

A program of the
Global Security Institute

Middle Powers Initiative Report

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

The Article VI Forum: *Gaining Confidence in Nuclear Disarmament Steps*

Report from the Second Meeting of the Article VI Forum

**The Hague, The Netherlands
March 2-3, 2006**

March 2006



MIDDLE POWERS INITIATIVE

A program of the Global Security Institute

675 Third Avenue, Suite 315
New York, NY 10017-5704
Tel: +1.646.289.5170
Fax: +1.646.289.5171
<http://www.middlepowers.org>



GLOBAL SECURITY INSTITUTE

One Belmont Avenue, Suite 400
Bala Cynwyd, PA 19004
Tel: +1.610.668.5488
Fax: +1.610.668.5489
<http://www.gsinitiate.org>

CONTENTS

| | |
|--|-------------------|
| <i>Letter from Hon. Douglas Roche, O.C.</i> | <i>i</i> |
| <i>Foreword by Jonathan Granoff</i> | <i>ii</i> |
| Executive Summary | 1 |
| Opening Session | 2 |
| Legal Requirements to Achieve Non-Proliferation & Disarmament | 5 |
| Technical Requirements Sessions | 10 |
| Political Requirements to Meet the Non-Proliferation/Disarmament Bargain | 19 |
| What Non-Nuclear Weapon States Can Do to Move the Agenda Forward | 24 |
| Strategies for Moving the Article VI Forum Forward | 27 |
| Conclusion | 29 |
| EXHIBITS | |
| Hon. Douglas Roche, O.C. | E-1 |
| Dr. Tariq Rauf | E-2 |
| Dr. John Burroughs | E-3 |
| Amb. Hans Corell | E-4 |
| Rt. Hon. Ruud Lubbers | E-5 |
| International Panel on Fissile Materials on FMCT | E-6 |
| Hon. Marian Hobbs | E-7 |
| Mr. Jonathan Granoff | E-8 |
| Rt. Hon. Kim Campbell | E-9 |
| APPENDIX A: Materials from Second Meeting of the Article VI Forum | |
| Schedule & Agenda | A-1 |
| Roster of Participants | A-2 |
| Acknowledgements & Supporters | A-3 |
| APPENDIX B: MPI Briefing Paper: <i>The Article VI Forum: A Creative Initiative</i> | B-1 |
| Endorsements of Article VI Forum and MPI | Inside Back Cover |

NOTE TO OUR READERS:

This report was written to follow the order of presentations during the two-day conference.

Each heading represents the highlights of the formal portions of those sessions. The full texts of the majority of those speeches are available on the Middle Powers Initiative website:

<http://www.middlepowers.org>

LETTER FROM THE CHAIRMAN

Dear Excellencies, Colleagues, and Friends,

It is my honor and privilege to present to you the report of the second meeting of the Article VI Forum, *Gaining Confidence in Nuclear Disarmament Steps*, which was held in The Hague, the Netherlands, March 2-3, 2006. This highly productive and provocative session explored the various legal, technical and political issues involved in advancing the nuclear non-proliferation and disarmament agenda forward. It has also encouraged the Middle Powers Initiative to continue our work.

The Article VI Forum is an initiative intended to stimulate and shape effective responses to the crisis of the non-proliferation/disarmament regime manifested by the breakdown of the 2005 Non-Proliferation Treaty Review Conference. The aim is to advance international cooperation to prevent the spread of nuclear weapons and to fulfill existing commitments to achieve the reduction and elimination of nuclear arsenals. The Forum will help reassert the centrality of nuclear disarmament and the validity of multilateral negotiations. In addition, it will explore and promote mechanisms and approaches to enhance security without relying on nuclear weapons. This process may well produce an outline or framework for negotiations, as called for in Article VI of the NPT and reinforced by the International Court of Justice.

We look forward to continuing to contribute to a successful NPT Review Conference.

Very Sincerely Yours,

A handwritten signature in black ink, appearing to read "Douglas Roche". The signature is written in a cursive, flowing style.

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

FOREWARD

A central premise of the Nuclear Nonproliferation Treaty (NPT) is that nuclear weapons themselves are a hazard, that their proliferation is unacceptable and their global legally verifiable elimination is required. Nuclear weapons in the hands of the both the responsible and irresponsible is addressed in the Treaty by its commitment to abolition.

The Treaty's indefinite extension was obtained in 1995 in the crucible of negotiations which centered largely on balancing the bargain between restraint of proliferation in exchange for commitment to disarmament. This balance was reaffirmed strongly in 2000 at the Treaty's Review Conference.

The lackluster outcome of the 2005 NPT Review Conference and the apparent renewed interest in the political currency of nuclear weapons expressed by new weapons programs of the most prominent nuclear weapons states has raised alarm on the part of informed citizens and engaged diplomats, a unique group of people out of the vast family of humanity singularly and acutely aware of the consequences of allowing the political inducements regarding disarmament to corrode. The world can ill afford allowing the balanced bargain to slip away. Legitimate concerns in strengthening prohibitions against proliferation need not deter progress in fulfilling disarmament commitments.

The Article VI Forum seeks to contribute meaningful dialogue and policies to reaffirm and help fulfill the NPT's central premise and bargain. For without that balance, the legitimacy of nuclear weapons as a useable instrument of statecraft will increase along with the likelihood of use and a diminished capacity to stop proliferation. Whereas if the bargain is honored, our collective, national, and personal security will be enhanced.

