



Middle Powers Initiative Report

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The Article VI Forum:

Forging a New Consensus for the NPT

Report of the Fourth Meeting

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MIDDLE POWERS INITIATIVE

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LETTER FROM THE CHAIRMAN

Dear Excellencies, Colleagues and Friends,

It is with great pleasure I present to you the report of the fourth meeting of the Article VI Forum, entitled *Forging a New Consensus for the NPT*. Held at the Vienna International Center with the support of the Government of Austria and the International Atomic Energy Agency, the consultation focused on the issues that will be central to the deliberations that will take place during the preparatory process leading up to the 2010 NPT Review Conference.

Those issues are well-known and have been thoroughly examined in all of our consultations: the Comprehensive Test Ban Treaty, a Fissile Materials Cut-Off Treaty, de-alerting, verification, negative security assurances, nuclear weapon--free zones, the Middle East, the nuclear fuel cycle and NPT governance. These issues are fundamental for maintaining and expanding the essential bargain of the NPT, thus moving us closer to a world free of nuclear weapons.

Beyond the issues, there are also the matters of will and attitude. I firmly believe – and this belief was reinforced by the consultation – that there are grounds for optimism in our work. We will not begin the review process with the mindset that nothing substantive can be done in the first, second, or even third preparatory session. Indeed, substantive proposals should be made and they will be made. We look to the middle power states to develop a strategy for a consensus approach to the continued viability of the NPT, thus overcoming the depressing legacy of the 2005 Review Conference and offering a solid foundation for the 2010 Conference.

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

The Article VI arises from the insight of the Middle Powers Initiative that the bridge building metaphor best describes the collective work of a morally inspired civil society and the practical skills of diplomats gleaned from the crucible of experience. Building a bridge to a sustainable future requires raising the political profile of nuclear disarmament and the practical steps to get there.

President Mikhail Gorbachev recently stated in the Wall Street Journal of January 31, 2007: We must put the goal of eliminating nuclear weapons back on the agenda, not in the distant future but as soon as possible. It links the moral imperative – the rejection of such weapons from an ethical standpoint – with the imperative of assuring security. It is becoming clearer that nuclear weapons are no longer a means of achieving security; in fact, with every passing day they make our security more precarious.

I believe that the building blocks of the bridge must be evaluated based on rigorous criteria. The policies must:

1. Decrease risk of use;
2. Diminish access of terrorists to catastrophic weapons and materials to build them;
3. Raise barriers to acquisition by additional states;
4. Generate support for strengthening the regime and resolving regional crises;
5. Not diminish the security of any state;
6. Reinforce the NPT and enhance the rule of law;
7. Make the world safer now; and,
8. Reinforce both nonproliferation concerns and move toward the universal elimination of nuclear weapons.

It appears that those who are satisfied with the status quo are unaware that failure to achieve progress based on these standards will corrode the nonproliferation regime. Our choice remains unacceptable hazard or cooperative security based on international norms and the rule of law. The threat to use nuclear weapons must be placed outside of acceptable international norms as soon as possible. The counterfactual is ultimately outside of our imagination.

The clarity of dialogue that was shared in the deliberations in Vienna at this Article VI Forum should give us great confidence this bridge will be built sooner than expected.

Sincerely,



Jonathan Granoff
President, Global Security Institute

EXECUTIVE SUMMARY

The fourth meeting of the Article VI Forum, entitled Forging a New Consensus for the NPT, took place at the Vienna International Center in Vienna, Austria, March 29 – 30, 2007. Coming one month before the first meeting of the preparatory committee for the 2010 Nuclear Non-Proliferation Treaty (NPT) Review Conference, the consultation focused on the issues that will be central to the preparatory process and the Review Conference itself, including fuel cycle issues, the Comprehensive Test Ban, the Fissile Materials Cut-Off Treaty, and the 1995 Resolution on the Middle East.

This consultation represented “a hope for nuclear disarmament based on a gathering world consensus,” said the Hon. Douglas Roche, O.C., the Chairman of the Middle Powers Initiative, in opening the session. Austrian Foreign Minister Ursula Plassnik, in a letter distributed at the consultation, and Ambassador Dorothea Auer, the Director of the Department for Disarmament, Arms Control and Non-proliferation in the Austrian Foreign Ministry, also struck a hopeful note. Amb Auer said she hoped the “Vienna Spirit” of non-confrontational and constructive dialogue would take hold and help move the first meeting of the PrepCom along a meaningful path.” In the keynote address, the former UN Under-Secretary-General for Disarmament, Mr. Jayantha Dhanapala, said it was time to “construct a new consensus on the ruins or ashes of the old consensus,” including by restoring the balance among the three pillars of the NPT.

The panel on Fuel Cycle and Proliferation Challenges to the NPT Regime focused on numerous proposals to reduce the proliferation risk by expanding multilateral controls over the fuel cycle. Issues as diverse as the Iraqi program in the 1980s, the clandestine nuclear trade network discovered in 2003, North Korea, the present day concerns surrounding Iran’s nuclear program, and the US-India nuclear deal require multilateral regimes that are binding, equitable and that ensure all states access to fuel.

The Comprehensive Test Ban Treaty (CTBT) and the potential Fissile Materials Cut-Off Treaty (FMCT) have been at the top of the international agenda as concrete steps that will help lead to the elimination of nuclear weapons. The expert panelists speaking to the subject of The Viability and Significance of the CTBT and FMCT detailed the value of these legal instruments as effective tools for disarmament and non-proliferation. While the FMCT does not exist and the CTBT is not fully in force, the verification network for the CTBT has already proven its potential when North Korea conducted its nuclear tests in 2006.

The panel on Steps Toward Implementation of the 1995 Middle East Resolution highlighted the hurdles needed to be overcome if any progress is to be made in this crucial piece of the 1995 extension package. The resolution called for the creation of a WMD-free zone in the region. While the concept has been endorsed by all relevant parties, there have been no sustained negotiations on it. The panelists discussed why this was the case and how the conditions could be changed to move this initiative forward.

The rule of law, rather than “ad-hockery,” is essential if there was any hope of building a true NPT consensus, argued the panelists in Towards Security Without Nuclear Weapons: WMD Commission Recommendations. Strengthening treaty regimes, diplomacy based on reciprocity and legitimacy and respect for institutions such as the UN and the International Criminal Court, would lay the foundations for new treaties and international norms, including any that could effectively deal with fuel cycle issues, the panelists said.

While the responsibility to eliminate nuclear weapons naturally lies with the states possessing those weapons, there are numerous Steps Non-Nuclear Weapon States Can Take in the Short Term that were explored in the panel with that title. Panelists highlighted options including Conference on Disarmament

negotiations, campaigns by non-nuclear allies of the nuclear weapon states to revise the doctrines to reduce reliance on nuclear weapons, and the strengthening of nuclear weapon-free zones.

One element responsible for the failure of the 2005 Review Conference was the inability of delegates to reach agreement early enough on procedural matters. With that in mind, the panelists discussing Strategy and Procedure in the NPT Preparatory Committee focused on the procedural issues that were necessary both to advance the PrepCom’s work and strengthen the review system as a whole. As a point of reference, a key point was the continuing validity of the all the decisions made at the 1995 Review and Extension Conference and the 13 Steps from the 2000 conference. They also took issue with the idea that substantive issues were the responsibility of the Review Conference as well as of the preparatory work.

In his concluding remarks, aptly titled Towards the First NPT PrepCom, Sen. Roche said, “We have recognized, the formidable obstacles notwithstanding, there is a near consensus; huge areas of the world, massive majorities of countries, do agree already on steps that need to be taken to reduce the level of nuclear dangers and move the world forward in full implementation of the NPT.” To that end, he said MPI would submit to the first session of the PrepCom a paper dealing with key substantive issues that will be on the Review’s agenda.

The following 19 invited nations were represented: Austria, Belgium, Brazil, Canada, Chile, Egypt, Germany, Indonesia, Ireland, Italy, Japan, Jordan, Malaysia, the Netherlands, New Zealand, Norway, South Africa, South Korea, and Sweden.

Officials of the United Nations Department for Disarmament Affairs, the International Atomic Energy Agency and the Comprehensive Nuclear Test Ban Organization also attended. Members of the non-governmental International Panel on Fissile Materials attended an Article VI Forum for the third time.

OPENING SESSION

Opening the fourth meeting of the Article VI Forum, entitled Forging a New Consensus for the NPT, the **Hon. Douglas Roche, O.C.**, the Chairman of the Middle Powers Initiative, said this consultation represented “a hope for nuclear disarmament based on a gathering world consensus.”

“We want the 2010 Review to succeed with not only a ringing endorsement of the Treaty but a consensus on implementation of practical steps,” he said, “The Article VI Forum, operating in a



Ambassador Dorothea Auer, Hon. Douglas Roche, O.C., and Mr. Jayantha Dhanapala

non-combative atmosphere, has shown a common determination to move towards full implementation of the Non-Proliferation Treaty. Our meetings have overcome the cynicism that too often characterizes disarmament discussions. We have, in fact, uncovered reasons for optimism.”

“We should not enter this review process with the mindset that nothing substantive can be done in the first, second, or even third preparatory session,” Sen. Roche continued, “Indeed, substantive proposals should be made, and we look to the middle power states to develop a strategy for a consensus approach to the continued viability of the NPT.”

Because of a parliamentary debate, **Foreign Minister Ursula Plassnik** of Austria, was unable to attend the opening session. In a letter distributed at the consultation, she wrote, “Recent developments highlight the urgency we should place in addressing the challenges in fulfilling the goals of the NPT. It may be time for fresh ideas and approaches.”

Representing the Foreign Minister, **Ambassador Dorothea Auer**, the Director of the Department for Disarmament, Arms Control and Non-proliferation, said she hoped the “Vienna Spirit” of non-confrontational and constructive dialogue would take hold and help move the first meeting of the PrepCom along a meaningful path. “If we want results, we will have to adopt new, forward looking, future-oriented and holistic approaches,” Amb. Auer said, “It is in this respect that I count on MPI to deliver many new and practical ideas. It may well be up to the ‘middle powers’ to revive meaningful negotiations, mediate, build bridges and foster cooperative endeavors, driven by a common goal to counter the threat posed by nuclear weapons.”

In the keynote address, the former UN Under-Secretary-General for Disarmament, **Mr. Jayantha Dhanapala**, said the old consensus – the one that (among other things) made the historic agreement in 1995 to indefinitely extend the NPT – began unraveling after 1995 with such changes as “a fresh salience given to nuclear weapons and the policies of the nuclear weapon states (NWS)” and proliferation threats from sources including North Korea and the nuclear black market of A.Q. Khan. But now there are “new opportunities” to “construct a new consensus on the ruins or ashes of the old consensus,” including by restoring the balance among the three pillars of the NPT, he said. Part of that restoration could involve amending the NPT, strengthening the articles that deal with all three pillars “so that you do not isolate one of those pillars at the expense of the other two.”

FUEL CYCLE AND PROLIFERATION CHALLENGES TO THE NPT REGIME

The proliferation risks of the nuclear fuel cycle are increasingly evident in today’s world. These risks—highlighted by Iraq’s secret program in the 1980s, the clandestine nuclear trade network discovered in 2003, and the present day concerns surrounding Iran’s nuclear program—have prompted several governments and international agencies to offer proposals for multilateralizing the fuel cycle. These were among the issues explored in the panel on Fuel Cycle and Proliferation Challenges to the NPT Regime, chaired by Amb. Auer.

Ambassador Y.J. Choi, Permanent Representative of the Republic of Korea to the United Nations, outlined a paradigm that he said should frame the discussion on multilateral approaches. In order for any export control regime to succeed, it must be based on objective and sensible criteria, based upon a paradigm of “enlightened national interest,” a security framework that will ensure that all states will benefit.

Currently, the proposals for an international regime on the fuel cycle have been put forth by current or potential fuel suppliers. These proposals, Amb. Choi maintained, are designed from narrow self-interest and, as such, will not succeed. Indeed, he said, pursuing one’s narrow self-interest in a multilateral setting “is the surest route to failure.” Any proposal with a chance of success must strike a balance between its non-proliferation goals and the way in which it guarantees peaceful uses of nuclear energy.

Policies based on narrow national self-interest are not sustainable in today’s globalized world, Amb. Choi argued. The gravest threats to humanity today—including nuclear proliferation, global warming, international terrorism, overpopulation and communicable diseases—are transnational. “However powerful or rich,” he argued, “nations must work with others to cooperate to address these threats.” Furthermore, he said, policies based on narrow self-interest will inevitably elevate the problems they seek to address, thereby “threatening every country’s own national stability.”

South Korea, for instance, chooses not to develop a full fuel cycle capability, even though they are “the nation most in need” of such a capability, according to Amb. Choi. To do so, he argued, would encourage others to do the same, thereby increasing the risks for weapon proliferation. “Suppose that every country claimed the right to a ‘peaceful’ fuel cycle, and, by extension, the capability to possess or develop nuclear weapons,” Amb. Choi said, “The global village would soon become too dangerous a place in which to live.” Instead, South Korea chooses to store their spent fuel and import their enriched uranium. While expensive, such a policy demonstrates “enlightened national interest” for the sake of the common good.

Amb. Choi urged all nations to “lead by demonstration” and “forgo national interest for the sake of the larger common good.” In order to secure the survival of humanity, he concluded, we must ensure that all policies, including those on the fuel cycle regime, are based principles of enlightened national interest.

At present, however, such enlightenment eludes most nuclear policies. This dangerous reality was highlighted in the subsequent presentation by **Dr. M.V. Ramana** of the International Panel on Fissile Materials. Speaking in his personal capacity, Dr. Ramana discussed the origins, development and implications of the US-India nuclear deal. The debate on this deal in both the US and India demonstrates the primacy of narrow national interests at the expense of a multilaterally agreed global security regime.

The US-India nuclear deal originated in a joint statement by the two heads of state in 2005. The deal sought to lift US restrictions on nuclear trade with India and begin “full civil nuclear cooperation,” placing some nuclear facilities under International Atomic Energy Agency (IAEA) safeguards. Several facilities, however, were to remain outside of IAEA purview, including:

- existing fast breeder reactors and those under construction;
- reprocessing and enrichment plants;
- spent fuel stockpiles;
- some fuel fabrication facilities; and
- the BARC complex, India’s “hub of nuclear weapons activities”.



