensus that stymied the 2005 NPT Review Conference, in fall 2005 the UN General Assembly once again adopted several resolutions to that effect. Perhaps most significant was the “Renewed Determination” resolution sponsored by Japan and nine other countries from both the North and South. It received the support of the vast majority of states, with 162 countries voting for it and only two against, the United States and India, with seven abstentions. Its adoption means that nearly all governments are now on record as favoring application of the principles of transparency, irreversibility, and verification “in the process of working towards the elimination of nuclear weapons.” This is a ringing endorsement of the principles embedded in the 13 Practical Steps for disarmament agreed by the 2000 NPT Review Conference. (See Inside Back Cover for the Practical Steps) The resolution wisely singles out two other commitments from the Practical Steps, “the necessity of a diminishing role for nuclear weapons in security policies,” and reduction of “the operational status of nuclear weapons systems.” It also calls for entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) and negotiations on a Fissile Materials Cut-off Treaty (FMCT). The 2005 resolution put forward by the New Agenda Coalition, the pioneering cross-boundary group, and adopted by a vote of 153 for, five against, and 20 abstentions, directly affirms the continuing force of the Practical Steps.

B. Critical Assessment

6. On the disarmament side of the ledger, little of value can be counted. It can be said that reductions are proceeding slowly in the overall number of warheads, now about 27,000. In the case of the United States, the current total arsenal of about 10,000 will be an estimated 6,000 in 2012. Defenders of the U.S. record observe that this will be the smallest arsenal size since the Eisenhower administration and that there has been roughly a four-fold reduction since the end of the Cold War. However, an extremely negative development is that the United States, with Russian acquiescence, has rejected application of the principles of verification, irreversibility, and transparency to the nuclear arms reductions agreed in the 2002 Strategic Offensive Reductions Treaty. Absent accounting for the warheads and their verified dismantlement, reductions cannot be objectively confirmed and achievement of a nuclear weapons-free world will be impossible.

Another disturbing development is that nuclear weapons have been given a new prominence in security postures, rather than a diminishing role as promised in the Practical Steps. Also dismaying is that no nuclear arms control/disarmament negotiations of any kind, bilateral or multilateral, are taking place. Due to the decade-old impasse over its program of work, the Conference on Disarmament has been unable to deliberate on a Fissile Materials Cut-Treaty, nuclear disarmament, security assurances, and prevention of weaponization of space.

7. On the non-proliferation side of the ledger, in large part due to the refusal of the Bush administration to countenance reference to the Practical Steps, the 2005 NPT Review Conference failed to reach agreement on a program of action. The lack of progress on compliance with the disarmament obligation thus precluded movement on addressing multiple non-proliferation challenges. There was no endorsement of more robust inspections by the IAEA under its Additional Protocol. Nor were there steps taken to regulate the acquisition and operation of technologies for production of plutonium and enriched uranium. As the failure of the Review Conference demonstrates, attempting to strengthen non-proliferation constraints while upgrading the political currency of nuclear weapons is contradictory and unsustainable.

8. Outside of multilateral forums, the United States and India are seeking to create an arrangement under which India would accept safeguards on civilian but not military nuclear facilities in return for access to civilian nuclear fuel and technology. While the proposed deal would partially engage India in the non-proliferation system, it undermines a core bargain of the NPT, that countries renouncing nuclear weapons are promised access to peaceful uses of nuclear technology, and would indirectly augment India's capability to produce fissile materials for weapons. MPI therefore opposes it. Minimal criteria for approval of the deal by the Nuclear Suppliers Group and the U.S. Congress should be entry into force of a verified Fissile Materials Cut-off Treaty and the Comprehensive Nuclear-Test-Ban Treaty as well as India's formal acceptance of the NPT obligation of good-faith negotiation of cessation of arms racing and nuclear disarmament. The need to prevent arms racing in South Asia is highlighted by recent reports that Pakistan is constructing a new plutonium production reactor and the announcement that the United States is going ahead with the long-blocked sale of nuclear-capable F-16 fighter aircraft to Pakistan.