This was the second conference the Middle Powers Initiative has held in close cooperation with the Netherlands Institute of International Relations, 'Clingendael'. A report of the first consultation can be found at: http://www.gsinsitute.org/docs/Clingendael_Report.pdf. We express our deepest appreciation for the professionalism and expertise of this outstanding organization, especially Dr. Jaap de Zwaan, Dr. Peter van Ham, and Dr. Edwin Bakker. We hope that our productive relationship continues.

We would also like to express our gratitude to those who support this work - particularly the John C. and Chara C. Haas Charitable Trust, the Ford Foundation, the Rissho Kosei-Kai Foundation, the Arsenault Family Foundation, Christie Brinkley, Michael Douglas, Fred Matser, Dr. Johannes Witteveen, P.J.S. de Jong, Garry Jacobs, Tong Schraa-Liu, the Global Security Institute Board of Directors, and many others - we wish to further express what an honor it is to work with so many committed NGOs, experts, former Heads of Government, and active diplomats whose passion for a better world give us reason for hope.

Sincerely,



Jonathan Granoff
President, Global Security Institute

EXECUTIVE SUMMARY

- A gathering of high-level representatives of 21 states at a special forum at The Hague, March 2-3, examined ways to reinforce and revitalize international commitments to nuclear non-proliferation and disarmament as embodied in the Nuclear Non-Proliferation Treaty (NPT). Convened by the Middle Powers Initiative (MPI), the Article VI Forum was addressed by two former prime ministers – Ruud Lubbers of the Netherlands and Kim Campbell of Canada; the former UN Under-Secretary General for Disarmament Affairs, Ambassador Nobuyasu Abe; the former UN Under-Secretary General for Legal Affairs, Dr. Hans Corell; and Marian Hobbs, the former Disarmament Minister of New Zealand. The two-day meeting, co-hosted by the Netherlands Institute of International Relations “Clingendael,” was entitled *Securing the Future: Strengthening the NPT*.
- The Honorable Douglas Roche, O.C., Chairman of the Middle Powers Initiative, said the Article VI Forum of like-minded states and NGOs has “opened up a new approach: to examine key legal, political and technical issues that need to be addressed to overcome security concerns of the Nuclear Weapon States, which are currently preventing them from commencing negotiations leading to complete nuclear disarmament.” He added, “The very existence of the Article VI Forum is a sign of hope for the world community that wants to be freed from the specter of nuclear warfare. Key states assembled here can indeed provide a jolt of energy into the nuclear disarmament process.”
- The conference was divided into political, technical and legal sessions. The legal session focused on the effects the implementation of international law has on promoting nuclear disarmament. While it takes decades to build respect for international law and to create the institutions that support it, panelists said, much can be done in the near term by improving national legal systems, and on the international level through respect for the NPT Article VI disarmament obligations. This is the tenth anniversary of the advisory opinion by the International Court of Justice on the legality of nuclear weapons; according to the panelists “the authoritative interpretation of Article VI of the NPT.” The Court unanimously concluded that under Article VI states are obligated to pursue in good faith and bring to a conclusion negotiations on nuclear disarmament. The disarmament obligations must also be interpreted in light of the commitments made in 1995 and 2000. The most important are the principles of irreversibility, verification and transparency, the diminished role for nuclear weapons in security policies, and reduction in operational status of nuclear weapons.
- The forum was also attended by the distinguished nuclear physicists, Frank von Hippel and José Goldemberg, the co-chairs of the newly-formed International Panel on Fissile Materials. Members of the Panel oversaw a special plenary of the meeting dealing with proposals for a Fissile Materials Cutoff Treaty (FMCT) and the ramifications of verifying such a treaty. Despite the position of the United States, the experts insisted that an FMCT is verifiable. They further argued a treaty would strengthen the NPT because it would create new standards for “international responsibility” and because it would reduce the discriminatory nature of the NPT since the nuclear weapon states would have more political and technical obligations under an FMCT than they now have under the NPT.
- The session on political dimensions explored the disparity between the urgency of nuclear disarmament and the lack of interest by both leaders and the public. Consequently, the political discussion

focused on which mix of policy options had the best chance of being considered by governments, which would be effective if implemented and which would also be able to capture the attention of the general public. Some of the initiatives discussed included implementing the Comprehensive Test Ban Treaty, negotiating an FMCT, de-alerting, implementing norms for transparency and irreversibility in arms control agreements, and reducing the role of nuclear weapons in military strategies.

- All the nations represented at the Article VI Forum were non-nuclear weapon states. A panel dedicated to the role of non-nuclear weapon states in advancing the NPT bargain detailed numerous initiatives that these states could spearhead in lieu of progress by the nuclear weapon states. Chief among these initiatives were the FMCT, the Comprehensive Test Ban Treaty, nuclear weapon-free zones and de-alerting. If progress cannot be achieved in the traditional multilateral frameworks, the non-nuclear states could look toward untraditional forums such as ad hoc groupings of states promoting specific policy initiatives in the General Assembly's First Committee and the Article VI Forum.
- In concluding statements, Sen. Roche said that a continuing role for the Article VI Forum will be to work to engage heads of state. In addition, he said the diplomats at this consultation had given MPI "confidence in proceeding with the Article VI Forum, which we think we can build it into a potent instrument."
- States participating in the session were: Austria, Belgium, Brazil, Canada, Costa Rica, Germany, the Holy See, Hungary, Ireland, Indonesia, Japan, Malaysia, Mexico, The Netherlands, New Zealand, Norway, Poland, South Korea, Sweden, Switzerland, and Turkey. The enthusiastic response on the part of diplomats and other participants indicated the continuing relevance of the Article VI Forum. With the support of the Government of Canada, the third meeting of the Article VI Forum will be held in Ottawa, September 28-29, 2006.