Ambassador Y.J. Choi and Dr. Tariq Rauf

In the US, Congress amended the deal to “encourage” India to declare a date for the cessation of fissile material production, pursuant to an international treaty. In addition, the deal would require India’s participation in the US’s non-proliferation goals monitored by the National Nuclear Security Administration. Discussions are still

Ambassador Dorothea Auer gave the welcoming remarks to the Article VI Forum on behalf of Foreign Minister Ursula Plassnik. The following is an excerpt:

In one month, the first NPT PrepCom will take place here in Vienna. For us this is a recognition of the growing attention to the ‘Vienna issues’ in the NPT, in particular monitoring and verification, and the important role of the IAEA in this respect... You are well aware that our task at the NPT PrepCom in Vienna will – first and foremost – be to find answers to the procedural questions ... I sincerely hope, however, that we will be able to deal with these issues quickly and decisively, so that we have ample time to address substantive issues as well.

In this regard, Austria hopes that we will finally have earnest and open discussions on nuclear disarmament, the future of the CTBT, regional questions (Iran, the DPRK, the Middle East), the role of non-state actors and the complex field of Multilateral Fuel Assurances or Multilateral Approaches, an area Foreign Minister Plassnik believes may very well be one of the most promising areas to achieve real progress in the field of non-proliferation...

If we want results, we will have to adopt new, forward-looking, future-oriented and holistic approaches. It is in this respect that I count on MPI to deliver many new and practical ideas. It may well be up to the ‘middle powers’ to revive meaningful negotiations, mediate, build bridges and foster cooperative endeavors, driven by a common goal to counter the threat posed by nuclear weapons...

Another reason [for holding the PrepCom in Vienna] was the hope that the ‘Vienna Spirit’ would facilitate negotiations after the dismal Review Conference in 2005. With ‘Vienna Spirit’ I mean of course the traditional non-confrontational, more technical and constructive way we deal with highly sensitive issues here in Vienna. Discussions at the UN in Vienna normally lack the emotions and drama of debates elsewhere. I am convinced that this is just what we need at the beginning of the next NPT Review cycle and we will see whether it materializes.



underway regarding the suspension of fuel supply, should India conduct another nuclear weapon test.

After passing the US House and Senate, the “Hyde Act” received fierce criticism in India from both the right and the left. The right-wing Bharatiya Janata Party opposed the deal on the perception that such international monitoring abrogated national security and sovereignty. Opposition from the left centered on a demand for the constitution to be amended to require parliamentary ratification of all foreign agreements and treaties. All opposition, however, was easily mollified, Dr. Ramana said.

India’s Department of Atomic Energy (DAE) remains persistent in its “non-negotiable right” to reprocess spent fuel, and objects to the possible suspension of fuel supply in the event of a nuclear weapon test. The DAE also objects to the “small allowance” of just one reactor core to be kept in storage; it wants the ability to stockpile large amounts of fuel in the case of a future suspension. Such a deal requires reversals of long-standing policies of both countries. For the US, it is reversing its historical non-proliferation policy, which had been in place as a result of the 1974 nuclear weapon test by India. For India, the deal represents a reversal of its historical opposition to safeguards for their nuclear facilities.

Dr. Ramana identified two main motivations for India's reversal. The first is a "uranium crunch," wherein their current capacity of producing 300 tons per year does not match the 450 tons they require to run their facilities at the projected 75% capacity level. Secondly, the deal compensates the "mismatch between plans and reality," a demonstrative failure by the DAE to realize their overly ambitious plans. Currently, nuclear energy comprises just 3% of electricity generation capacity, a level far below the plans of the DAE.

The non-proliferation and disarmament implications of the deal are acute. In view of the "uranium crunch", the import of fuel from the US would free up domestic uranium for military uses. It also allows for some heavy water reactors, including dangerous fast breeders, to produce weapon-grade plutonium. These proliferation implications are underscored by the "powerful interests" in India who wish to increase their weapons arsenal to 300-400 warheads. In this way, the deal also implicitly highlights the connection between nuclear energy and weapons; this ostensibly civilian deal will increase a state's capacity to make nuclear weapons.

With such dire implications of a bilateral nuclear deal articulated, the importance of multilateral approaches to the fuel cycle is apparent. **Dr. Tariq Rauf**, the Head of the Verification and Security Policy Coordination of the IAEA, summarized the past and present proposals to reconcile the civilian side of the fuel cycle and prevent its misuse for weapons production.

IAEA Director General Mohamed ElBaradei resurrected past attempts to multilateralize the fuel cycle in October 2003, when he published an op-ed highlighting the need for such discussions. He argued that this need is predicated upon new drivers for nuclear weapons programs, which stem from regional conflicts which came to the fore at the end of the Cold War. In addition, the post-Cold War world also highlights the heightened possibility of breakout from the NPT, an increased danger of terrorism and the existence of clandestine nuclear supply networks, which elude current export regimes and intelligence agencies.

Dr. Rauf said after the publication of the 2003 op-ed, an expert group convened to consider new approaches to the fuel cycle, focusing on uranium enrichment, spent fuel reprocessing, repositories and storage. The group also considered approaches to supply and service assurances that would also assure against weapons proliferation.

From these deliberations, the group suggested five approaches:

1. to reinforce existing commercial market mechanisms, including fuel leasing and "take back" offers, as well as commercial offers to store and dispose;
2. to develop international supply guarantees with the IAEA as the guarantor;
3. to convert existing facilities to multilateral control;
4. regional approaches, including regional control over facilities; and
5. domestic fuel cycle capabilities under strengthened multilateral arrangements.



Dr. M.V. Ramana

Since the 2005 Review Conference of the NPT, where 44 states made statements in favor of multilateral arrangements, several initiatives have been proposed. In 2005, the US announced that it would downblend military-grade highly enriched uranium (HEU), commit it to a fuel bank and assure access to user countries. In January 2006, Russia proposed International Nuclear Fuel Cycle Centers which would provide fuel cycle services, including uranium enrichment, to be supervised by the IAEA.

In February 2006, the US proposed the Global Nuclear Energy Partnership, which would provide access to fuel in exchange for a commitment to forgo domestic enrichment facilities. Following this, in June 2006, six

commercial uranium enrichment companies in France, Germany, the Netherlands, Russia, the UK and the US proposed to provide “reliable access” to those opting not to have domestic enrichment activities. This proposal was further supplemented by similar offers by Japan and the UK in September.

Also in September of 2006, Germany proposed an international uranium enrichment facility to be operated



by the IAEA; this proposal would ensure that the technology is not shared, but rather the benefits of it. The Nuclear Threat Initiative offered the IAEA \$50 million, to be supplemented by \$100 million raised by the Agency, to enable the IAEA to own its own reserve of light water reactor fuel.

Dr. Rauf noted many countries are currently considering developing domestic uranium enrichment capabilities in the near future, including Argentina, Australia, Canada, Kazakhstan, South Africa and Ukraine. The enrichment plans of Brazil and Iran are well-known.

In today’s environment, Dr. Rauf concluded, no country is willing to see an abridgement of their Article IV rights under the NPT. He warned that discussions to condition or reinterpret the “inalienable” right must not create another layer of discrimination between nuclear “haves” and the “have-nots”, but instead should seek consensus and buttress the support for the NPT as a whole.

In the ensuing discussion, a comment was made on the role of the Nuclear Suppliers Group (NSG) in the US-India deal. The NSG operates by consensus. Thus, if one country which supports a CTBT or an FMCT place entry-into-force of either or both of these treaties as a precondition before moving forward with the so-called deal then the net non-proliferation costs would be diminished. It was further pointed out that this is a unique opportunity for non-nuclear weapon states to exercise their sincerity of commitment to keep the core principles of the regime intact and to actually use political muscle to move the agenda forward.

In the discussion of multilateral approaches to the fuel cycle, several participants raised the need for any proposal to strike a good balance between fuel assurances and non-proliferation assurances. It was noted that such discussions must inevitably be placed in the broader context of the NPT, and will possibly necessitate further progress on Article VI. Detached from this broader context, any proposal on the fuel cycle is not realistic.

In response to Dr. Rauf’s warning against “reinterpreting” Article IV, one participant suggested that multilateral

The following is an excerpt from a presentation by Ambassador Y.J. Choi of the Republic of Korea on “Fuel Cycle and Proliferation Challenges to the NPT Regime”:

It is well known that the current NPT regime has an inherent loophole: Article IV guarantees the right to peaceful uses of nuclear energy, while Article X provides a right of withdrawal. For potential violators, a “peaceful” fuel cycle, which is fundamentally dual-use in nature, can easily be transformed to military use...

...(At) the heart of the whole debate on the right granted in Article IV lies the issue of tightening controls on transnational transfers of sensitive fuel cycle technologies related to enrichment and reprocessing. But focusing only on the necessity of control is tantamount to attempting to further divide nuclear have-nots from haves on static criteria, which constitutes another congenital flaw inherent in NPT regime. ..(T)o succeed, it is essential for the export control regime to be based on objective and sensible criteria. We can thus minimize controversies over the political legitimacy of the controls...Two critical points should be underscored: First, an international regime to control nuclear fuel cycles is an idea whose time has come... [and] second, such a regime, to be successful, must be based on the concept of “enlightened” national interest as opposed to classic narrow national self-interest...

Most of the multilateral regime proposals for fuel cycles have emerged from current or potential fuel suppliers. If these proposals are designed from the vantage of narrow national self-interest, none of them will succeed since all the participants to the discussion will pursue their own narrow national concerns. ..To succeed, proposals must be based and negotiated from the viewpoint of enlightened national interests in which nations take into account not only their own self-interests but those of other nations.

... (N)ations are accustomed to treating their own national interests as having the most sacred and highest value ... But now in the 21st Century, as a result of the past pursuit of expansion and exploration, the world has become “closed”; there is no more space to expand or explore. And in this closed world, the pursuit of classic national self-interest does not serve any nation’s long-term goals nor its ultimate survival. Why? Because in our closed world, a new set of problems has emerged to replace the traditional and perennial challenges of war and peace. These new problems we call “transnational issues.” The most conspicuous ones are nuclear proliferation, global warming, overpopulation, international terrorism, and communicable diseases. Individual nations, however powerful or rich, need to work with other nations in order to cope with these emerging challenges of the 21st century.

In the face of transnational issues, if each nation resorts to its classic national interests, these problems will be aggravated, eventually threatening each country’s own national stability. ..(N)ations need to pursue the principle of a new “enlightened” national interest. This is not based on altruism but is a necessity to ensure a nation’s larger interests and, indeed, its long-term survival. We are in the midst of a fundamental paradigm shift without fully taking it into account.

The concepts of “enlightened national interest” and its corollary, “leadership by example” are also inextricably linked to questions of disarmament and non-proliferation. Currently, these critical issues are in complete stalemate because each nation resorts to its own self-interest. The nuclear haves want to focus on non-proliferation while the nuclear have-nots focus on disarmament. This stalemate can only be broken when the nations involved forgo narrow self-interest for the sake of the larger common good. In this regard, I would like to pay tribute to the Middle Powers Initiative because it aims to break the deadlock through the very concepts of enlightened national interest and leadership by example on the part of nuclear states.

approaches must not be seen as limiting Article IV, but rather as a more cost-efficient and reliable means to exercise the “inalienable right.” Another participant added that proposals on multilateral fuel cycles must include internationally-binding instruments that assure all countries’ access to fuel. Currently, all proposals

on fuel banks lack these assurances and, when coupled with the fact that a non-NPT state is getting bilateral assurances, domestic capability becomes increasingly attractive. Along these lines, another participant proposed a three level system of access assurances, based on the market, governmental assurances and, as a last resort, an international fuel bank under IAEA control.

THE VIABILITY AND SIGNIFICANCE OF THE CTBT AND FMCT

With recent nuclear tests in North Korea and ongoing concerns about the Iranian nuclear energy program, the Comprehensive Test Ban Treaty (CTBT) and various proposals for a Fissile Material Cut-Off Treaty (FMCT) are important efforts to reduce the risks posed by nuclear weapons. These salient topics were the focus of the panel entitled *The Viability and Significance of the CTBT and the FMCT*. **Mr. Werner Bauwens**, Director of the Non-Proliferation Disarmament and Arms Control Division, Federal Office for Foreign Affairs of Belgium chaired the panel.



Dr. Arend J. Meerburg

monitoring stations around the world. Following entry into force, the system will function with 321 stations resulting in thorough global coverage. Information is collected through five geostationary satellites, radionuclide monitoring stations, various types of seismic instruments, infrasound devices and hydro-acoustic equipment. It is then carried through a global communications infrastructure to the international data centre in Vienna. As the monitoring network is of such great importance to the international community, it runs on its own dedicated communications infrastructure at higher reliability rates than equivalent commercial or military systems. In 2006, information was collected and processed regarding 166,393 events.

Mr. Tibor Toth, the Executive Secretary of the Comprehensive Test Ban Treaty Organization (CTBTO), said with 177 signatories the CTBT has enjoyed wide support in the international community. Although the CTBTO has been operating for the past 10 years, it is still its infancy as an organization and as a result is regarded as a Preparatory Commission. Presently, the CTBTO is a small organization with approximately 300 staff members and a budget of approximately \$110 million per year. This is similar to the safeguards budget of the IAEA. The two primary objectives of the organization at this point are to: promote the treaty and construct the technical infrastructure necessary to fulfill the treaty's mandate.

Currently, 138 states have ratified the CTBT, including 34 of the 44 required countries with approximately 12 countries ratify the agreement every year. Mr. Toth said the organization operates by collecting information from over 200 active



Mr. Werner Bauwens and Mr. Tibor Toth

As part of his presentation, entitled *Building the Verification System: The Comprehensive Nuclear Test Ban Treaty Organization After 10 years and the Lessons from the October 9, 2006 Event in the DPRK*, Mr. Toth said as information continually streams into the data center, various forms are automatically processed and sent to

state signatories. As a result, a crucial aspect of the CTBTO is maintaining three unique simultaneous capacities: monitoring, interpreting and distribution. At the moment, there are fewer stations operating in Asia than the treaty calls for. In its 10 years of operation, the CTBTO has refined its processing techniques and monitoring systems to automatically distinguish between natural events and human-induced scenarios.