9. In July, the Security Council demanded that the DPRK suspend its ballistic missile program and urged its return without pre-conditions to the six-nation talks aimed at denuclearizing the Korean Peninsula. In August, the Security Council demanded that Iran suspend enrichment and reprocessing activities, signaled the imposition of sanctions should Iran not comply, and supported diplomatic efforts aimed at reaching a comprehensive solution. Both crises, MPI strongly believes, must be addressed diplomatically, not militarily. Solutions must include credible assurances of non-attack by nuclear or any other means. Fundamentally, if we expect the DPRK, Iran, and other potential proliferants to play by the rules of the NPT, so too must the major nuclear powers. This means at a minimum a demonstrated commitment to implementation of the Practical Steps for disarmament. That would establish an environment in which the world's states could be effectively mobilized to create and support solutions to particular crises and to strengthen the regime generally.

C. Priority Measures

Fissile Materials Cut-off Treaty

10. An FMCT would permanently end production of fissile materials, primarily separated plutonium and highly enriched uranium (HEU), for use in weapons. It would affect most directly the countries possessing nuclear weapons; NPT non-weapon states already are subject to a verified ban on diverting materials to weapons. 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. FMCT negotiations remain stalemated in the Conference on Disarmament, primarily due to U.S. refusal of linkages to negotiations or even discussions on other established priority topics. To take advantage of the opening discussed below, middle power countries should explore creative ways to overcome the stalemate. The Conference has already shown flexibility in 2006 by undertaking "structured discussions." Brazil, Canada, Kenya, Mexico, New Zealand, and Sweden proposed last year that the General Assembly, bypassing consensus procedure at the Conference, establish committees on topics that the Conference is not addressing. While starting negotiations on an FMCT is desirable, the Conference or other forums should also deal with the other priority items. Deliberations on nuclear disarmament would provide an overview of process and aims; security assurances are essential to the NPT bargain; and prevention of weaponization of space is essential for many reasons, not least that deployment of space-based weapons would make reduction and elimination of nuclear arsenals much more difficult.

11. On May 18, the United States tabled a draft FMCT in the Conference on Disarmament along with a draft mandate for negotiations. While the draft treaty contains no verification requirements, the draft mandate does not preclude proposing them. It is not necessary that a mandate require that a treaty be verified, so long as this is subject to negotiation. If negotiations do begin, middle power countries should hold to their position that verification is imperative and feasible. The U.S. position is that extensive verification mechanisms could compromise the core national security interests of key parties, would be so costly that many countries would be hesitant to implement them, and still would not provide high confidence in the ability to monitor compliance. However, as the International Panel on Fissile Materials has observed, a verification system could initially focus on declared enrichment and reprocessing facilities in the weapon possessing states. They could be monitored just as the same kinds of facilities are monitored through IAEA safeguards in non-weapon countries Brazil, Germany, the Netherlands, and Japan. Later stages of verification could focus on the more difficult task of confirming the absence of clandestine activities. The U.S. draft is also deficient because it does not bar the conversion of the existing large stocks of civilian materials to weapons use and is silent on the existing large military stocks. As demonstrated by papers by South Africa, Canada, and other countries, as well as the International Panel, 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. For example, an FMCT could provide that exist-

ing military materials declared “excess” to “military” needs would be subject to a verified ban on weapons use. Steps can also be taken in anticipation of a future FMCT. Finally, due to the enormity of the risks posed by the nuclear fuel cycle, middle powers should support renewable energy sources and energy conservation, and to this end should consider establishment of an international sustainable energy agency.

Verification of reduction and elimination of nuclear arsenals

12. President Reagan repeatedly invoked the Russian dictum, “trust but verify.” It is essential to bring the principle of verification symbolized by that dictum back to center stage. The Strategic Offensive Reductions Treaty (SORT) requires Russia and the United States each to deploy no more than 2200 strategic warheads by 2012, but includes no provisions for verification of reductions or dismantling of warheads or delivery systems, leaving each country free to retain thousands of warheads in addition to those deployed. The two countries declared that they would make use of monitoring mechanisms under START to track reductions. But START expires in 2009, and SORT does not provide any schedule for reductions prior to 2012. A high priority therefore is to press Russia and the United States to agree on means to verify and make irreversible the reductions. The WMD Commission recommends negotiation of a new treaty that would further cut strategic forces and also provide for verified dismantlement of warheads withdrawn under SORT. In negotiating SORT, the Bush administration rejected a detailed agreement spelling out transparency and verification measures on the grounds that Cold War-style arms control is no longer necessary and that the United States has no interest in determining together with Russia the size and composition of the two countries’ arsenals. Indeed, the administration viewed SORT as memorializing reductions, though not irreversible ones, that the United States planned to make regardless of the agreement. This approach overlooks that Cold War or no, the two countries need to regulate their nuclear relationship; “partnership” is not necessarily forever. Further, accounting for warheads and verifying reductions is essential to achieving marginalization and elimination of nuclear weapons globally.