OPENING SESSION

"We are close to having a common vision for the way forward," Senator **Douglas Roche**, the Chairman of the Middle Powers Initiative, said at the opening of the Article VI Forum. After greetings from the two other organizations involved in the consultation – **Frank von Hippel** of the International Panel on Fissile Materials and **Edwin Bakker** of the Clingendael Institute – Sen. Roche laid out in a quick review how the international community had come to this point. Despite the deadlock at the 2005 NPT Review Conference, Sen. Roche noted that the conference had managed to find substantive areas of near-unanimous agreement. Those areas included the belief that Nuclear Weapon States must stop nuclear sharing for military purposes under any kind of security arrangements; that the most effective way

HON. DOUGLAS ROCHE, O.C.
CHAIRMAN, MIDDLE POWERS INITIATIVE



There is, then, a solid basis for stating that a viable plan for progress in nuclear disarmament exists. We are close to having a common vision for the way forward.

The present opposition to this plan must not be allowed to dissuade like-minded States from action. The leaders and officials of these governments along with knowledgeable leaders of civil society understand that the day will arrive when either nuclear weapons are eliminated or the world will be devastated by a nuclear attack. One or the other will happen. No objective person, informed on the gravity of the situation, can deny it.

Our common humanity, our common fate, our common vision compel us, at a minimum, to strengthen the non-proliferation/disarmament regime. This requires us to protect the integrity of the Non-Proliferation Treaty...

The very existence of the Article VI Forum is a sign of hope for the world community that wants to be freed from the spectre of nuclear warfare. Key States assembled here can indeed provide a jolt of energy into the nuclear disarmament process.

In this current cycle of history, some might argue that only minimal progress toward achieving the elimination of nuclear weapons is being made. Actually, the Middle Powers Initiative believes that a historical momentum is building up. Though the obstacles are formidable, nuclear proponents are finding that they have less and less ground to stand on to justify retention. The vast majority of world public opinion favours nuclear disarmament. The creative development of ideas at the Article VI Forum will send a positive message to a waiting world that serious work is being done to help humanity attain a nuclear weapons-free world.

International Atomic Energy Agency, also framed his remarks in terms of the commitments made at the NPT review conferences. The priorities of like-minded states, Dr. Rauf said, should be to “re-affirm the goals we established for ourselves in 1970 under the NPT, affirmed in 1995 and re-affirmed in 2000 [at the NPT Review Conferences], and send a clear-cut message that our commitment to these goals has not changed.” Speaking in his personal capacity, he added, “We remain committed to ridding the world of nuclear weapons. We have zero tolerance for new States developing nuclear weapons, and we should ensure that all countries have the right to use nuclear technology for peaceful purposes.”

Dr. Rauf said, “It is time to abandon the unworkable notion that it is morally reprehensible for some countries to pursue nuclear weapons, but morally acceptable for others to rely on them. Our aim must be clear: a security structure that is based on our shared humanity and not on the ability of some to

to prevent nuclear terrorism is the total elimination of nuclear weapons; that the decisions taken at the 1995 and 2000 Review Conferences - including the “unequivocal undertaking” for complete nuclear disarmament - need to be respected and reaffirmed; that no new nuclear weapons should be developed; that in anticipation of the early entry-into-force of the CTBT, the moratorium on testing should be maintained; and that nuclear weapons-free zones strengthen the non-proliferation regime and deserve to receive security assurances.

It follows, Sen. Roche said, that “despite the institutional and procedural problems we face in the nuclear disarmament agenda – problems well known to this gathering – MPI believes that the international community stands on the threshold of the construction of a viable plan leading to a nuclear weapons-free world.”

Dr. Tariq Rauf, the Head of Verification and Security Policy Coordination for the

destroy us all.”

Ambassador **Johannes Landman**, the Netherlands’ representative to the Conference on Disarmament (CD), described the mood in the CD as “very sad.” Yet, despite this “quarreling about course of action,” something positive was taking place in that the consultations among the six presidents had created “a de facto program of work” with “specific clusters” on nuclear disarmament, the FMCT, prevention of an arms race in outer space, and negative security assurances, in other words, “the issues that interest most powers.” While the CD still did not have a negotiating program, Amb. Landman said he expected that by the end of the year, a “natural selection” would determine which items advance. This new aspect of the CD’s work has been accompanied by a second new feature, specifically the naming of “friends” on behalf of the six CD presidents. That is simply “a code word for coordinators,” Amb. Landman said. Taken all together, “it is a framework, it’s a bit awkward, but it is there,” he added.



TARIQ RAUF
HEAD OF VERIFICATION AND SECURITY
POLICY, INTERNATIONAL ATOMIC ENERGY
AGENCY

In the past decade and a half, the international security landscape has changed. With the dissolution of the Soviet Union, the Cold War rivalry disappeared. But the failure to establish the once much vaunted ‘new world order’ – by effectively addressing security concerns that persisted after the disappearance of the bipolar world or emerged in its aftermath – has resulted instead in a sort of “new world instability” ... An increasing polarization between the Western and Muslim cultures

has emerged in the wake of September 2001. And while more than 30 States continue to be party to NATO or other alliances and explicitly depend upon nuclear weapons, many other countries continue to face a sense of insecurity because of these and other new security threats.