On October 9, 2006 the reported nuclear test in North Korea provided an unplanned test of many aspects of the emerging CTBT verification system. Although less than 60% of the 321 stations that the treaty's entry-into-force calls for were operational at the time of the event, it was automatically detected by 13 stations, and in less than two hours signatory states were automatically notified and given interpreted data. Additionally, none of the planned Radioactive Noble Gas monitoring stations were operational, which will further enhance the CTBT monitoring capacity.

In summary, the reported North Korean test demonstrated that the CTBT is capable of receiving and reviewing data in accordance with the timelines envisaged after the treaty's entry into force. The event was well recorded not only by stations in the region but at other sites throughout the world. All of this bodes well for the future effectiveness of the CTBT verification system, Mr. Toth said.

Dr. Arend J. Meerburg of the International Panel on Fissile Materials (IPFM) (www.fissilematerials.org) discussed a preliminary draft of The Treaty Banning the Production of Fissile Materials for Use in Nuclear Weapons or Other Nuclear Explosive Devices. The proposed FMCT stands as one of the most important non-proliferation initiatives to restrict the production of weapons-grade plutonium and uranium. Although the negotiations for the cut-off treaty have been stalled for several years, there is renewed hope for a breakthrough with the Conference on Disarmament.

The IPFM preliminary draft FMCT proposes a series of Basic Undertakings relating to nuclear weapons that include the agreement not to produce, acquire or transfer fissile materials, to dismantle facilities for producing enriched fissile materials, to declare fissile materials not needed for military purposes as excess, and protect

In his keynote address at lunch on March 29, former Netherlands **Prime Minister Ruud Lubbers** discussed the challenges of the atomic age, as he has identified them throughout his career. While the dangers of the Cold War dominated his tenure as prime minister in the 1980s, there existed then “perspectives for rationality” that led to the first arms reduction treaties between the US and the Soviet Union. Since then, however, “the main players—and the United States especially— have come to a different interpretation of the world.” Policies of recent years have engendered “less and less trust and confidence”, both in interstate relations as well as in international institutions, such as the UN and the IAEA.

Mr. Lubbers appealed for “a common approach” to managing the weaknesses of the non-proliferation regime. “We have to strengthen the hand of the inspectors if there is any doubt, to (be able to) inspect everywhere it is needed,” he maintained. Such a strengthened inspection regime requires unanimity. He called also on the nuclear weapon states “to reach out to other countries” to work together to achieve the three dimensions of the NPT. At the moment, we continue to look for “case by case solutions.” Rather than look at region-specific answers, he urged, we must affirm the globally agreed-upon principles of the NPT and renew the commitments to strengthen it. Managing the atom, he said, “is about management of the world. It is about guaranteeing peace.”



Prime Minister Ruud Lubbers

fissile materials and technology against unauthorized use. Subsequently, the agreement stipulates a detailed declaration and verification process that specifies timeline requirements. In doing so, the agreement establishes that the IAEA will be responsible for ongoing monitoring and verification. Finally, the agreement contains provisions for special inspections that can be made upon the request of another State Party.

In the discussion period, concerns were raised whether states will have the necessary interpretation capacity to make use of information distributed by the CTBTO. It was also suggested that considering the challenges experienced in seeking nuclear weapon state (NWS) support for an FMCT at the Conference on Disarmament, it might be helpful for middle power countries to attempt to compel the NWS to elaborate an FMCT that they would be willing to support. Dr. Meerburg responded that there is a need for a greater elaboration on the FMCT in order for it to be successful.

Concern was also raised that FMCT proposals do not contain provisions to address clandestine efforts to use or traffic fissile materials. Comments were also made about the ongoing risks posed by HEU in the civilian sector and that middle power states may be able to propose an institutional solution that will diminish the threats and build a norm to reduce future risks.

Mr. Toth closed the discussion by agreeing that although there is much that can be pursued in the future, for the time being it would likely be most productive to establish common ground and work to expand it. Additionally, the United States contributed the most monitoring stations to the CTBT thus it is important to recognize this contribution if middle powers are to effectively engage them in the future.

STEPS TOWARD IMPLEMENTATION OF THE 1995 MIDDLE EAST RESOLUTION

For the first time at an Article VI Forum consultation, a session was dedicated to the Middle East Resolution, which was adopted as part of the package at the 1995 NPT Review and Extension Conference. **Mr. Jonathan Granoff**, the President of the Global Security Institute (GSI), who chaired the session on *Steps Toward Implementation of the 1995 Middle East Resolution*, noted that there has been “quite a dearth of critical work to clear this high hurdle.”

Dr. Mohamed Shaker, the Vice-Chairman of the Egyptian Council for Foreign Affairs, discussed the history of proposals to rid the region of nuclear and other weapons of mass destruction (WMD). He said the international reaction to the WMD-free zone proposal was “lukewarm” when Egyptian President Hosni Mubarak raised it in 1990 in response to the nuclear weapons program of Iraq. Despite this reaction, that proposal has become a focal point of discussions. The initiative centered on three points: all WMD should be prohibited; all states in the region, without exception, should make equal and reciprocal commitments in this regard; and a zone should include verification measures to assure full compliance.

Dr. Shaker, who was the President of the 1985 NPT Review Conference, also discussed the Arms Control and Regional Security (ACRS) talks held within the Middle East Peace Process held between 1991-1994. While that group made progress on confidence-building measures (CBMs), the initiative failed to persuade Israel to discuss the nuclear issue openly, he said.



Dr. Emily Landau

More recently, a committee of the Arab League has been negotiating a draft treaty on the establishment of a Middle East WMD-free zone. At its last ministerial meeting in March, the League reached a standstill, though it took several important decisions, including:

- a call for an emergency ministerial meeting of the League to discuss the creation of a mechanism to establish such a zone and to implement the 1995 resolution. The mechanism would then be put before the international community;
- a decision to suspend its technical committee discussing a WMD-free zone treaty until the different foreign factors have been clearly defined and assessed;
- a yet-to-be-drafted message to three depository governments of NPT concerning this issue and others pertaining to NPT. These three depository governments—the US, UK and Russia—were the ones responsible for the 1995 Resolution.



Ms. Merav Datan and Dr. Mohamed Shaker

goal of a Middle East WMD-free zone.

Dr. Shaker argued for greater international involvement on this issue, especially since the Arab League’s technical committee has been suspended. In addition, there has been “a slight opening” among Israeli scholars to discuss the issue, a development that must be seized by the international community to advance the

Dr. Shaker also suggested that the two processes—seeking a nuclear weapon-free zone (NWFZ) as well as a WMDFZ—should proceed simultaneously with the peace process. He cited the first operative paragraph of the 1995 Resolution, which articulates the link between the peace process and the establishment of a WMD-free zone. He urged Israel not to prevent such parallel discussions, so that when both issues are ripe for movement, progress can move on all fronts.

Dr. Emily Landau, the Director of Arms Control and Regional Security Project at the Institute for National Security Studies in Tel Aviv, argued that weapons should be evaluated in their regional context, taking into account “the full spectrum of relations, interactions and other modes of state behavior that make up the regional interstate framework.” She asserted that disarmament goals in the region cannot be effectively approached or even understood outside this context of interstate interactions.

She rejected Amb. Choi’s framing of enlightened national interest as an opposing binary to national self-interest. “It is not a question of narrow self-interest of states to hold WMD versus a collective interest in disarmament,” she stated. Such a view is a “superficial” and “even (a) potentially misleading characterization of the situation.” Instead, Dr. Landau argued we think about a Middle East WMD-free zone as a process which takes into consideration both armaments and behavior, and in particular interstate relations. Such a process-oriented approach “allows us to tackle the context of interest, concerns and regional relations within which WMD are developed, and to focus on possible creation of rules of the game for engagement and, hopefully, peaceful coexistence.”

While recognizing the NPT as an important norm, Dr. Landau argued that discussions on the Middle East in the NPT framework do not address “real security concerns,” but rather focuses too much on the elimination of a category of weapons. This focus assumes that such elimination is the overriding interest of states when, in reality, the relationship between weapons and security is more complex; simply eliminating a category of weapons would not necessarily bring security and peace to all regions.

Any discussion of nuclear weapons must also recognize the prestige and perceived power that is associated with a nuclear program. The NWS themselves “seem to have no intention of completely giving up their arsenals.” She also cited a recent statement by an Egyptian parliamentarian, who commented that a nuclear program is what makes a country strong.

Since weapons are developed to compensate for feelings of insecurity, Dr. Landau urged that major emphasis of WMD discussions must seek to lower the intensity of perceived threats and to improve interstate relations. Any initiative that fails to do so “is bound to come up short,” she insisted.

Within Israel, its nuclear program is most often referred to as an “insurance policy” ensuring the state’s very existence. She argued that Israel’s unique ambiguity policy serves this rationale very well. However, Israelis perceive this policy quite differently than do others, she said. Israel regards its low nuclear profile as “an important manifestation of restraint,” while Arab states view their ambiguity as a major problem that detracts from confidence building measures. Such polar assessments must be addressed in clear and stark terms amongst all parties.

While noting the utility of the ACRS initiatives, they gradually lost steam “because nothing was happening on the official level.” Upon the start of the second intifada, the discussions moved away from regional security and focused narrowly on the Israeli/Palestinian issue, she said.

More states in the region are now considering nuclear programs. Iran, she stated, is “no doubt the motivating factor” for these contemplated programs. Therefore, ensuring all nations in the region are included in Middle East WMD-free zone discussions “may be a very important step forward to initiating dialogue down the road.”



Mr. Jonathan Granoff

Ms. Merav Datan, Political Advisor of Greenpeace International on the Mediterranean and Middle East, highlighted the particularities of the Middle East context. First, only in the Middle East is a NWFZ linked with a larger WMD-free zone. Second, the Middle East has the largest percentage of states not party to any one of the main WMD treaties. Thirdly, the Mideast is a region where WMD have in the past been used. Therefore, she said, such a zone is not only more of a challenge in this region, but also more relevant and important.

Ms. Datan said the current deadlock on negotiations towards a WMD-free zone in the Middle East is a direct result of substantively different starting positions, with the Arab states maintaining that Israel’s nuclear capabilities are destabilizing and therefore must be addressed as a precondition to peace and security in the region; meanwhile Israel says peaceful relations and reconciliation are preconditions for creating a zone. “But these polar opposite positions – nuclear first or Nirvana first – can be overcome if the states involved accept that everything needs to be put on the table,” she said, “It is not possible to discuss regional peace without addressing the nuclear issue, and that the nuclear issue cannot be dealt with in isolation, outside the context of a comprehensive regional solution.” To this end, interim measures that might help lay the groundwork for eventual realization of UN resolutions, NPT commitments, and security aspects of the regional peace process.

Ms. Datan walked the issue back a step, arguing that because of the “inherently dual-use nature of nuclear technology” and because of the suspicion and proliferation concerns that all nuclear programs generate, Greenpeace believes that a fully nuclear free zone is an essential element of a WMD-free zone in the Middle East. Such a zone will also require parallel progress on biological and chemical weapons disarmament through the existing treaties that deal with these two categories of weapons.

On the question of more openness within Israel to discuss the nuclear program, she concluded that the issue is a strangely operating taboo that is not absolute. Those with connections to the program remain silent, and the freedom granted to those who do talk is predicated on their ignorance and their reliance on foreign sources; only conjecture is permitted.

Ms. Datan agreed with recommendation 12 of the report of the Weapons of Mass Destruction Commission, which found that, despite the challenges of the region, some steps can be taken now. That recommendation deals with confidence-building measures on “sensitive fuel cycle activities.” She also cited the report of the UN Advisory Board on Disarmament, which observed that potential new NWFZs could benefit from the good offices of the Secretary-General and others.

The majority of responses during the comment period were from delegates of Middle East states who argued that peace and stability concerns had to be addressed comprehensively, including immediate consideration of nuclear issues. One participant said comprehensive peace would not be possible without “stable, acceptable and symmetric security structures.” A NWFZ would be at the heart of such a security structure, he said, therefore the process of establishing a zone must start ahead of the peace process. Another delegate said balance was needed among the three pillars of the NPT, the responsibilities of the NWS, and regional initiatives (Northeast Asia, South Asia and the Middle East). He added that the ACRS process stalled because Israel refused to move beyond confidence-building measures toward disarmament deliberations. Therefore without a firm disarmament commitment while “waiting for the pieces to fall into place,” discussion of a zone is “counterproductive.”

One participant – a delegate not from the Middle East - commented on “the pretentiousness of uniqueness,” and rejected claims of the Middle East’s unique status as a kind of exception against the whole set of norms that comprise international law. He argued that it is in the interest of all states to have an international environment regulated by norms and laws. One state should not view its security and existence as reliant on policies of power, but rather we must understand that we live in an environment of relative security.



Mr. Garry Jacobs (International Center for Peace and Development), Rev. Masamichi Kamiya (Rissho Kosei-kai), Mr. Bruce Roth (Author)

Mr. Granoff closed noting that reframing nuclear weapons threats in a global context is both accurate and an effective way of bringing international cooperation to bear in addressing the Middle East challenge. “When we put before people the proposition that their lives and all lives on the planet are in danger, collectively, and that our fates are intertwined in new ways, regardless of our national identity, our religious identity, our racial identity, that our lives are collectively threatened, then people everywhere are able to start to think creatively and positively.”

The Former UN Under-Secretary-General for Disarmament Affairs, Mr. Jayantha Dhanapala, delivered the keynote address to the fourth meeting of the Article VI Forum. The following is an excerpt:

I believe that the old consensus that did exist has all the years been weakened as a result of the neglect mainly of the disarmament pillar. In 1995 we had an opportunity of helping to redouble our efforts with regard to the NPT. We had an opportunity of reinvigorating the dedication of the States Parties to the NPT to all its aspects. Indeed, the package that was adopted, which made it possible for the NPT to be extended indefinitely, did provide a new lease of life for the NPT. It had three closely interrelated and interlaced decisions. The primary decision was to extend the treaty indefinitely, the second decision to strengthen the review process, the third decision to have a set of principles and objectives as benchmarks to judge the performance of each and every state party during the review process.