13. In working towards a nuclear weapons-free world, many tools exist for effective verification and monitoring, especially with respect to declared facilities, warheads, and fissile materials, as shown by studies this decade undertaken by the United Kingdom and the U.S. National Academy of Sciences. However, achieving confidence that reduction and elimination of arsenals have been implemented remains challenging, principally due to the possibility of hidden warheads, stocks of fissile materials, or capabilities. The National Academy of Sciences found that confidence would increase based on monitoring programs undertaken on an ongoing, long-term basis in an atmosphere of transparency and cooperation. An implication is that verification and transparency measures need to be implemented beginning now, above all regarding U.S.-Russian stocks and reductions. More broadly, 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, as recommended by the International Panel, is one of the first steps that could be taken. Countries with nuclear weapons owe the rest of the world greater proof of compliance with the disarmament obligation. To that end, verification processes should involve international monitoring. Middle power countries should consider what initiatives they could take to develop verification capabili-

ties, in accordance with the commitment made in the Practical Steps. An exemplary action in this regard is the establishment of the Canadian Centre for Treaty Compliance at Carleton University in Ottawa.

Reduction of the operational status of nuclear forces

14. The United States is now 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 should be an absolute scandal that, every moment of every day, the two countries remain locked in a Cold War-style nuclear standoff. Non-governmental experts have explained that the standoff can be defused through separation of warheads from delivery systems and other measures that lengthen the time required for a nuclear launch, from days to weeks to months. An accompanying step is the elimination of the launch-on-warning option that requires nuclear forces to be on hair-trigger alert. The 2000 Review Conference committed to reduction of the operational status of nuclear forces, often referred to as “de-alerting.” While most urgent with respect to Russia and the United States, it is also vital that other weapon 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, hacking into command and control systems, and developments that cannot now be anticipated. Depending on the extent of its execution and verification, it would also lessen the moral corruption inherent in reliance on nuclear weapons for security and defense.

Comprehensive Nuclear-Test-Ban Treaty

15. After four decades of discussions and partial test ban agreements, negotiations on the CTBT were completed in 1996. 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 weapon-possessing states, the United States, China, and Israel, have signed but not ratified the treaty; two other weapon-possessing states, India and Pakistan, have not taken the first step of signing it; and the DPRK, which may have weapons, has also not signed. The Preparatory Commission for the CTBT Organization has made great strides in developing the International Monitoring System, which will likely be completed in 2007. 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. 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. It would be an indispensable part of the architecture of a nuclear weapons-free world. Its entry into force must remain a high priority. Also crucial is maintenance of the moratorium on nuclear test explosions that has held since the 1998 tests by India and Pakistan and continued support for the Preparatory Commission.

16. Middle power countries should call upon weapon states to refrain from warhead research and development. It is contrary to a central purpose of the CTBT and the commitment in the

Practical Steps to a diminishing role for nuclear weapons in security policies, and could lead to a resumption of testing to gain confidence in the performance of new or modified warheads. The WMD Commission stated: “If research on nuclear weapons is continued, modifications should only be for purposes of safety and security – and demonstrably so.” But research and development is taking place for purposes of replacing existing systems, increasing reliability over the long term, and enhancing military capabilities. France reportedly is planning the deployment of new warheads whose concept was tested in 1995-1996 on new versions of its cruise and submarine-launched missiles. Russia is developing new warheads for its most recent silo-based and mobile missiles, including one involving a maneuverable reentry vehicle. The U.S. “reliable replacement warhead” program aims to yield modified or new-design warheads; Britain reportedly has a similar program. The Middle Powers Initiative is deeply concerned at the failure of the nuclear weapon states to make credible progress in implementing their disarmament obligations under the NPT. Despite current Congressional intentions, the U.S. program will enable research on improvement of military capabilities. It has been described by a top official as incubating future “revitalized” scientists able to design, develop and produce a new-design warhead with “different or modified military capabilities” within three to four years of a decision to do so. The U.S. Department of Defense projects that four to six replacement or refurbished warheads will be deployed in about two decades, and also envisions warhead development for next-generation delivery systems. Exotic changes are not necessary to achieve significant advances in capability. Under the U.S. “lifetime extension program,” the main warhead for submarine-launched missiles is being given a capacity to destroy “hard targets” with a “ground burst” by modifying a sub-system in its reentry vehicle. To the extent that weapon states’ modernization programs are intended to and will result only in perpetuating existing military capabilities, planning and preparing for maintenance of nuclear forces for decades to come is contrary to the obligation to work in good faith for their elimination.