Rather than trying to understand these changes in the international security landscape and adapting to the new threats and challenges – and harnessing the opportunities afforded by an increasingly globalized world to build an equally global security system – the trend has been towards inaction or late action on the part of the international community, selective invocation of norms and treaties, and unilateral and “self-help” solutions on the part of individual States or groups of States. Against this backdrop of insecurity and instability, it should not come as a surprise to witness a continued interest, particularly in regions of tension, in the acquisition of nuclear weapons or other weapons of mass destruction. Four undeclared nuclear programs have come to the fore since the early 1990s.

For the five countries recognized as nuclear-weapon States under the NPT, their nuclear arsenals are increasingly becoming either a focal point for resentment or cynicism among the nuclear “have-nots,” or, worse, a model for emulation for States that wish to pursue clandestine WMD programs, hoping that this will bring them security and enhanced status.

It is the height of irony that, in today’s security environment, the only actors who presumably would find the world’s most powerful weapons useful — and would deploy them without hesitation — would be an extremist group. A nuclear deterrent is totally ineffective against such groups; they have no cities that can be bombed in response, nor are they focused on self-preservation. But even as we take urgent measures to protect against nuclear terrorism, we remain sluggish and unconvinced about the need to rapidly rid ourselves of nuclear weapons.

Why? The answer is that the international community has not been successful, nor tried hard enough, to date in creating a viable alternative to the doctrine of nuclear deterrence as the basis for international security. Nuclear weapons will not go away until a reliable collective security framework exists to fill the vacuum. The aftermath of the Cold War should have served as the logical lead-in to such an effort. The resulting changes to the international security landscape have been obvious; it is only that we have not acted smartly to adapt to these changes.

In addition to the now familiar deadlock in multilateral negotiating bodies, two new developments – the US-India bargain on nuclear technology and the controversy over Iran – were raised by participants during the discussion period, creating an air of frustration. One diplomat said the US-India deal “makes a mockery of the NPT.” Diplomats approached the Iranian question cautiously, with one noting that Iran is now technologically on a par with Brazil. Another questioned how credible European “preaching” to Iran on nuclear weapons could be when Europe itself is so heavily armed with nuclear weapons. Some said the Iranian issue put the question of a Middle East zone free of weapons of mass destruction “back on the table,” but another speaker called the concept “unfortunate” with little practical relevance. It is “brought up when it’s convenient for states and shunted aside when it is not,” this participant said. An official from a non-aligned state said those countries would continue to insist on the right to nuclear power, not only as a right under the NPT but also as a hedge against rising oil prices.

LEGAL REQUIREMENTS TO ACHIEVE NON-PROLIFERATION & DISARMAMENT: A QUESTION OF GOOD FAITH

The legal requirements to achieve non-proliferation and disarmament are core components of any plan for a nuclear-free world, and they were addressed during a session featuring presentations by Ambassador **Hans Corell**, former Under-Secretary-General for Legal Affairs and Legal Counsel for the United Nations, and Dr. **John Burroughs**, Executive Director of the New York-based Lawyers’ Committee on Nuclear Policy. The session was moderated by Ambassador **Bernhard Brasack**, who currently serves as Germany’s representative to the Conference on Disarmament in Geneva and formerly its representative to the Organization for the Prohibition of Chemical Weapons (OPCW). Drawing on his experience at the OPCW, Amb. Brasack observed that legal analysis is critical in interpreting the requirements for implementation of disarmament treaties.

Amb. Corell offered a broad, long-term perspective, emphasizing the mutually reinforcing roles of domestic and international law and stressing the importance of strengthening national legal systems in building global security, including through the implementation of disarmament treaties. He described how over the course of his career, he came to believe that a cooperative international legal order is indispensable for human dignity and peace. “This was one of the purposes when the United Nations was created in 1945. This was also the idea when States started negotiating treaties to achieve disarmament. As a matter of fact, the idea of the rule of law runs like a scarlet thread through the Charter of the United Nations...Basically, international law is respected in most cases since States realize that it is necessary to cooperate.” But, he cautioned, “It is when we enter the field of national security that problems present themselves.”

Looking at the root causes of conflicts around the world, Amb. Corell noted a common denominator: “Human rights were violated and there was no rule of law at the national level.” And he asserted: “The modern State under the rule of law can only exist in a democracy. Many Member States of the United Nations are not democracies,” he declared. “Until they are, they constitute threats to international peace and security.” Amb. Corell focused on two aspects of his thesis. First: “By definition, human rights risk being violated in countries where there is no rule of law. And by definition, this poses a threat to international peace and security.” Second: “A State that cannot provide for the rule of law will most probably not be able to fulfill the obligations that the same State has undertaken by ratifying various conventions and other treaties. The same applies to the ability of such a State to deliver what is required under Security Council resolutions for the purpose of suppressing terrorism or the spreading of weapons

of mass destruction.”