And finally we had the resolution on the Middle East, without which we would not have had the extension decision that we finally did, and without which we would not have had all the Arab states join the NPT so that today, with the sole exception of Israel, every country in the Middle East is a party to the NPT. And this, I think, is one of the positive achievements of the 1995 Review Conference...

Now may I move on to new opportunities that we have to construct a new consensus on the ruins or ashes of the old consensus. I believe that there are a number of straws in the wind. I believe that they can be seen as a pattern for the new consensus, which MPI hopes to forge as we begin this new review cycle for the NPT... These are opportunities that we can be hopeful will represent a new change, a new consensus. But there is also an opportunity here in the Preparatory Committee (PrepCom) meeting, the first of its kind as you go on to the NPT Review Conference of 2010. I'd like to emphasize here with my experience, the importance of good conference management and electing the right conference officers. I'm delighted that Ambassador Yukiya Amano has been designated as the Chairman of the first PrepCom. I hope similar wisdom will be reflected in the choices of others. I do not think it is too early for members of the Non-Aligned Movement to begin thinking of who the president of the NPT 2010 Review Conference should be, because it is so important there should be continuity, a team of responsible office bearers who will head the PrepCom meetings and who will chair the main committees and also the Review Conference itself. I would urge all delegations to begin intensive consultation in their respective groups for selecting the right leaders of this important NPT review cycle.

... We are moving from the winter of our discontent in the NPT regime to perhaps the spring of hope. And in this transitional period it is normal for us to have good indicators and to have setbacks. And what we must always do of course is to be encouraged by the good things that happen but not be discouraged by the setbacks, and keep to our objectives with dedication and pursue them with persistence and perseverance ... I think the time has come for us to also put on the table a proposal for the formal amendment of the NPT. There is provision in the NPT, as all of you know, for an amendment process. Any party to the treaty may propose amendments to this treaty, says Article VIII...

We need to ensure that all three pillars of the treaty are strengthened, and that can be done by having a well considered, formulated amendment to Article III to begin the new development of the Additional Protocol and making that mandatory for all members of the NPT. That can be done by clarifying that the inalienable right to the peaceful uses of nuclear energy is not an absolute right in itself but is conditional upon conformity with Articles I and II and with the entirety of the treaty, so that you do not isolate one of those pillars at the expense of the other two.

We can happily delete Article V, which is obsolete and which, as all of you know, is in fact defunct as a viable article of that treaty. And finally, of course, Article VI, which needs strengthening in light of the advisory opinion of the International Court of Justice. And here, while I do not have a firm relation to offer you, I am sure that organizations like MPI can come out with formulations that can be considered in a conference that can be sorted by a required number of parties under Article VIII.

TOWARDS SECURITY WITHOUT NUCLEAR WEAPONS: WMD COMMISSION RECOMMENDATIONS

True global security requires a strong cooperative regime based on the rule of law. Arbitration and mediation must be the primary means by which conflicts are prevented and resolved; the elimination of armed force is the goal by which a human security regime can be achieved. This was the framework of the presentation delivered by **Dr. Hans Blix**, Chair of the WMD Commission (WMDC), leading off the panel on *Towards Security Without Nuclear Weapons: WMD Commission Recommendations*. Mr. Dhanapala chaired the session.

The last century witnessed huge leaps of progress in the development of international law. The Kellogg-Briand pact, the League of Nations and the UN Charter all sought to limit the use of force as a means of settling disputes. While great strides have been made through the proliferation of post-World War II treaties, recent events in the post-cold war world—in particular the US’s policy of pre-emptive use of force—have jeopardized the evolution of international law, said Dr. Blix.



Dr. John Burroughs, Mr. Dhanapala, and Dr. Hans Blix

We still have strong components of a cooperative security regime, including the CTBT, Chemical and Biological Weapons Conventions and START, he added. The NPT “expresses an ambition to reach the common goal of a nuclear weapon-free world.” Yet the strength of this cooperative regime is threatened by what Dr. Blix referred to as the policies of “ad-hockery”—a lack of consistency to uphold all rules for all countries. For instance, the Security Council condemned the 1998 South Asian nuclear tests, yet two members of the Council had not ratify the CTBT.

Forging a consensus on the NPT—the theme of this Article VI Forum—will be impossible through such “ad hockery,” Dr. Blix maintained. Solutions relating to the fuel cycle, for example, must seek to achieve one consistent standard on enrichment and reprocessing. It is impossible and unacceptable to allow Brazil and Japan to possess full cycle capabilities but deny the same right to Iran.

The only alternative to ad hockery is “general agreements,” he said. Dr. Blix cited the WMD Commission’s recommendation that all states in the Middle East suspend, for a prolonged period of time, any fuel cycle activities. This general rule would allow the international community to address the issue as a whole, rather than single out Iran. The lure of ad hockery is a result of the perception that the world is moving towards “new blocs,” and incorrect analysis of today’s interdependent world. Trade and mutual dependence are the glue that tempers all hostilities, and therefore we must build a cooperative security regime based on economic cooperation.

In conclusion, Dr. Blix reiterated the need for internationally negotiated treaties, including the CTBT, FMCT and agreements on the fuel cycle, and he urged Europeans to forge strong united positions on these crucial matters.

Dr. John Burroughs, the Executive Director of the Lawyers' Committee on Nuclear Policy and co-author of "Nuclear Disorder or Cooperative Security?" the civil society response to the WMD Commission Report, spoke to the situation in the United States on matters of disarmament. He asserted that there currently exists "more chance for movement than there has been for at least a decade." Such opportunity, signaled in part by the Kissinger/Schultz/Nunn/Perry op-ed in the *Wall Street Journal* on January 4, 2007, arises from the new Congress, the upcoming presidential elections and the post-Iraq invasion climate, all of which work to create more support for diplomacy and law.

Despite the negative trends raised by Dr. Blix, Dr. Burroughs, who was also the author of the MPI briefing paper for the Forum, identified several positive signs. Nuclear weapons have not been exploded in war since 1945. While the doctrine of use has become more expansive, the legitimacy of possible use remains very low and is even declining. Paradoxically, the expansion of doctrine is in part an attempt by the nuclear weapons establishment to counter this illegitimacy of use. The general public favors elimination; polling shows that the average guess of Americans is that their country possesses 200 warheads, and that they think it should be further reduced to 100. They also agree that no country should have them.

Building off of Dr. Blix's argument for a global rule of law as a way to move towards a nuclear weapon-free world, Dr. Burroughs argued for strengthening institutions such as the UN and the International Criminal Court. While the US's interpretation of humanitarian law governing conduct of warfare, for instance, is not necessarily in line with the interpretation of others, the fact that they do claim to comply with it is a testament to its strength in international relations.

Moving decisively towards a nuclear weapon-free world requires legitimacy, reciprocity, accountability and "buy-in" from countries to a global institutional order. Therefore, while the Security Council is presently best situated to act authoritatively, the democratic deficit of that body requires we look beyond it and/or seek to make it more accountable and transparent, he said.

Dr. Burroughs urged creative thinking on making treaty regimes on nuclear, biological and chemical weapons more effective. He agrees with the WMDC recommendation, for instance, to improve governance of the NPT by establishing a Secretariat. Also an Executive Council could address special issues.

He also asserted that it is worth considering expanding the role of the IAEA. Should, for instance, the Agency have the mandate and technical resources to deal with issues of weaponization, including warheads and delivery systems? UNMOVIC is another possible agency for this role. In an ad hoc way, Dr. Burroughs noted, the IAEA has already gone beyond its mandate of ensuring against nuclear materials diversion for weapons.

Dr. Burroughs cited two factors that underlie the turn away from multilateralism. First, the rise of nationalism and fundamentalist religious identities "are inhospitable to universalism and rationalism needed to build global regimes." With this rise there has been a corresponding decline in power of secular ideologies of progress, liberal or socialist. Second, the NPT and other cornerstones of the cooperative regime were created in a different strategic context which necessitated structures of stability. Today, US planners do not believe in pursuing deterrence and arms control with China, as they did with the Soviet Union, believing instead that military superiority will ensure security.

In conclusion, Dr. Burroughs stressed the need for the institutionalization of planning for a nuclear weapon-free world, reflected in recommendation 30 of the WMDC report. At the upcoming PrepCom, for instance, international lawyers, physicians, engineers and scientists will be releasing a revised version of the book, *Securing Our Survival*, with an updated Model Nuclear Weapons Convention (www.icanw.org). States, too, must think of how to institutionalize, on an international level, planning for a world free from nuclear weapons. Perhaps, Burroughs suggested, this could be a mission for the UN Office for Disarmament Affairs on its way

back to being a department.

In response to the comments from the audience, one participant cautioned against setting too many preconditions to the achievement of a nuclear weapon-free world. Since a vast majority of countries have rejected the temptation to develop these weapons, we are closer to a nuclear weapon-free world than we think.

STEPS NON-NUCLEAR WEAPON STATES CAN TAKE IN THE SHORT TERM

With the primacy of the permanent five (P5) members of the UN Security Council it may appear at times that middle power countries have limited opportunities to influence the international system and the nuclear arms control regime. With this in mind, a panel was convened with expert recommendations and discussion on *Steps Non-Nuclear Weapon States Can Take in the Short Term*.

Dr. Hans Kristensen from the Federation of American Scientists presented on ways to establish a ‘like-minded’ agenda to sustain and deepen reductions of nuclear weapons, influence the deployment of non-strategic nuclear forces and question nuclear doctrine. **Ambassador Miguel Marin-Bosch**, former Deputy Foreign Minister of Mexico, discussed the looming change in executive leadership in several P5 countries in the next few years and strategies NNWS may take to positively affect change. Finally, **Ms. Caroline McDonald**, Director of International Security and Disarmament Division, Ministry of Foreign Affairs and Trade, New Zealand, discussed ways in which NNWS can pursue Nuclear Weapons Free Zones (NWFZ), and take advantage of the valuable work being done by civil society. **Mr. Alyn Ware**, Coordinator of the Parliamentary Network for Nuclear Disarmament (PNND), chaired the panel.



Dr. Hans Kristensen

to bring this to light and push for truly new arms reduction agreements. Concurrently, the importance of Article VI of the NPT may be highlighted, thus challenging the indefinite role that nuclear weapons continue to enjoy. Although terrorism is an important security concern to be addressed, both general public and government awareness must be broadened beyond the recent focus on short-term proliferation risks. Additionally, all P5 states are in the midst of actively reorganizing their nuclear postures with long-term objectives. Like the reselling of previous arms reduction agreements, this has also gone with little attention in the media, thus creating another opportunity for NNWS to influence future nuclear posture.

Mr. Ware pointed out that due to the attention given to the NPT and Conference on Disarmament (CD) it might seem that these are the most important forums relating to the non-proliferation and disarmament regime. Although the NPT and CD are important, there are many other avenues for progress. There are still influential actions that can be taken to further enhance the regime. He highlighted efforts like NWFZ, the Norwegian Pension Fund divesting campaign and the extension of UN Security Council Resolution 1540 to state actors as excellent examples of short-term projects that middle power countries can take.

Although a large number of nuclear weapons from the Cold War have been eliminated, a massive reserve remains. Dr. Kristensen pointed out that nearly all reductions to Cold War arsenals that have occurred in the past few years are the result of agreements made in the early 1990s. There has been a perpetual reselling of past agreements to the public without any political cost. Therefore, an opportunity exists for NNWS

There is a debate within NATO about how it will use nuclear weapons but little public attention to the issue. Nor is there much debate surrounding recent plans within NATO for the continued deployment of U.S. nuclear weapons in Europe. Although Russia is often cited as the reason for maintaining nuclear weapons in Europe, this does not constitute the official NATO policy. In response, Russia often cites insufficient conventional forces as the reason for perpetuating its European nuclear posture. Amb. Marin-Bosch pointed out that states should seek to influence new and prospective NATO members in the hopes of affecting NATO nuclear policy through an intra-NATO coalition.



Ambassador Miguel Marin-Bosch

Amb. Marin-Bosch pointed out that, unlike the NPT, the Treaty of Tlatelolco does not ascribe different rights and responsibilities to NWS and NNWS. Additionally, he pointed out that Mexico was able to positively influence disarmament and non-proliferation policy of larger states by making its support of the NPT contingent upon ongoing disarmament progress. To the best of his knowledge, there has been no public pressure upon Mexican leaders to raise concerns relating to non-proliferation and disarmament with US leaders. This is an opportunity yet to be seized by the NNWS to broach the issue with the NWS. He suggested that in light of attention to the media over Iran and North Korea, it is likely that raising the Kissinger/Schultz/Nunn/Perry editorial in the *Wall Street Journal* will be a more effective course of action in influencing executive opinion. It would be effective for NNWS already in treaties establishing NWFZs to tell NWS that if progress is not seen in realizing Article VI obligations, they will withdraw from the NPT. This would likely stimulate renewed debate on the topic.

Ms. McDonald offered insight into the rationale for New Zealand's strategy in influencing the non-proliferation and disarmament regime. New Zealand has attached the highest priority to nuclear disarmament since nuclear weapons were first used in combat in 1945. It has taken a strong position that nuclear weapons do not contribute to international security and in contrast, actually present a clear and present danger to regional and global security.

Ms. McDonald emphasized the importance of maintaining the NPT as the cornerstone of the non-proliferation and disarmament regime. By taking on efforts to universalize the treaty and working to encourage Additional Protocol signing and ratification NNWS can enhance verification and confidence building. Additionally, continued pressure for adoption of a FMCT and further ratification of the CTBT are other key steps NNWS can take.



Ms. Caroline McDonald

A discussion followed that emphasized the importance of resolving the current stagnation within the NPT regime. Working with like-minded nations is key to identifying common interests and speaking with one voice. In addition to the lead taken by New Zealand, countries may also examine other strategies taken by legislatures, such as those in Scotland which worked to further restrict the use of nuclear materials. It was also proposed that middle power countries may be able achieve progress in reducing the amount of highly enriched uranium used in the civilian sector, thus diminishing the likelihood of clandestine proliferation.