Strengthened assurances of non-use of nuclear weapons against non-weapon states

17. Particularly in France and the United States, doctrine and preparation for nuclear strikes against non-weapon states is a central development of the Second Nuclear Age. That trend gives a special urgency to the long-standing demand of non-weapon 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 weapon states have given such assurances in the form of declarations, and they are also legally codified in protocols to the regional nuclear weapon 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.

Disarmament as the compass point

18. In the view of the Middle Powers Initiative, implementation of the above-outlined priority measures should take place in the context of a visible intent to achieve a nuclear weapons-free world. The 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 acqui-

sition by additional states, and generate support for strengthening the non-proliferation side of 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. But their achievement is hindered when the weapon states cannot foresee the end of the process. If nuclear weapons are to be a permanent and central part of the security environment, that alters those states' calculations about whether to reduce their flexibility by agreeing to measures like the CTBT, the FMCT, intrusive verification of reductions and de-alerting, and strengthened security assurances. The point is illustrated by the 1999 debate preceding the failure of the U.S. Senate to approve ratification of the CTBT. While there were claims that verification of the test ban would be inadequate, a more significant factor seemed to be doubts that maintenance and modernization of U.S. nuclear forces over the long term would be unaffected. If the marginalization of nuclear weapons, and their eventual elimination, were on the horizon, such doubts would have less weight. It accordingly is crucial to consider how to keep the overall process of disarmament in view. One means of doing so would be a World Summit.

D. The Role of Middle Powers

19. Middle powers working together have a tremendous potential to make a difference, perhaps more than they fully realize. Spurred on by the example of the New Agenda Coalition, governments have moved beyond Cold War groupings and worked across the North-South divide. Since 1998, the seven New Agenda states (Brazil, Egypt, Ireland, Mexico, New Zealand, Sweden and South Africa) have consistently pressed the nuclear weapon states to live up to their obligations. Other states have joined in the Seven Nation Initiative (Australia, Chile, Indonesia, Norway, Romania, South Africa, along with the United Kingdom) and sponsored the Renewed Determination resolution overwhelmingly approved by the General Assembly (Australia, Bangladesh, Chile, Italy, Japan, Nepal, Nicaragua, Spain, Switzerland and Ukraine). Middle powers can bridge the gulf between the weapon and non-weapon states. By voting for the 2005 New Agenda resolution, 14 NATO states backed the Practical Steps: Belgium, Bulgaria, Canada, Czech Republic, Denmark, Germany, Iceland, Italy, Lithuania, Luxembourg, The Netherlands, Norway, Slovakia, and Turkey. Other significant affirmative votes came from Asia and the Pacific, including U.S. allies Australia, Japan, and the Republic of Korea.

20. Middle powers can also draw on the resources of civil society organizations, like the Article VI Forum, and catalyze civil society action in return. To build the political will necessary to sustain a process leading to the elimination of nuclear weapons, civil society organizations, publics around the world, and officials such as heads of state, mayors and parliamentarians must be intensely engaged. Middle powers should strive to support civil society participation in the NPT review process and UN deliberations, engage in regular consultations with NGOs, and promote disarmament and non-proliferation education. A fusion of strength of an informed civil society and like-minded governments holds great promise.

21. Believing that the NPT cannot withstand another failed review conference in 2010, MPI urges middle power countries to undertake multilateral diplomacy to rescue the NPT and to meet

today's challenges of disarmament and non-proliferation. This work begins in 2007 at the first Preparatory Committee meeting for the 2010 Review. Also vital is determined and strategic intervention in the deadlocked Conference on Disarmament and in the General Assembly. Middle powers must act as a liberating influence on the disarmament process; they have a power of exposure, a power of convening, a power of stimulating progress. There is an urgent need for stronger political action and leadership, and middle power countries have the potential to exert such leadership, indeed to unite the world in demanding disarmament and working for its achievement.



MIDDLE POWERS INITIATIVE

A program of the Global Security Institute

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