Explaining his insistence on these arguments in the context of the Article VI Forum, Amb. Corell stated: “In discussing the legal requirements to achieve non-proliferation and disarmament, it is necessary to broaden the perspective to see whether States can actually deliver what is expected from them. Surely, it is of utmost importance to analyze the obligations that flow from existing treaties and draw conclusions from the 1996 Advisory Opinion of the International Court of Justice. But at the same time one must not lose sight of the fact that one cannot invoke effectively those obligations if they end up in a legal vacuum at the national level.”

Amb. Corell sought to assure the Forum it was not his intention to create a confrontational atmosphere, and he appealed to the participants for their support of a new Global Rule of Law Movement initiated by the International Bar Association and other organizations. However, he provocatively reiterated: “It is all good and well that treaties in the field

of disarmament are negotiated, adopted and ratified. But as long as there are States that do not operate under the rule of law they create risks that other States cannot and will not ignore. Therefore, no matter what treaties are adopted and no matter what undertakings are made, the world community is still far from what needs to be achieved in the field of disarmament.”

DR. JOHN BURROUGHS
EXECUTIVE DIRECTOR,
LAWYERS’ COMMITTEE ON NUCLEAR
POLICY

Assuming that the ICJ opinion and the outcomes of the 1995 and 2000 Review Conferences are taken seriously, it is now established that the NPT requires the achievement of symmetry by obligating the nuclear weapons states to eliminate their arsenals. So the key question is, why are they to be taken seriously?

As to the ICJ opinion, while advisory, it is an authoritative interpretation of law that states acknowledge as binding, that is Article VI.

As to the Review Conference outcomes, first of all, to state the obvious, states should abide by their commitments. If they do not, international cooperation is severely undermined. There is less incentive to make future commitments if past ones have been ignored. At a minimum, good faith would require that if one set of commitments towards meeting a legal obligation is discarded, an alternative course would be proposed. That has not been done.

Second, as a matter of international law, the outcomes of the 1995 and 2000 Review Conferences decisively inform the proper interpretation of the disarmament obligation. If you go and you look at Article 31(3) of the Vienna Convention on the Law of Treaties, it says that agreements and practice subsequent to adoption of a treaty are to be taken into account in interpreting what the treaty requires.

To draw out of the 2000 practical steps the key elements for implementation of the disarmament obligation, I suggest we look to the “Renewed Determination” resolution sponsored by Japan in the 2005 General Assembly. It was adopted by a vote of 168 to two (the United States and India), with seven abstentions. The resolution’s adoption means that nearly all governments in the world, including close allies of the nuclear weapon states, are now on record as favoring application of the principles of transparency, irreversibility, and verification “in the process of working towards the elimination of nuclear weapons.” The resolution also acutely singles out two other commitments from 2000 whose fulfillment would greatly facilitate progress towards abolition and make for a safer world now. One is “the necessity of a diminishing role for nuclear weapons in security policies”, and the second is reduction of “the operational status of nuclear weapons systems.”



AMBASADOR HANS CORELL
FORMER UNDER-SECRETARY-GENERAL FOR LEGAL AFFAIRS, UNITED NATIONS



A State that cannot provide for the rule of law will most probably not be able to fulfill the obligations that the same state has undertaken by ratifying various conventions and treaties.... One interesting question here is to what extent States are able to deliver what is expected from them under Security Council resolution 1540 (2004) on non-proliferation of weapons of mass destruction, the resolution designed to prevent such weapons from getting into the hands of terrorists.

The conclusion to be drawn is that sophisticated analyses of international legal commitments may be interesting, but when push comes to shove States may simply not be able to deliver. This may in turn cause other States to behave as they please in spite of the commitments that they have made.

The most serious consequence of this situation is that a general distrust might spread that also affects States that are fully developed and in a position to abide by their international commitments. We can see the effects of this latter phenomenon in the so-called 'war against terrorism.' The mere forging of this misnomer was a grave mistake. It has confused the concepts of international humanitarian law and has resulted in human rights violations. In short, it was a disservice to the world community!

"Irrespective of this," he concluded, "States should of course be held accountable under their present obligations.... There is a short-term perspective and a long-term perspective. We must work in both. As I see it, it is crucial that we also start working in the long-term perspective, because in the end, this is the only way that leads to true disarmament, and the only way is through the rule of law."

Noting that this is the 10th anniversary year of the International Court of Justice (ICJ) advisory opinion on nuclear weapons, Dr. Burroughs based his remarks on the ICJ's unanimous conclusion, largely an interpretation of Article VI of the NPT: "There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control." The conclusion has been directly endorsed by 165 states (including non-NPT states India and Pakistan), in a vote on the relevant paragraph in the General Assembly resolution following up on the opinion, with only the United States, Russia, and Israel, casting votes against it. In addition, the conclusion is reinforced by the "unequivocal undertaking" to eliminate nuclear arsenals adopted by the 2000 NPT Review Conference.