Regarding recent concern over implications of the United States-India Peaceful Atomic Energy Cooperation Act, it is useful to recognize that the India lobby is more powerful than the non-proliferation and disarmament lobby in the US. As a result, middle power countries may be able to positively influence the execution of the agreement by engaging the India lobby.

Several delegates suggested that although members of the diplomatic community are well informed on non-proliferation and disarmament, a major gulf persists among national legislators and the military. Although great strides to assist legislators have been made through efforts like PNND, very little outreach has occurred to the military community.

Finally, it was pointed out that although a very large number of nuclear weapons continue to exist, great progress has been made since the time when there were over 60,000 weapons. Therefore a sense of accomplishment is merited. In moving forward with non-proliferation and disarmament, it is essential to challenge the idea that nuclear weapons are needed for security in today's world.

STRATEGY AND PROCEDURE IN THE NPT PREPARATORY COMMITTEE

Two imperatives run through the NPT preparatory sessions: procedure and strategy. Traditionally, the PrepCom deals more with the former than the latter, but the failure of the 2005 Review Conference has increased the importance of producing something of substance quickly, which means settling procedural questions that plagued the last review cycle up to and including the Review Conference itself. With this history in mind, the panel on *Strategy and Procedure in the NPT Preparatory Committee* led with plans to move on the procedural issues quickly during the first session this year so as to get to the strategic issues well before the Review Conference opens. The panel was chaired by **Mr. Aaron Tovish**, the International Manager of the 2020 Vision Campaign of the Mayors for Peace.

The emphasis on procedural issues has a two-fold importance: clearing procedural issues quickly allows delegates more time to grapple with substantial issues and the decisions on procedures can help shape the substantive debate. As **Mr. Adrian McDaid**, the Director of Disarmament and Non-Proliferation Section in Ireland's Department of Foreign Affairs, said, "Procedure is no substitute for substance. But this does not mean that more effective working methods cannot help to facilitate substantive discussion and agreement. In the UN framework, procedure is rarely isolated from substance. Rather, it is often seen as the guarantor of substance."

Mr. McDaid said one reason to focus on the procedural issues because of "the institutional deficit" of the NPT. Since the treaty has no secretariat or standing bureau and no mechanisms for dealing with accusations of non-compliance (such questions are taken to the Security Council), it is up to the PrepCom and the Review Conference itself to deal with any issues.

"We continue to believe that a review process in which decision-making functions are only exercised once every five years does not adequately respond to the needs of the treaty and its membership," said Mr. McDaid, "We seem to be loading the Review Conference with a heavy burden of decision-making while simultaneously we often receive counsel to be modest in our ambition and realistic in



Mr. Adrian McDaid

our expectations.” To remedy this, he raised his government’s idea of a General Conference where State Parties deal with treaty issues “which require an early response,” and Canada’s proposal for a Standing Bureau which would be empowered to convene meetings “in the event of situations which threaten the integrity of the Treaty.”

Compounding the problem is “a lack of joint vision regarding the NPT, the role of the Review Conferences as well as the outcome of the 2005 Review Conference,” said **Ambassador Bernhard Brasack**, the Permanent Representative of Germany to the Conference on Disarmament. “The NPT is in a state of crisis... The perception of 2010 is that something has to be done. If this is not the case, there is a risk of two-fold erosion: proliferation and renaissance of nuclear weapons.”



Ambassador Bernhard Brasack and Mr. Aaron Tovish

Acceptance of these principles would reinforce the “fundamental bargain” of the 1995 Review and Extension Conference, namely “the permanence of accountability,” he said. This underlies the importance of “the unambiguous acceptance of the results of the 1995 and 2000 Review Conferences as benchmarks for the forthcoming review process.” He stressed those 1995 agreements include the decision on principles and objectives to “promote the full implementation of the Treaty as well as its universality” and the Middle East resolution. To this end, Amb. Brasack said some of the guidelines should include “no negation of past achievements” and acceptance that “security perceptions and interests might differ.”

The first session would be “sending the right signals for the forthcoming review cycle through rapid agreement on procedural arrangements,” Amb. Brasack added.

Dr. Rebecca Johnson, the Founding Director of the Acronym Institute and Editor of *Disarmament Diplomacy*, agreed with the two diplomats. “We cannot risk a repeat run of what happened in 2005, which is that the 1995 and 2000 agreements were sidelined,” she said. The decisions of those two conferences “are the ways in which [the Treaty] has moved on. And if we denied that, if we go back and ignore it in this current review cycle, it will be the equivalent of trying to start again day after day and learn the same lessons over and over again. There were reasons for those obligations, and they are valid reasons now, even if specific elements of them need to be updated and renewed.”

Referring to the proposals by Ireland and Canada and other procedural initiatives for strengthening the NPT, Dr. Johnson added, “The 2010 Review Conference is itself a mechanism for strengthening the treaty.” The job at the PrepCom “is not about agendas, special time, or factual summaries, although that will no doubt appear to be a major focus and indeed is rather important for them to be able to get their work done. But these are tools of the review process, not its objectives. The objective is to use diplomacy and politics to halt nuclear weapons proliferation both vertical and horizontal, to make it impossible for anyone to even think of using nuclear weapons, to devalue nuclear weapons as an instrument of defense, deterrence, and power production, and to enable and oversee progress towards the total elimination of all nuclear arsenals.”



Dr. Rebecca Johnson

She called the NPT agreements “statements of diplomatic will,” arguing that a distinction needs to be made between the strategies aimed at getting new or clearer or updated commitments within the NPT process, and strategies for getting specific states and groups of states to implement commitments that they have already undertaken.

During the comment period, participants endorsed the panelists’ proposals, arguing that there is both the need for a short-term strategy of settling procedural issues in the first two sessions of the PrepCom and the long-term strategy of strengthening all three pillars of the NPT through reaffirmation of the 1995 decisions and the 13 Steps. Several participants argued that one strategic point would be to promote sustainable energy. Noting earlier comments about how the CTBT has superseded the NPT’s Article V provisions on the peaceful applications nuclear explosions, they made the case that a way to deal with the peaceful uses pillar of the NPT bargain would be to promote a sustainable energy regime that would likewise override Article IV.

It is not easy to advance the need to eliminate nuclear weapons into public awareness.

In my hometown of Philadelphia, there was an initiative over a decade ago led by Lawyers Alliance for World Security to have the City Council declare that city a “nuclear weapons-free zone.”

We had hoped to stimulate a public debate to raise public awareness, but soon realized we had a serious problem. Within ten minutes of being placed before the City Council the resolution was adopted without debate. It was unanimous - no debate, no controversy. Without debate, there was no news item, which resulted in neither heightened awareness nor pressure from political figures to move the issue.

Diplomats and civil society advocates have a unique responsibility to raise that necessary awareness, but the approaches we have taken have not actually integrated effectively with the concerns of the public. Most people in our urban areas do not even know they are targeted. Proposals that would galvanize attention, that political leaders could utilize to garner momentum internationally might be useful. Such efforts should support the important work of the Mayor’s For Peace campaign.

In that regard, please consider proposals that might stimulate passionate public debate. For example, a resolution that would prohibit the explosion of a nuclear device in or near urban areas would command public attention. And, as a corollary, a prohibition on the placement of a nuclear weapon in or near urban areas would be logically required.

This is not to imply that the targeting of suburbs or rural areas is acceptable. Any uses would obviously impact everyone everywhere, but I am suggesting using our imaginations to take on a new task, another dimension to our work, raising awareness and pushing the issue up the political ladder.

- Mr. Jonathan Granoff, President, Global Security Institute

CONCLUDING REMARKS: TOWARDS THE FIRST NPT PREPCOM

In his concluding remarks, Sen. Roche returned to the theme with which he opened the consultation: “a hope for nuclear disarmament based on a gathering world consensus.” He cited the optimism expressed during the consultation by Mr. Dhanapala and Dr. Blix, noting, “We have recognized, the formidable obstacles notwithstanding, there is a near consensus; huge areas of the world, massive majorities of countries, do agree already on steps that need to be taken to reduce the level of nuclear dangers and move the world forward in full implementation of the NPT.”

Recognizing that the long-term goal of a nuclear weapons convention is a long way off, he said MPI will keep a laser-like focus on the short-term goal of a successful 2010 NPT Review Conference. MPI is “becoming increasingly focused like a laser beam on what it will take to get out of 2010 with the NPT still a viable international treaty,” he added. To that end, MPI will produce a document for the PrepCom—“short, succinct, concise, pointed”—of steps that MPI thinks are required for the 2010 Review Conference.

Confidence-building measures in the Middle East are a goal to aspire to, he said, and towards this end MPI would hold a meeting specifically focused on this theme. Sen. Roche said that consultation would follow the same pattern of all Article VI Forum meetings, “namely in a non-combative atmosphere in which we try to do something creative with like-minded states. That isn’t everything but it’s something. And so as we go forward now in this discussion, I want to hear from you about constructive ideas we can introduce into a process by which we might hold a special forum that would be a contribution, not just a recycling of the disputatious nature of the problem.”

Drawing all the points together, he referred to the relevance of the symbol of MPI: a bridge. “The thing I’ve learned most of all was we have to build bridges,” he said, “A bridge of course in the Middle East, but also a bridge between the nuclear weapon states and the non-nuclear weapon states, a bridge between cultures.”

“The Middle Powers Initiative does not presume to think that we can get the answer, not at all, but we can make a contribution,” said Sen. Roche, “And more and more I recognize that our contribution is through building bridges, a better understanding particularly between the NWS and the NNWS. The NNWS have got to summon up their courage to speak in coalition matters to make an impact. No one state can make that much of an impact, but all together or with like-minded states. That’s the whole idea behind the Article VI Forum.”

Closing the fourth Article VI Consultation, Sen. Roche said, “I will never give up the idea that we can find our way out of the dilemma that we’re in today. I do think that we have a maturing civilization in many respects and that we have to find our way.”



Ambassador Yukiya Amano of Japan and Sen. Roche

APPENDIX A

Materials from the Fourth Meeting of the Article VI Forum

PROGRAM

““Forging a New Consensus for the NPT”

*Convened with the support of the government of Austria
and the International Atomic Energy Agency*

THURSDAY, MARCH 29, 2007
The Vienna International Center, Vienna
Room CO7IV

- 9 - 9:20 am** Welocme: **Hon. Douglas Roche, O. C., Chair, Middle Powers Initiative**
- “Forging a new Consensus for the NPT: Establishing a ‘Like-Minded Agenda”**
- 9:20 - 9:30** Welcome: **H.E. Dr. Hans Winkler, State Secretary of the Ministry of Foreign Affairs of Austria (*invited*)**
- 9:30 - 10:30** Keynote address: **Hon. Jayantha Dhanapala, former UN Under-Secretary General for Disarmament Affairs**
- 10:30 - 11 am** **Coffee Break**
- 11 am - 12:30 pm** **Panel**
TOPIC: “Fuel Cycle And Proliferation Challenges to the NPT Regime”
- Chair: Amb. Dorothea Auer, Director of the Departmet for Disarmament, Arms Control and Non-proliferation, Austrian Ministry for International and European Affairs**
- PRESENTERS: Amb. Y.J. Choi, Permanent Representative of the Republic of Korea to the United nations**
- Dr. M.V. Ramana, International Panel on Fissile Materials**
- Dr. Tariq Rauf, Head of the Verification and Security Policy Coordination, International Atomic Energy Agency**
- 12:30 - 2:15** **Lunch**

Keynote Speaker: **the Rt. Hon. Ruud Lubbers, former Prime Minister of the Netherlands**

Introduction: Amb. Johannes Landman, Permanent representative of the Netherlands to the Conference on Disarmament

2:15 - 3:45

Panel

TOPIC: “ The Viability and Significance of the CTBT and FMCT”

Chair: Mr. Werner Bauwens, Director of the Non-Proliferation, Disarmament and Arms Control Division, Federal Office for Foreign Affairs, Belgium

PRESENTERS: Hon. TiborToth, Executive Secretary of the CTBTO

Dr. Arend J. Meerburg, International Panel on Fissile Materials

3:45 - 4:15

Coffee Break

4:15 - 5: 30

Panel

TOPIC: “Steps Toward Implementation of the 1995 Middle East Resolution”

Chair: Mr. Jonathon Granoff, President, Global Security Institute

PRESENTERS: Ms. Merav Datan, Political Advisor, Mediterranean & Middle East, Greenpeace

Dr. Emily Landau, Director of Arms Control and Regional Security Project, Institute for National Security Studies, Tel Aviv

Amb. Mohamed Shaker, Egyptian Council for Foreign Affairs

5:30 pm

Adjournment

6 pm

Buses Depart the VIC for Hotel Sofitel am Heumarkt

6:30

RECEPTION: Hotel Sofitel am Heumarkt, hosted by the Japanese Mission

8:30

Buses depart the Hotel Sofitel for Hotel Mercure

FRIDAY, MARCH 30, 2007
The Vienna International Center, Vienna
Room CO7IV

9 - 10:30 am

Panel

TOPIC: "Towards Security Without Nuclear Weapons; 'WMD Commission Recommendations'"

Chair: Hon. Jayantha Dhanapala, former UN Under-Secretary General for Disarmament Affairs

PRESENTERS: Dr. Hans Blix, Chairman, Weapons of Mass Destruction Commission

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

10:30 - 11 am

Coffee break

11am - 12:30 pm

Panel

TOPIC: "Steps Non-Nuclear Weapon States Can Take in the Short Term"

Chair: Mr. Alyn Ware, Parliamentary Network for Nuclear Disarmament

PRESENTERS: Dr. Hans Kristensen, Federation of American Scientists

Amb. Miguel Marin-Bosch, former Deputy Foreign Minister, Mexico

Ms. Caroline McDonald, Director, International Security and Disarmament Division, Ministry of Foreign Affairs and Trade, New Zealand

12:30 - 1:30 pm

Lunch

2 - 3:30 pm

Panel

TOPIC: "Strategy and Procedure in the NPT Preparatory Committee"

Chair: Mr. Aaron Tovish, Mayors for Peace

PRESENTERS: Amb. Bernhard Brasack, Permanent Representative of Germany to the Conference on Disarmament in Geneva

