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

Briefing Paper for the Sixth Meeting of the Article VI Forum

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Through the Middle Powers Initiative, eight international non-governmental organizations (the Albert Schweitzer Institute, Global Security Institute, International Association of Lawyers Against Nuclear Weapons, International Network of Engineers and Scientists, International Peace Bureau, International Physicians for the Prevention of Nuclear War, Nuclear Age Peace Foundation and the Women's International League for Peace and Freedom) are able to work primarily through "middle power" governments to encourage and educate the nuclear weapons states to take immediate practical steps that reduce nuclear dangers and commence negotiations to eliminate nuclear weapons. MPI is guided by an International Steering Committee, chaired by Ambassador (ret.) Henrik Salander of Sweden.

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SUMMARY

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

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

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

The openings include:

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

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

A. IMPERATIVES

The Deteriorating Relationship Between Russia and the United States/NATO

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

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

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

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

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

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

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

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

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

The Nuclear Suppliers Group's Exemption for India

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

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

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

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

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

The Prospect of Increased Worldwide Reliance on Nuclear Power

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

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

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

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

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

B. OPENINGS

The Secretary-General's Address

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

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

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

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

The New Administration in Washington

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

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

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

Priority Measures

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

regime. They are:

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

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

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

Nuclear Weapons Convention

23. In his October 24 address, the Secretary-General gave a welcome boost to the campaign for a global ban on nuclear weapons. His observation that NPT Article VI could be fulfilled through a framework of instruments or a nuclear weapons convention recognizes that a comprehensive approach is supported by a large majority of UN member states. Every year since 1997, the General Assembly has adopted a resolution calling upon all states immediately to fulfill the disarmament obligation affirmed by the International Court of Justice by commencing multilateral negotiations leading to an early conclusion of a nuclear weapons convention. In 2008, the number of co-sponsors doubled from 28 to 56, and the General Assembly adopted the resolution by a vote of 127 to 30, with 23 abstentions. All members of the New Agenda Coalition cast affirmative votes.

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

25. As both publications explore, there are manifold challenges to overcome in constructing an institutional framework that would reliably provide for verified and enforceable elimination of nuclear warheads and delivery systems and successfully manage nuclear power. Those challenges can in part be addressed through measures on the standard international agenda - verified reductions, the CTBT, the FMCT, regulation of nuclear fuel production and supply, etc. - so long as they are negotiated and implemented with the objective of a nuclear weapon-free world in mind. It is also important, however, to squarely address the nature of the overall framework; the challenges will not go away just because they are ignored. Moreover, measures now apparently within reach may in fact remain unattainable while a nuclear weapon-free world is not even on the horizon. In that circumstance, they may be perceived as primarily aimed at preserving the advantage of powerful states and deemed unacceptable. It must be clearly enunciated and intended that the steps are meant to lead to a world free of nuclear weapons, not to maintain an unsustainable two-class nuclear world. That intention is best conveyed by creation of a process expressly devoted to achieving the global elimination of nuclear forces.

26. Fundamentally, only a global agreement can firmly establish the obligations not to possess, use, or threaten to use nuclear weapons. It is worth considering reaching agreement, through a framework approach, on the basic norms prior to detailed negotiation of all matters relating to verified elimination and its enforcement. That is still the essential situation with respect to biological weapons, for which a verification regime has yet to be agreed.

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

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

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

Verified Reductions

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

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

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

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

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

Fissile Materials Cut-off Treaty

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

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

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

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

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

Comprehensive Nuclear-Test-Ban Treaty

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

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

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

C. CONCLUSION

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

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

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

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

APPENDIX ONE

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

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

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

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

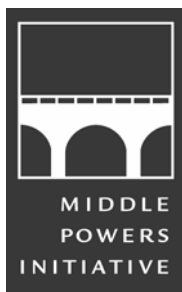
Governments should also invest more in verification research and development. The United Kingdom's proposal to host a conference of nuclear weapon states on verification is a concrete step in the right direction.

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

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

My fourth proposal concerns accountability and transparency. The nuclear weapon states often circulate descriptions of what they are doing to pursue these goals, yet these accounts seldom reach the public. I invite the nuclear weapon states to send such material to the United Nations Secretariat, and to encourage its wider dissemination. The nuclear powers could also expand the amount of information they publish about the size of their arsenals, stocks of fissile material and specific disarmament achievements. The lack of an authoritative estimate of the total number of nuclear weapons testifies to the need for greater transparency.

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



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

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

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



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