Dr. Burroughs then addressed what the obligation of good-faith negotiation for elimination of nuclear weapons requires of states: "International law in general with respect to good-faith negotiation requires that you enter into the negotiations, that you consider proposals of the other side, and that you re-examine your own position, all in order to reach the objective of the negotiations." In one case, the Court stated that the "*principle of good faith obliges the Parties to apply [the treaty] in a reasonable way and in such a manner that its purpose can be realized.*"

In the context of nuclear weapons, Dr. Burroughs observed, the Court's statement of the obligation of good-faith negotiation is unusually strong. He identified three factors underlying the Court's analysis. The first is the text of the NPT itself. According to the Court, Article VI involves "an obligation to achieve a precise result, nuclear disarmament in all its aspects, by adopting a particular course of conduct,

namely the pursuit of negotiations on the matter in good faith.” Further, the treaty’s preamble refers to “the liquidation of all [States’] existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery.” The second factor can be found in the argument made to the Court in 1995 by Gareth Evans, then Foreign Minister of Australia. Evans argued that a norm of non-possession is embedded in the NPT that “must now be regarded as reflective of customary international law,” and that in conformity with that norm all states possessing nuclear arsenals must negotiate their dismantlement. Dr. Burroughs went on: “The third basis for the strength of the Court’s statement is that the disarmament obligation is bound in a reciprocal and mutually reinforcing relationship with the illegality and illegitimacy of nuclear weapons and their threat or use.”

Dr. Burroughs posited that the Court is not wedded to the achievement of a particular outcome, as long as it accomplishes “nuclear disarmament in all its aspects.” But, he asserted, “It certainly is possible to identify criteria and measures for implementation of the disarmament obligation.” For guidance, he turned to Article VI and its application by NPT Review Conferences. As he explained, it is the long-held view of the nuclear weapon states that the NPT imposes specific, enforceable obligations on non-nuclear weapon states, while requiring of themselves only a vague and general commitment to good faith negotiation of nuclear disarmament, to be realized in the distant future, if ever. However, the 1995 and 2000 NPT Review Conferences, and the ICJ opinion, rejected that view (see box on page 6).

After briefly noting the poor record of implementation of the disarmament obligation - “since the conclusion of negotiations on the CTBT in 1996, there has been very little progress” - Dr. Burroughs turned to the topic of non-proliferation. On the question of what constitutes non-compliance with NPT-related instruments, he said the emphasis on preventing diversion of nuclear materials to weapons supports a reading of Article III of the NPT and the IAEA model safeguards agreement “to the effect that non-compliance occurs when a state is not able to provide sufficient assurances that nuclear materials are being used for peaceful purposes.” However, “the Iran situation indicates that this is not altogether a



Hon. Marian Hobbs and Amb. Paul Meyer

satisfactory reading.” He noted that while Iran engaged in a pattern of concealment of extensive activities involving all aspects of the nuclear fuel cycle, “there is no evidence or contention that materials have been diverted to military purposes. On a common sense view, the concealment would nonetheless seem to constitute non-compliance, a failure to follow, in the words of Article III, ‘safeguards procedures.’”

Addressing the question of whether Article IV of the NPT grants a right to the acquisition of nuclear fuel

cycle technology, Dr. Burroughs observed: “Since Article IV says there is a right to ‘research, production and use of nuclear energy for peaceful purposes without discrimination,’ it is hard to argue otherwise. This is unfortunate. I think Oppenheimer had it right at the beginning of the nuclear age in maintaining there needs to be international control of the production of nuclear materials. But this is the law that

we have.” Addressing the implications for policy, Dr. Burroughs contended: “If the further spread of nuclear fuel cycle technology is to be prevented, as it should be, it should be done through reciprocal, cooperative, negotiated arrangements. These arrangements may involve non-nuclear weapon states which already have nuclear fuel cycle technology accepting additional constraints.”

The presentations elicited responses and critiques, ranging from the philosophical to the pragmatic. One diplomat issued a sharp challenge to both panelists, declaring: “I don’t think it is the lack of law that matters.” Law, he contended, whether in the short-term, medium-term or long-term, is not the problem, because in the context of arms control, non-proliferation and disarmament, implementation could be interpreted in different ways. One nuclear weapon state, for example, always says it has fulfilled its commitment to nuclear disarmament by reducing its nuclear arsenal.

Another diplomat, responding to Amb. Corell’s presentation, observed that a state’s strong commitment to domestic law does not automatically translate into a strong commitment to international law. “This is at the core of the issue we are dealing with at the moment,” he said, “the belief that we can make international arrangements binding, verifiable and so on. The attachment to this philosophy is not so strong in some countries.” He asked, “How can we get back the credibility of international law to deal with these things? How can countries that at the moment are not so attached to this philosophy be turned around?”

Moving to practical considerations, a representative of an international NGO raised the possibility of returning to the International Court of Justice to obtain a legal assessment of the US and Russian claims that they are complying with Article VI simply by engaging in gradual reductions of deployed strategic weapons. Another non-governmental organization representative proposed a protocol to the NPT that would promote sustainable energy and phase out nuclear technology in a nondiscriminatory way. “Can’t we preserve the Article VI disarmament obligation and replace the bargain with sustainable energy for the whole planet?” she asked. “I think we have to look at that if we’re serious about stopping nuclear weapons proliferation.”

Dr. Burroughs had the final word: “There’s a great deal of overlap between the popular conception of good faith and legal constructs. Hugo Grotius, the father of modern international law, said that good faith is what distinguishes humans from animals.”

THE TECHNICAL BASIS FOR A PRODUCTION CUTOFF AND STOCKPILE REDUCTIONS OF NUCLEAR WEAPON MATERIALS

The Middle Powers invited the International Panel on Fissile Materials (IPFM), a recently established group of independent nuclear experts from both nuclear weapon and non-weapon states, to organize technical sessions at the meeting at The Hague. The intention was to introduce the mission of IPFM and to explain the opportunities and challenges for controlling fissile materials - highly enriched uranium and plutonium - which are the key ingredients in nuclear weapons.