**Mr. Adrian McDaid, Director, Disarmament and Non-Proliferation
Section, Department of Foreign Affairs, Ireland**

Dr. Rebecca Johnson, Founding Director and Editor, Acronym Institute

3:30 pm

Concluding Plenary

**TOPIC: “Towards the First NPT PrepCom”
Chair: Hon. Douglas Roche, O.C.**

4 pm

Adjournment

4:15 - 5pm

Tour of the New CTBTO Operations Center

ENDS

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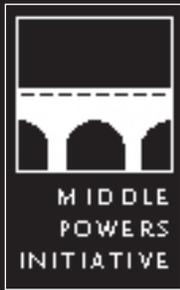
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APPENDIX B

MPI Briefing Paper
Forging a New Consensus for the NPT



A program of the
Global Security Institute

Middle Powers Initiative Briefing Paper

Middle Powers Initiative • 675 Third Avenue, Suite 315 • New York, NY 10017 • Tel: +1-646-289-5170 • www.middlepowers.org

Forging a New Consensus for the NPT

Briefing Paper for the Fourth Meeting of the Article VI Forum

Vienna, Austria
March 29-30, 2007

March 2007

THE MIDDLE POWERS INITIATIVE

A Program of the Global Security Institute

www.gs institute.org

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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This Middle Powers Initiative Briefing Paper was prepared by Dr. John Burroughs, Executive Director of the New York-based Lawyers’ Committee on Nuclear Policy (LCNP), with contributions by Michael Spies, LCNP Program Associate. LCNP is the US affiliate of the International Association of Lawyers Against Nuclear Arms.

www.lcnp.org

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Executive Summary

A new consensus is emerging on the gravity of nuclear dangers and the necessity of action to revitalize the non-proliferation/disarmament regime. The Article VI Forum, sponsored by the Middle Powers Initiative (MPI), has helped form the consensus, first by highlighting the crisis of the regime, and then by identifying and examining five priority measures:

- Full ratification and entry-into-force of the nuclear test ban treaty
- Immediate negotiations on a treaty banning the production of fissile materials for nuclear weapons
- Standing down (de-alerting) of US and Russian nuclear forces and elimination of the launch-on-warning option from nuclear war plans
- Legal assurances of non-use of nuclear weapons against non-nuclear weapon states
- Strengthening systems for the verified and irreversible reduction and elimination of nuclear arsenals, notably US and Russian arsenals

As we approach the first meeting of the Preparatory Committee for the 2010 review of the Nuclear Non-Proliferation Treaty, MPI commends to participants in this fourth meeting of the Article VI Forum the report of the September 2006 meeting of the Forum and the briefing paper attached thereto, which analyze the measures in some depth.

The Article VI Forum 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. Three meetings of the Forum have been convened, at the United Nations in New York in October 2005, at the Clingendael Institute in The Hague in March 2006, and at the Foreign Affairs Building in Ottawa in September 2006. At this meeting of the Forum, while continuing to stress the five priority measures, MPI seeks to facilitate understanding of a broader set of issues linked to the future of the regime. The aim is to help achieve agreement among middle power states on how to act strategically within the NPT review process to effectively promote regime objectives. This Briefing Paper first outlines the emerging consensus, and then addresses the topics of this meeting's panels, as summarized below.

Towards Security Without Nuclear Weapons: Ending reliance on nuclear weapons must be done deliberately and thoughtfully, or it will not succeed. To break through to a new stage in reducing and eliminating arsenals globally, the US-Russian relationship must be changed dramatically. Key steps are standing down nuclear forces; negotiation of a new strategic reductions treaty; and extension of Strategic Arms Reduction Treaty (START). It is also urgent to engage the United States in cooperative security relationships with China and other major states besides Russia. Obvious candidates for facilitating this shift are bringing the Comprehensive Nuclear Test-Ban Treaty (CTBT) into force, negotiating a Fissile Missile Cutoff Treaty (FMCT), and negotiating an instrument on space security. Also important are transparency and de-alerting measures that would directly address nuclear arsenals of all weapon states. Further, all weapon states should make commitments or enter agreements on non-use or at least no first use and on non-modernization of nuclear forces, and establish governmental units dedicated to planning for the abolition of nuclear weapons. Finally, the moral, practical, and legal imperative of non-use of the weapons must constantly be kept in view.

Comprehensive Nuclear-Test-Ban Treaty: Bringing the CTBT into force remains a high priority. The DPRK's October 2006 nuclear test explosion put the treaty's importance into sharp relief.

Fissile Materials Cutoff Treaty: Negotiation of an FMCT is the next feasible multilateral step to strengthen the non-proliferation/disarmament regime. Achieving a worthwhile outcome will require great practical judgment. The value of a treaty is questionable if it has no provisions for verification and no mechanisms for addressing such matters as control and reduction of military stocks, prevention of use of civilian materials for weapons, and controls on highly enriched uranium used in naval reactors.

Fuel Cycle and Proliferation Challenges: Regardless of where facilities to reprocess spent fuel to produce plutonium and to enrich uranium are located, they bring with them the potential of weapons production. An interim step would be for states to relinquish their right to construct new reprocessing facilities and institute a moratorium on the construction of enrichment facilities. In the longer term, states should seek to end permanently the spread of nationally controlled nuclear fuel production facilities, and to phase-out or bring under multinational control existing national facilities. Regarding Northeast Asia, for survival of the NPT regime in that region it is of the utmost urgency that the DPRK dismantle its nuclear weapons program. Regarding the Iran situation, middle power states should make clear to the United States in no uncertain terms that military action is unacceptable, and promote a temporary compromise regarding Iran's fuel cycle activities to make resumption of negotiations possible. Regarding the proposed US-India nuclear cooperation agreement, members of the Nuclear Suppliers Group at a minimum should demand that approval of the arrangement be conditioned on entry-into-force of the CTBT and a verified FMCT as well as India's formal acceptance of the NPT disarmament obligation.

Steps Towards Implementation of the 1995 Middle East Resolution: Any step that lowers the political salience of nuclear weapons would improve the environment for negotiations on implementation of the resolution. Ratification of the CTBT by Israel, Egypt, and Iran is one such step. Any step that builds regional confidence, such as a regional freeze on enrichment, reprocessing and other sensitive fuel cycle activities, would also help. In any event, at the earliest possible time, obtainable dialogue, consultation and discussion of confidence-building measures leading to actual negotiations must begin. An appropriate civil society organization working with states in the region could facilitate such a process.

Steps Non-Nuclear Weapon Countries Can Take: Requiring US removal of non-strategic nuclear bombs deployed in Europe would end a "nuclear sharing" arrangement that undermines the NPT and stimulate a wider process of control of US and Russian non-strategic weapons. Regional nuclear weapon free zones (NWFZs) can be strengthened in numerous ways, from the straightforward, like bringing the Pelindaba Treaty into force, to the ambitious, like the establishment of NWFZs in new regions. Political initiatives involving interzonal coordination are underway and should be vigorously pursued. In implementing Security Council resolution 1540, non-weapon countries can advance disarmament as well as non-proliferation objectives by extending its requirements to state actors.

Strategy and Procedure in the Preparatory Committee: On the procedural front, middle powers should vigorously support implementation of the provisions of the 2000 NPT Review Conference Final Document on improving the effectiveness of the review process. Concerning strategy, middle powers should consider how to work together, and what action agenda they will work to have adopted by the 2010 Review Conference. That agenda should include measures on global management of the nuclear fuel cycle and institutional reform of NPT governance.

The Need for Middle Power Leadership: A crucial route to achieving global security is middle power leadership. MPI calls upon the middle power states to join together and act with the urgency that is demanded if we are to save the planet and posterity from foreseeable catastrophes.

A. The Emergence of a New Consensus

1. The first meeting of the Article VI Forum highlighted the necessity of action to revitalize the non-proliferation/disarmament regime. In the year and one-half since then, there have been numerous impressive calls for movement on both sides of the regime:

- a) In its invaluable June 2006 report, *Weapons of Terror: Freeing the World of Nuclear, Biological and Chemical Arms*, the WMD Commission chaired by Hans Blix found: “The question of how to reduce the threat and the number of existing nuclear weapons must be addressed with no less vigour than the question of the threat from additional weapons, whether in the hands of existing nuclear weapon states, proliferating states or terrorists.”
- b) In November 2006, then UN Secretary-General Kofi Annan criticized the debate between proponents of “non-proliferation first” – mostly nuclear weapon states and their supporters – and proponents of “disarmament first,” observing that “each side waits for the other to move. The result is that ‘mutually assured destruction’ has been replaced by mutually assured paralysis.” On the disarmament side of the equation, Annan’s concluding prescription was this: “I call on all the States with nuclear weapons to develop concrete plans - with specific timetables - for implementing their disarmament commitments.”
- c) Also in November, the Nobel Peace Laureates declared: “Nuclear weapons are more of a problem than any problem they seek to solve. In the hands of anyone, the weapons themselves remain an unacceptable, morally reprehensible, impractical and dangerous risk.”
- d) In a January 4, 2007 op-ed in the Wall Street Journal, a quartet of senior US statesmen, George Shultz, William Perry, Henry Kissinger and Sam Nunn, observed that “the world is now on the precipice of a new and dangerous nuclear era. Most alarmingly, the likelihood that non-state terrorists will get their hands on nuclear weaponry is increasing.” They additionally warned: “It is far from certain that we can successfully replicate the old Soviet-American ‘mutually assured destruction’ with an increasing number of potential nuclear enemies world-wide without dramatically increasing the risk that nuclear weapons will be used.” They quoted Ronald Reagan’s denunciation of nuclear weapons as “totally irrational, totally inhumane, good for nothing but killing, possibly destructive of life on earth and civilization,” and called for “reassertion of the vision of a world free of nuclear weapons and practical measures towards achieving that goal.”
- e) Welcoming the contribution of Shultz et al, in a January 31, 2007 Wall Street Journal piece Mikhail Gorbachev wrote: “We must put the goal of eliminating nuclear weapons back on the agenda, not in a distant future but as soon as possible. It links the moral imperative - the rejection of such weapons from an ethical standpoint - with the imperative of assuring security. It is becoming clearer that nuclear weapons are no longer a means of achieving security; in fact, with every passing year they make our security more precarious.”
- f) On January 18, 2007, the Bulletin of the Atomic Scientists moved the Doomsday Clock from seven to five minutes to midnight. Stephen Hawking explained that as citizens of the world, scientists “have a duty to alert the public to the unnecessary risks that we live with every day, and to the perils we foresee if governments and societies do not take action now to render nuclear weapons obsolete and to prevent further climate change.”

2. Signs of an emerging consensus can be found as well in positions taken by governments. The foreign ministers of Germany and Norway, Frank-Walter Steinmeier and Jonas Gahr-Støre, stated in a November 11, 2006 op-ed that “we are gravely concerned about the current state of the nuclear non-proliferation regime” and advanced an action agenda similar to that advocated by MPI. Among other points, they encouraged “the nuclear weapons states, in particular Russia and the United States, to exercise leadership and commit to further negotiations on strategic nuclear weapons. We believe such negotiations could result in a follow-on agreement replacing the Strategic Arms Reduction Treaty (START I), which expires in 2009. And we believe that it is time for an incremental arms control approach to non-strategic nuclear weapons, a category of nuclear weapons which are not yet the subject of any arms control or disarmament agreement.”

3. In the 2006 General Assembly, most governments, including close US allies, supported the resolution entitled “Renewed Determination Towards the Total Elimination of Nuclear Weapons.” Only four countries opposed the resolution, the United States, India, Pakistan, and DPRK; seven abstained. Drawing on the NPT 2000 Practical Steps for disarmament, it calls for holdout nations to ratify the nuclear test ban treaty, negotiation of a ban on production of plutonium and enriched uranium for weapons, a diminishing role of nuclear weapons in security policies, reduced operational status of nuclear forces, verified and irreversible reductions of nuclear arsenals leading to elimination, universalization of the Additional Protocol on safeguards, and full implementation of Security Council resolution 1540 on non-state actors and WMD. The New Agenda resolution was also adopted by an overwhelming margin, with seven votes in opposition and 13 abstentions. It reaffirms that the 2000 NPT outcome “sets out the agreed process for systematic and progressive efforts towards nuclear disarmament,” and calls upon all states “to comply fully with all commitments made regarding nuclear disarmament and non-proliferation.”

B. Towards Security Without Nuclear Weapons

4. Ending reliance on nuclear weapons must be done deliberately and thoughtfully, or it will not succeed. Recommendation 30 of the WMD Commission is therefore crucial: “All states possessing nuclear weapons should commence planning for security without nuclear weapons.” (“Recommendations” hereinafter refer to the WMD Commission Report.) Among the key factors to take into account in mapping out steps to be taken are relationships among the major powers.

5. *The US-Russian relationship*: Fifteen years after the collapse of the Soviet Union, the United States and Russia remain locked in a Cold War-style nuclear balance of terror characterized by high alert rates and large arsenals. MPI, the WMD Commission, and others have therefore rightly emphasized the need to dramatically change that relationship in order to break through to a new stage in reducing and eliminating arsenals globally. Key steps are:

- standing-down of nuclear forces and elimination of the launch-on-warning option from nuclear war plans (Recommendation 17; Practical Steps 9(d) and (e))
- negotiation of a new strategic reduction treaty applying the principles of verification, transparency, and irreversibility that would include a requirement of dismantlement of weapons withdrawn under the 2002 Strategic Offensive Reductions Treaty (SORT) (Recommendations 18 and 19; cf. Practical Step 7)
- unless superseded by a new treaty, extension of START, which expires in 2009 and provides some monitoring mechanisms for SORT and limits on multiple-warhead missiles
- transparency regarding existing aggregate holdings of nuclear weapons (Recommendation 19)

6. The need for these steps is virtually self-evident if progress towards a nuclear weapons-free world is to be made and if the world is to be made safer now. Between them, the United States and Russia have about 95% of the world's 11,000-plus operational warheads and of the total world stockpile of nearly 26,000. The SORT commitment for each side to deploy no more than 2,200 strategic warheads expires upon its coming into effect at the end of 2012, and SORT does not require verified dismantlement of withdrawn warheads or delivery systems. It is estimated that in 2012 the United States will have a total arsenal of about 6,000 warheads.
7. Regarding the current state of hair-trigger alert, it is estimated that Russia has about 1,000 warheads ready for immediate launch, and the United States about 1,600. Beyond the possibility of launch based on false warnings, two other risk factors are emphasized by Bruce Blair, John Steinbruner, and others. First, at the same time as the Cooperative Threat Reduction program aims to secure warheads and fissile materials in Russia against diversion to terrorists or other states, the high alert status requires many hundreds of weapons to be in transit or temporary storage at any time. Second, computerized communication, command, and control systems are vulnerable to hacking.
8. ***The US-China relationship:*** While the case for changing the US-Russian relationship is compelling, its very starkness, heightened further by memories of the traumatic experience of the Cold War, obscures an important new reality: the need for the United States and China to engage in cooperation on arms control and disarmament. The obstacle is the paradoxical fact noted by the WMD Commission: the "US is clearly less interested in global approaches and treaty making than it was in the Cold War era." Why?
9. The prevailing assumption was that the end of open hostility between the United States and the Soviet Union would make global law-making more feasible. That was indeed so for a few years in the 1990s, but the momentum of those years faded quickly. Part of the explanation is that the extreme dangers of nuclear "deterrence" as practiced between the Soviet Union and United States gave rise to a corresponding need to develop structures of stability, notably the NPT aimed at preventing the spread of nuclear weapons. Bilateral talks in the early 1960s about a non-proliferation agreement initially sought to prevent acquisition by states including Germany, Japan, Israel, China, and India; in the event, the last three states were not captured by the effort. Now the United States is facing a new strategic context, with China and India emerging powers. US planners appear to have concluded that the United States should not build up a relationship of "deterrence," stability and arms control with China, but rather should maintain military superiority vis-à-vis China and build a strategic partnership with India. A 1999 US National Defense University paper stated that "the United States should not allow a mutual vulnerability relationship to emerge with other states [besides Russia], either intentionally or otherwise." In this approach, arms reductions; control of missiles, missile defenses, and space-based systems; and strengthening global institutions are not the chosen policy instruments.
10. The risks posed by this approach are illustrated by the US buildup of the more capable Trident II missiles in the Pacific and an increase to eight in the number of Trident submarines there, each carrying 144 warheads of 100 or 455-kiloton yield on 24 missiles. The missile buildup is aimed at exerting additional leverage on China, with the posture of readiness to actually wage nuclear war by striking enemy nuclear forces familiar from the Cold War and still in place between the United States and Russia. In the bloodless words of a US admiral in 2002, the buildup "enhances system accuracy, payload, and hard-target capability, thus improving available responses to existing and emerging Pacific theater threats." China's January 2007 destruction of a satellite with a ground-launched missile, resulting in a significant and harmful addition

to space debris, imitated US and Soviet tests in the 1980s. It is a loud and clear signal that China is not prepared to just sit and watch as the United States seeks to augment its already extraordinary military capabilities with ground and sea-based anti-missile systems and possibly with space-based anti-missile, anti-satellite, and perhaps even ground-strike systems. It is not, of course, only China that is concerned. In February 2007, a top military official in Russia raised the possibility of withdrawal from the Intermediate-Range Nuclear Forces Treaty in response to US plans to build a missile defense installation in Poland.

11. In working towards a nuclear weapons-free world, these are developments that we ignore at our peril. It is urgent to find ways to engage the United States in cooperative security relationships with China and other major states besides Russia. Obvious candidates for facilitating this shift are bringing the CTBT into force, negotiating an FMCT, and negotiating an instrument on space security. But also important are measures that would directly address nuclear arsenals (Recommendation 20). Increasing transparency and institutionalizing a stand-down of nuclear forces are two areas in which all weapon-possessing states could participate immediately, even if it is insisted that global negotiations on reduction and elimination of arsenals must await further and substantial reductions in US and Russian forces. All weapon states should also make commitments or enter agreements on non-use or at least no first use and on non-modernization of nuclear forces. Relevant here are the 2000 NPT commitment to a diminishing role of nuclear weapons in security policies and Recommendations 7 (negative security assurances), 15 (no first use), and 23 (ending or restricting modernization/replacement). All states need as well to consider how to address the infrastructures for nuclear weapons maintenance, research, and development; the huge investments made by some weapon states in such infrastructures amount to a kind of virtual arms racing that lays the foundation for actual arms racing.

12. ***Institutionalization of planning***: In support of its recommendation of planning for security without nuclear weapons, the WMD Commission cited the unanimous holding of the International Court of Justice that states are obligated to conclude negotiations on nuclear disarmament, and stated: “A key challenge is to dispel the perception that outlawing nuclear weapons is a utopian goal. 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. Disarmament work should be set in motion.” A concrete manifestation of engagement in this process would be the establishment of governmental units dedicated to planning for abolition. So far as MPI is aware, no weapon state presently has even one full-time person so employed.

13. ***The imperative of non-use***: As the world makes its uneven and halting way toward global elimination of nuclear weapons, however short or long a time that takes, there must also be constantly kept in view the overriding imperative that the weapons not be used. The imperative has multiple justifications, practical, moral, religious, medical, and legal. As to the legal dimensions, in 1997 the Committee on International Security and Arms Control of the US National Academy of Sciences observed that the International Court of Justice “unanimously agreed that the threat or use of nuclear weapons is strictly limited by generally accepted laws and humanitarian principles that restrict the use of force.” The Committee continued: “Accordingly, any threat or use of nuclear weapons must be limited to, and necessary for, self defense; it must not be targeted at civilians, and be capable of distinguishing between civilian and military targets; and it must not cause unnecessary suffering to combatants, or harm greater than that unavoidable to achieve military objectives. In the committee’s view, the inherent destructiveness of nuclear weapons, combined with the unavoidable risk that even the most restricted use of such weapons would escalate to broader attacks, makes it extremely unlikely that any contemplated threat or use of nuclear weapons would meet these criteria.”

C. Comprehensive Nuclear-Test-Ban Treaty

14. Bringing the CTBT into force remains a very high priority (Practical Step 1; Recommendation 28). It was among the steps highlighted by the Shultz, Perry, Kissinger and Nunn op-ed, and at the September 2006 meeting of the Article VI Forum, Amb. Jaap Ramaker, CTBT Article XIV Special Representative, said that bringing the treaty into effect “would be the blood transfusion the nuclear non-proliferation regime so badly needs.” The DPRK’s nuclear test explosion conducted on October 9, 2006 put the importance of the CTBT into sharp relief. In resolution 1718 adopted on October 14, the Security Council expressed “the gravest concern ... at the challenge such a test constitutes to the [NPT] and to international efforts aimed at strengthening the global regime of non-proliferation of nuclear weapons, and the danger it poses to peace and stability in the region and beyond.” Presumably the Council is therefore aware of the imperative that *all* states refrain from testing, though two of its permanent members, China and the United States, have yet to ratify the CTBT.

D. Fissile Materials Cut-off Treaty

15. In his preface to *Weapons of Terror*, Blix wrote that negotiation of an FMCT, along with entry-into-force of the CTBT and success in work to prevent proliferation and terrorism, “could transform the current gloom into hope.” Negotiation of an FMCT is widely regarded as the next feasible multilateral step to take in containing proliferation and implementing disarmament commitments (Practical Step 3; Recommendation 26). In meetings of the Article VI Forum and other settings, the International Panel on Fissile Materials has demonstrated that an FMCT can be verified. In the 2007 winter session of the Conference on Disarmament (CD), several days are devoted to discussion of elements of the FMCT under a coordinator (Italy) appointed by this year’s six presidents.

16. Nonetheless, commencement of formal negotiations is by no means certain. In the First Committee of the General Assembly last year, Canada tabled a draft resolution urging the CD to begin “immediately negotiations on a treaty banning the production of fissile materials for nuclear weapons.” To accommodate the US objection to verification of an FMCT, the draft made no reference to the 1995 Shannon mandate to negotiate an “internationally and effectively verifiable” treaty accompanied by the understanding delegates would not be precluded from raising issues relating to existing stocks. The position of Canada and other Western countries is that verification, existing stocks, and other issues can be dealt with in negotiations. However, some Non-Aligned Movement members were not persuaded, and Canada ultimately withdrew the draft. If a mandate for negotiations can be agreed, it will probably still be necessary to achieve consensus on a program of work in the CD.

17. Assuming formal negotiations do begin, reaching a worthwhile outcome will require great practical judgment. On the one hand, a simple ban on production of fissile materials for weapons as proposed by the United States would have the advantages of capping growth in Pakistani, Indian, and Israeli arsenals, entrenching the halt by other weapon states, and reviving nuclear weapons-related negotiations generally. On the other hand, the value of a treaty is questionable if it has no provisions for verification and no mechanisms for addressing such issues as control and reduction of existing military stocks (including materials in warheads), prevention of use of civilian materials for weapons, and controls on highly enriched uranium used in naval reactors. Indeed, in principle, a comprehensive fissile materials treaty could lay the foundation for abolition of nuclear weapons. Those materials, wherever found, in warheads, military stocks, civilian stocks, reactors, etc., are the *sine qua non* of the weapons. Yet the more comprehensive the treaty,

the more difficult it will be to negotiate. All of this suggests that a two-pronged approach may be warranted: formalizing, by joint declaration or agreement, a moratorium on production by all weapon-possessing countries (Recommendation 27); and negotiating a fissile materials treaty that provides tools for achieving disarmament as well as halting further production.

E. Fuel Cycle and Proliferation Challenges to the NPT Regime

18. *The nuclear fuel cycle*: As more countries develop nuclear power sectors to meet energy demands and build prestige, the need for nuclear fuel cycle services will continue to grow. This trend may be reinforced if nuclear power is accepted as a means of abating climate change. The likely result is that more states will seek enrichment and reprocessing capabilities, citing state sovereignty and NPT Article IV as justifications. Already about a dozen countries possess such facilities, including four non-weapon states (Brazil, Germany, Japan, Netherlands). At the present time, while the Security Council imposes coercive measures intended to bring an end to Iran's nuclear fuel cycle ambitions, new commercial scale uranium enrichment projects have been announced in Argentina, Australia, and South Africa. Regarding the unchecked spread of those technologies, the March 2006 US National Security Strategy calls for "closing a loophole in the Non-Proliferation Treaty that permits regimes to produce fissile material that can be used to make nuclear weapons under cover of a civilian nuclear power program." In 2006, the G8 Summit again stated that for the next year its members would not transfer enrichment and reprocessing technologies to additional states. The far larger Nuclear Suppliers Group has yet to take any action, though in practice none of its members has contracted to export a reprocessing or enrichment plant to a non-weapon state other than Japan since the 1970s.

19. The leaders in the charge to close the "loophole" have been the advanced powers, notably those who operate nuclear fuel cycle facilities and either possess nuclear weapons or permit the United States to house them on their national territories. Since the first use of nuclear weapons, there have been proposals to control the spread of nuclear technology, beginning with the 1946 Acheson-Lilienthal recommendation for international ownership of the means of producing nuclear materials. Their report prophetically predicted that an international system relying solely on inspections would be insufficient. Since the advent of "Atoms for Peace," numerous other proposals have been put forward for multinational control of the nuclear fuel cycle. The April 2005 expert report to the International Atomic Energy Agency (IAEA), *Multilateral Approaches to the Nuclear Fuel Cycle*, canvassed possibilities. At the March 2006 meeting of the Article VI Forum, Ruud Lubbers called for the IAEA to be upgraded to assume supranational control of nuclear materials and to monitor reduction and eventual elimination of nuclear weapons.

20. The WMD Commission takes no firm position on addressing the spread of nuclear fuel cycle technology, calling only for the exploration, through the IAEA, of proposals for international fuel banks, regional fuel cycle service centers, and restricting fuel production to a few powerful states (Recommendation 8). Some headway is being made on the fuel bank approach. In September 2005, the Nuclear Threat Initiative announced that it would contribute \$50 million to the IAEA to help create a low-enriched uranium stockpile to support states that choose not to build indigenous nuclear fuel cycle capabilities. However, as the Commission indicates, it is not certain how to make fuel banks sufficiently reliable to states that have to plan for changing geopolitical circumstances. Multilateralizing the fuel cycle through regional centers poses the risk of spreading knowledge about the technology. The final proposal, exemplified by a Bush administration initiative known as the Global Nuclear Energy Partnership, would divide the world into "fuel cycle states" and "user states," creating more discrimination between "nuclear haves" and "nuclear have-nots," this time with respect to nuclear fuel production.

21. The best course would be for states to work towards less reliance on nuclear power for energy generation and to consider establishment of an international sustainable energy agency. So far as prevention of further global warming is concerned, the huge investment of money and scientific talent in expanding nuclear power could be more productively spent on other climate-friendly technologies. Regardless of where enrichment and reprocessing facilities are located, they bring with them the fear and potential of weapons production and ultimately represent a formidable roadblock on the path to elimination of nuclear weapons. Interim steps would be for states to relinquish the right to construct new reprocessing facilities and to institute a moratorium on the construction of enrichment facilities. In the longer term, states should seek to end permanently the spread of nationally controlled nuclear fuel production facilities, and to phase-out or bring under multinational control existing national facilities, including in the weapon-possessing states. Any global scheme that calls for the indefinite retention of the means to produce nuclear weapons by some, but prohibits their development by others, is doomed to fail. Many developing states are wary of accepting additional constraints on the development of nuclear technology, at least absent demonstrable progress on nuclear disarmament. The connection between the 60-year failure to secure the nuclear fuel cycle and the failure of nuclear disarmament initiatives cannot be overstressed.

22. ***Specific proliferation challenges:*** For the non-proliferation/disarmament regime to remain stable in Northeast Asia, it is of the utmost urgency that the DPRK dismantle its nuclear weapons program; that both the DPRK and the ROK renew their 1992 commitment to forgo reprocessing and enrichment facilities; and that the United States provide assurances that it will not attack the DPRK by nuclear or other means. The Korean Peninsula should be made a zone free of nuclear, biological, and chemical weapons (Recommendation 5); and as NGOs like Peace Depot have advocated, a broader Northeast Asian arrangement may be possible. MPI urges all states to implement the restrictions on dealings with the DPRK required by Security Council resolution 1718. MPI welcomes the verified freeze on plutonium production recently agreed in the six-nation talks, but notes that no firm commitments have been made, *inter alia*, on dismantlement of DPRK nuclear weapons or US security assurances.