Based at Princeton University's Program on Science and Global Security, IPFM was formed in January 2006, and is co-chaired by two nuclear physicists: Professor **Frank von Hippel** of Princeton University, and Professor **José Goldemberg** of the University of São Paulo, Brazil. Its founding members consist of nuclear experts from both nuclear weapon and non-nuclear weapons state, namely Brazil, China, Germany, India, Japan, Mexico, the Netherlands, Norway, Pakistan, Russia, South Africa, South Korea, Sweden, the United Kingdom and the United States.

The IPFM initiative emerged out of a concern that the 2005 NPT Review Conference had been a failure, and a conviction that if this was repeated at the next Review Conference, in 2010, the NPT regime could unravel. Control of fissile materials offers a basis for a shared agenda to make progress on nuclear disarmament, to further the goal of nonproliferation, and to stop terrorists from obtaining nuclear weapons. The Panel sees its mission as developing the technical basis for practical and achievable policy initiatives to secure, consolidate, and reduce stockpiles of highly enriched uranium and plutonium.

At the meeting at The Hague, the IPFM members ran a plenary on "The Technical Basis for a Production Cutoff and Stockpile Reductions of Nuclear Weapon Materials" and two breakout workshops on fissile materials issues.



Dr. Frank von Hippel, Dr. Jose Goldemberg, and Hon. Douglas Roche

Fissile Materials and Nuclear Weapons

Fissile materials can sustain an explosive fission chain reaction and are essential for all types of nuclear explosives. Preventing further production of fissile materials and irreversibly reducing existing stocks would cap and shrink the size of possible nuclear arsenals. Lack of access to fissile materials represents the main technical barrier to the acquisition of nuclear weapons today by would-be proliferators and terrorists.

Dr. von Hippel outlined the properties of the two main materials used as fissile materials in nuclear weapons: plutonium and highly enriched uranium (HEU). Plutonium is produced in nuclear reactors through irradiation of natural uranium and must be chemically separated from the spent fuel before it can be used in nuclear weapons. In contrast, HEU-production requires the operation of an enrichment facility, in which the existing uranium isotopes (U-235 and U-238) are physically separated exploiting their small difference in mass. Highly enriched uranium and virtually all mixes of plutonium isotopes are weapons useable.

Less than eight kilograms of plutonium or 25 kilograms of weapon-grade uranium is required to create an explosive nuclear chain reaction that could destroy a substantial part of a modern city.

Modern nuclear weapons generally contain both plutonium and HEU. Both materials can be present in the first fission stage (“primary”) of a thermonuclear weapon. HEU is also often used, along with hydrogen fusion fuel in the second stage (“secondary”) of a thermonuclear weapon (commonly known as a hydrogen bomb).

Tritium, a heavy isotope of hydrogen, is used in modern nuclear weapons to boost the explosive yield of the primary, but it is not a fissile material. Simple nuclear weapons, such as those that destroyed Hiroshima and Nagasaki, need either plutonium or highly enriched uranium, but do not depend on tritium boosting.

Managing Stocks of Fissile Materials

The global stockpile of HEU is now somewhere between 1,400-2,000 tons. More than 99 percent of this material is in the possession of the nuclear-weapon states. The global stockpile of separated plutonium is about 500 tons – approximately equally divided between weapon and civilian stocks – but all weapon-useable. It is mostly in the nuclear-weapon states, but Japan and a few non-weapon states in Europe also have significant stockpiles of plutonium.

The United States and Russia have vast stockpiles of fissile materials: a combined total of almost 250 metric tons of weapons grade plutonium and over 1,600 metric tons of HEU. In comparison, the remaining nuclear weapon states have each produced less than ten tons of plutonium and less than 50 tons of HEU for weapons. The exact amounts are not publicly known in most cases, and it appears that these states cannot reconcile precisely their records for much was produced with their current inventory. The United States found a three ton discrepancy in its plutonium production estimate while the United Kingdom found a 300 kg discrepancy.

There are many possible explanations for these discrepancies. Toward the end of the Cold War, arms control agreements allowed the United States and Russia to cap and begin to reduce their arsenals. This resulted in large quantities of weapons HEU and plutonium being declared ‘excess’ to military requirements. The challenge has been to find safe and secure ways to dispose of these legacy materials. In the case of weapons uranium this has come through the dilution or blending down of HEU to much lower enrichments so that it can be used in civilian nuclear power fuel. In the case of plutonium, however, no such straightforward solution exists.

RIGHT HONOURABLE RUUD LUBBERS
FORMER PRIME MINISTER OF THE NETHERLANDS



Rudolphus (Ruud) Lubbers served as prime minister of the Netherlands from 1982 to 1994 - the longest serving prime minister in post-War Dutch history. Dr. Lubbers currently is the Chair of the Energy Research Center of the Netherlands. He delivered the keynote address at the reception and dinner for the Article VI Forum on March 2, 2003.

Dr. Lubbers focused on the control of fissile materials by creating a “supranational” IAEA capacity. The speech echoed a letter Dr. Lubbers wrote to Narendra Singh Sisodia, the Director of the Institute for Defense Studies and Analyses in India, after a trip to India in February. The letter was released at the Article VI Forum meeting.