23. The confrontation with Iran now is framed by Security Council resolution 1737 adopted in December 2006 imposing limited sanctions while Iran pursues its enrichment and heavy water projects. Speculation persists that the United States may attack Iran. Middle power states should make clear to the United States in no uncertain terms that this is an unacceptable course of action, whatever the pretext, and call upon both states to engage in military-related confidence-building measures to lower the level of tension. Middle powers should also call upon Iran, consistent with relevant provisions of resolution 1737, IAEA Board resolutions, and IAEA Director General requests, to cooperate with the IAEA in closing outstanding issues regarding Iran's past nuclear activities. The conclusion of IAEA investigations would help defuse the current confrontation and create a better atmosphere in which to address Iran's fuel cycle activities. A temporary compromise regarding those activities to facilitate negotiations should also be pursued. For example, Iran could cease preparation for large-scale enrichment in the context of resumption of negotiations in which the US demand for long-term suspension could be addressed. The United States should be encouraged to join in direct negotiations with Iran, and to work towards achieving a broad agreement addressing the spectrum of political, economic, and security issues. If successful, such an agreement would result in the end of economic sanctions, increased investment in Iran, credible security assurances, and preclusion of Iran's acquisition of a nuclear weapons capability (Recommendation 6).

24. Unlike the DPRK and Iran, India declined to join the NPT, partly on the ground that it did not provide sufficient protection against a weapon-possessing China. It is true that the proposed US-India nuclear

cooperation arrangement 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. Already, it has inspired Russia to step up its plans to build nuclear reactors for India; a January 2007 Russian-Indian agreement provides for four new reactors in addition to the two Russia is already helping to construct. More disturbing, though, is that the arrangement as currently configured seems to certify India as a member of a nuclear weapons club that shows few signs of transitioning out of existence. To avert this outcome, members of the Nuclear Suppliers Group at a minimum should demand that approval of the arrangement be conditioned on entry-into-force of the CTBT and a verified FMCT as well as India's formal acceptance of the NPT obligation of good-faith negotiation of cessation of arms racing and nuclear disarmament (Cf. Recommendation 13).

F. Steps Towards Implementation of the 1995 Middle East Resolution

25. The Middle East Resolution was an essential element of the bargain made to gain indefinite extension of the NPT at the 1995 Review and Extension Conference. Under its terms, all NPT parties are bound to work to establish a zone free of nuclear and other weapons of mass destruction and their delivery systems in the region; all states in the region are urged to take practical steps in appropriate forums to that end; and all states in the region not having done so are urged to join the NPT and accept full-scope IAEA safeguards. The resolution was reaffirmed by the 2000 NPT Review Conference.

26. Little progress has been made. Due to the failure to obtain agreement to reference and review previous commitments at the 2005 NPT Review Conference, no parties had to account for the lack of progress. Any clear path for states to walk to begin implementing the resolution was not even discussed. Further, Israel's failure to join the NPT renders increasing nuclear non-proliferation, verification, and compliance obligations for other states all the more difficult. Yet the non-proliferation aspects of the NPT are very much in all states' regional and national interests and must be strengthened as steps towards a Middle East free of nuclear weapons are pursued.

27. Under the best of circumstances, advancing the goals of the resolution will be challenging. Any step that lowers the political salience of nuclear weapons would improve the environment in which negotiations take place. Ratification by Israel, Egypt, and Iran of the CTBT is such a modest threat-reducing, security-enhancing step (Recommendation 12). Any step that builds regional confidence in the good will of other states, such as a regional freeze on enrichment, reprocessing and other sensitive fuel cycle activities, would also help (Recommendations 6, 12). A satisfactory resolution of the confrontation with Iran would remove an incentive for some Arab states to pursue the capability to make nuclear weapons, and make Israel more amenable to negotiations.

28. Regardless of whether these suggestions are acted upon, at the earliest possible time and at the highest levels, obtainable dialogue, consultation, and discussion of confidence-building measures leading to actual negotiations must begin. An appropriate civil society organization working with states in the region could facilitate such a process.

G. Steps Non-Nuclear Weapon Countries Can Take in the Short Term

29. *Non-strategic nuclear weapons*: Several European countries, along with Turkey, have an opportunity to take action not dependent on the outcome of negotiations or developments in international institutions: require the removal of US non-strategic warheads from their territory. While NATO is silent on the matter,

according to a 2007 Natural Resources Defense Council estimate, as many as 400 US bombs for delivery by aircraft are deployed under NATO auspices in eight bases in five “non-nuclear weapon state” countries (Belgium, Germany, Italy, Netherlands, Turkey), as well as in Britain. No other state deploys its nuclear weapons on other states’ territories. This “nuclear sharing” arrangement impedes efforts to negotiate with Russia regarding reductions of non-strategic weapons (Russia is estimated to have over 2,000, the United States 500); appears to violate Articles I and II of the NPT; and sets a terrible precedent for other nuclear powers to make similar arrangements.

30. The US attachment to the deployment does not appear ironclad, as is illustrated by a 2004 report of the influential Defense Science Board recommending its termination. Greece took the step of ending its hosting of US bombs in 2001. Requiring transparency about the deployment of US bombs in Europe and their removal could stimulate a wider process of control of US and Russian non-strategic weapons involving transparency measures; security measures; formalization and verification of the 1991-1992 Bush-Gorbachev parallel unilateral withdrawals of non-strategic arms; and commencement of negotiations regarding further reduction/elimination of non-strategic weapons, either separately or together with negotiations on strategic weapons (Practical Step 9(d); Recommendation 21).

31. ***Nuclear weapon free zones***: Regional NWFZs are bulwarks of the non-proliferation/disarmament regime. They now include 113 countries in five inhabited zones, Latin America and the Caribbean, the South Pacific, Southeast Asia, Africa, and Central Asia (whose treaty is signed but not entered into force). Additionally, nuclear weapons are banned in outer space, the seabed, and Antarctica. NWFZs strengthen the global norm against nuclear weapons by codifying the decisions of a majority of states that the weapons are not required for their security. In addition, among other things they serve to ban deployment of foreign nuclear weapons on the territories of member states, to help prevent nuclear testing, and to form the basis for weapon states’ guarantees of non-use against member states.

32. Non-weapon countries can take numerous actions to strengthen NWFZs. Actions that are relatively straightforward include: bringing the Pelindaba Treaty into force by reaching the requisite number of ratifications; devoting more resources to administration and implementation (as of now, only the Tlatelolco Treaty has a secretariat and an active organization of member states); increasing diplomatic pressure for weapon states to complete ratifications of the protocols of non-use; and strengthening the protocols, which are rife with exceptions. One means would be for member states to make their own declarations interpreting the protocols.

33. More far-reaching steps are possible. NWFZ states could seek to extend prohibitions on deployment beyond national territories to waters covered by a zone. The Treaty of Tlatelolco already includes such prohibitions in territorial waters, and the Bangkok Treaty arguably includes them in exclusive economic zones. While the weapon states may not agree to such limitations in the near term, as evidenced by their resistance to the Bangkok Treaty protocol, laying the legal foundation for their later acceptance would set the goal. Initiatives can also be taken to establish new zones in Northeast Asia, the Arctic/Nordic, Europe, the Middle East, and South Asia. Creativity and determination will be needed; such efforts would involve regions which have weapon-possessing countries or where some countries are considered to be under the protection of weapon states.

34. Political initiatives involving interzonal coordination are underway and should be vigorously pursued. In April 2005, Mexico hosted the first conference of states parties to the NWFZs; the conference declaration was then submitted to the 2005 NPT Review Conference. NWFZs could establish a more formal and

ongoing diplomatic group to take similar initiatives in NPT and UN settings. Brazil and New Zealand have proposed consolidation of the zones into a Southern Hemisphere and Adjacent Areas NWFZ, not to change the zones' legal nature but rather to expand their political impact.

35. **Security Council resolution 1540:** In April 2004, the Security Council adopted resolution 1540, which seeks to prevent non-state actor acquisition of, or trafficking in, nuclear, biological, and chemical (NBC) weapons-related equipment, materials, and delivery systems. The term “non-state actor” refers not only to terrorists, but also to unauthorized state officials, brokers, and businesses. The resolution requires all states to adopt appropriate measures – national criminal laws, export controls, border controls, physical security and materials accounting techniques – to achieve those objectives. Non-nuclear weapon states can promote a more effective nuclear non-proliferation/disarmament regime through implementation of the resolution in two basic ways.

36. First, systematic and vigorous implementation of its requirements will help prevent the spread of NBC weapons-related items to additional states as well as their acquisition by terrorists (Recommendation 14). That is valuable in and of itself; in addition, effective prevention of proliferation creates a better environment for reducing and eliminating existing nuclear arsenals. Second, in implementing the resolution, non-weapon states can advance disarmament. Reports to the Council required by the resolution can include detailed explanations of how states are promoting compliance with NPT Article VI pursuant to the resolution's paragraph 8(a), which calls for promotion of “full implementation” of multilateral treaties whose aim is to prevent the proliferation of NBC weapons. Disarmament education can be implemented and reported pursuant to paragraph 8(d), which calls for development of appropriate ways to work with and inform industry and the public regarding non-proliferation laws.

37. Non-weapon states can also consider extending implementation of the resolution's requirements regarding non-state actors to state actors as well, as has already been done by some states. Thus under paragraphs one and two of the resolution, non-weapon states would refrain from providing any form of support to state actors engaged in development, possession, use, etc. of NBC weapons, and would prohibit state actors to engage in such activities. Such an approach would help build the global norm against nuclear weapons, and could apply in concrete circumstances, for example regarding granting permissions for overflights by aircraft that might carry nuclear weapons, port visits of nuclear-capable ships, participation in military exercises involving the potential use of nuclear weapons, and government investment in nuclear weapons producing corporations. (Non-weapon states now participating in nuclear weapons alliances obviously would have difficulties extending implementation of the resolution to state actors.)

H. Strategy and Procedure in the NPT Preparatory Committee

38. **Procedure:** Middle powers should vigorously support application of the 1995 decision on strengthening the review process and the provisions of the 2000 Final Document on improving the effectiveness of the process. In particular, paragraph five of the Final Document provisions records an agreement that the first two sessions of a PrepCom would “consider principles, objectives and ways in order to promote the full implementation of the Treaty, as well as its universality,” and that each session “should consider matters of substance relating to the implementation of the Treaty and Decisions 1 and 2, as well as the Resolution on the Middle East adopted in 1995, and the outcomes of subsequent Review Conferences, including developments affecting the operation and purpose of the Treaty.” Accordingly, the first meeting of the PrepCom should engage in substantive discussion of “developments,” for example the DPRK situation or the lack of action in relation to the expiration of START in 2009, and possibly issue statements addressing

them. Middle powers should also continue to insist on development of a standard procedure for in-depth reporting of implementation of Article VI in accordance with Practical Step 13.

39. **Strategy:** A fundamental question is: how should middle powers work together, using existing groups, or building on the wide consensus to form a new coalition? Another obvious and important question is: what action agenda should middle powers work to have adopted by the 2010 Review Conference? One approach would be to update the 1995 and 2000 outcomes. Another would be to take those outcomes as given, and seek additional commitments. There is already a rich set of materials to draw from, including UNGA resolutions; the WMD Commission report; the five priority measures advanced by the Article VI Forum and other results of the Forum, to be summarized following this meeting and distributed at the PrepCom; and other governmental and civil society contributions. In developing an action agenda, due to the work of governments and civil society over the last 15 years, middle powers can utilize well elaborated elements relating to disarmament. But there also needs to be consideration of how to address matters that have received less attention in the NPT context, notably global management of the nuclear fuel cycle and institutional reform of the regime.

40. Regarding fuel cycle issues, other important institutional actors are deeply involved, the IAEA and its Board of Governors, the G8, and the Nuclear Suppliers Group. But it is also the case that progress on those issues may depend on a tradeoff that could underlie a 2010 NPT agreement: acceptance of restrictions on the spread of fuel cycle technology in return for reaffirmation and extension of disarmament commitments. Regarding institutional reform, as Canada, Ireland and other states have proposed in various ways, the establishment of an executive council and a secretariat, along with annual meetings of states parties empowered to address current developments, would provide means for addressing compliance with both non-proliferation and disarmament requirements (Cf. Recommendation 4). The international system is now poorly structured in this regard. There is no mechanism for assessing compliance with disarmament commitments; the IAEA and its Board of Governors have authority over a limited scope of issues, even with respect to non-proliferation; and consideration of non-proliferation matters by the Security Council occurs too late, is inevitably highly politicized, and is limited in legitimacy due to the Council's domination by the NPT nuclear weapon states.

I. The Need for Middle Power Leadership

41. This Briefing Paper has set forth elements of a new consensus on how to resuscitate the non-proliferation/disarmament regime and to achieve the abolition of nuclear weapons. The most important next step is for middle power states to join forces in developing a strategy for implementing a consensus approach. The stakes are high. The continuing failure of the weapon states to meet their disarmament obligation is undermining efforts to prevent other states from developing nuclear arsenals and to prevent terrorist acquisition. This will ultimately increase the nuclear dangers to all states. There is also the ever present danger that the existing weapon states will use their weapons by accident or in a confused moment of crisis. No one would possibly choose such an outcome.

42. The Middle Powers Initiative believes that a crucial route to achieving global security is middle power leadership. MPI calls upon middle power states to join together and act with the urgency that is demanded if we are to save the planet and posterity from foreseeable catastrophes.

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

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

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

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

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

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

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

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

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



MIDDLE POWERS INITIATIVE

A program of the Global Security Institute

www.middlepowers.org

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.



GLOBAL SECURITY INSTITUTE

Promoting security for all through the elimination of nuclear weapons

www.gsinstitute.org

The Global Security Institute, founded by Senator Alan Cranston (1914-2000), has developed an exceptional team that includes former heads of state and government, distinguished diplomats, effective politicians, committed celebrities, religious leaders, Nobel Peace Laureates, and concerned citizens. This team works to achieve incremental steps that enhance security and lead to the global elimination of nuclear weapons. GSI works through four result-oriented program areas that target specific influential constituencies.