“I do think India could clarify at this occasion that it continues to strive for a nuclear arms free world, even when India today is obviously a ‘nuclear arms state... Regrettably the world might think that India has watered down this aspiration in the view of ‘real politics.’ Therefore a clear public position would be important...India could urge that nuclear weapon states, including the de facto nuclear weapon state India itself, commit on agreeing on a more effective way forward to a nuclear free world by a strengthening of the IAEA. The IAEA has to be upgraded to become supranational and to be effective, as much as for non-proliferation as reduction and banning of nuclear weapons, as well as in relation to Atoms for Peace and for development. The two ambitions of the NPT – non-proliferation and the reduction and banning of nuclear weapons, are indeed interrelated, and can only be pursued in an effective way if the IAEA becomes supranational.”

Dr. Lubbers defined “supranational” as a change in both the mandate of the agency and in matters of compliance. “In line with the principles of the NPT one would have to differentiate between the existing nuclear weapons stock and the prevention of non-proliferation of weapon-grade fissile materials, uranium and plutonium.” To make “optimal use” of the peaceful use of nuclear technology without risking proliferation, “one needs the IAEA to ... exert full control if not the ownership – not economically but legally – of the fissile materials, uranium and plutonium, and the installations to enrich. Such a control will only be effective if the IAEA becomes supranational, meaning that countries cannot any longer opt out as there will be an ‘automatic license’ to enforce effective control through Blue Helmets. The General Assembly should provide ‘the automatic license to the Security Council or the ‘Security Council plus.’” By Security Council plus, Dr. Lubbers envisioned a larger group of countries mandated by the GA “to supervise the updated multilateral IAEA and the Blue Helmets. For example, for this purpose, the P5 could be expanded with India, Brazil, South Africa and possibly Japan.”

“Such a supranational IAEA will be only possible and effective (politically and technically) if also the reduction and banning of existing nuclear arms by reduction and banning of existing weapon-grade fissile materials becomes effective and credible.” Noting that the United States and Russia have made “a laudable effort” to reduce their stocks of fissile materials since the end of the Cold War, he wrote “it is now time to make a bold step forward.” This step would include the GA “and all states” renewing their commitment to “reduction and banning” nuclear weapons and fissile materials; “in relation to that a commitment of states who possess nuclear arms” to declare their fissile materials “to the upgraded IAEA”; and to permit that agency “to monitor the existing and gradually reducing stock.”

He acknowledged that “the needed transparency will prove to be a major stumbling block, but it is key.” Another stumbling block would be the necessity of “not recognized” nuclear weapon states “to declare” and “the agreement in the Security Council Plus not a accept ‘free riders.’” Dr. Lubbers said this approach did not address the Iranian issue, but he imagined that such an approach would make it easier “in principle” for Iran to “accept a ‘freeze’ on the way to a complete global agreement. During this freeze, Iran could accept full IAEA control together with practicing enrichment only in multilateral teams – for example Iranians, Russians and URENCO staff.”

While the United Kingdom and United States have published data on their military-usable fissile material holdings (the U.S. only incompletely in the case of HEU), other nuclear weapon states have not declared their own national stockpiles. Official declarations of these inventories would be an important step because it would provide a baseline for further reductions of those stocks.

Both plutonium and HEU are also present in the civilian nuclear fuel cycle. Plutonium is built-up in reactor fuel during operation of commercial nuclear power plants. In some countries, this plutonium is being separated from the spent fuel. While it is useable for nuclear weapons, the original declared purpose of this civilian plutonium was as fuel for plutonium-breeder reactors. However, efforts to develop breeder reactors have largely failed, and in many countries the alternative disposition path of recycling the plutonium in the fuel of the reactors that produced it has not been implemented. As a result, the global stockpile of separated civilian plutonium has grown to nearly 250 metric tons and will soon exceed the global stock of separated military plutonium.

These stockpiles of civilian separated plutonium have accumulated primarily in France, Russia, and the U.K. over the past few decades. **Tatsujiro Suzuki**, a member of the IPFM from Japan, described the Japanese reprocessing program. Trial operations of its new reprocessing facility began in the spring of 2006. Japan already has a large stock of separated plutonium which it has been unable to recycle. Its extremely costly and potentially dangerous plutonium program is largely a political response to domestic pressures to remove the spent fuel from the power reactor sites where it is created.

There are about 50 tons of highly enriched uranium used in the fuel and fuel cycles of civilian research reactors worldwide and in Russia's nuclear-powered icebreakers. Even though this material currently represents only a small fraction of the global total, it would be sufficient for about 1,000 crude nuclear weapons of the kind that even a terrorist group may be able to produce. This material is located at more than 100 sites worldwide – many inherently difficult to secure – and is currently the object of a global “clean-out” campaign. **Ole Reistad**, a member of the IPFM from Norway, discussed the objective of replacing HEU fuels in all facilities that cannot be decommissioned with alternative low-enriched fuels, which are non-weapon-usable.

William Walker said that it is important to identify agreed principles for the governance of fissile material stocks that apply to all states and to lay out their responsibilities to their citizens and to the international community. Walker, a member of the IPFM from the United Kingdom proposed five duties for the governments controlling such materials:

- *Duty of disclosure* – fissile material stocks should be accounted for and declared.
- *Duty of care* – fissile materials should be stored safely and securely, both in terms of their physical protection and to ensure they do not harm the environment.
- *Duty of restraint* – states should end production, minimize stocks, and ensure material removed from military stocks cannot return.
- *Duty of assurance* – states should provide political and regulatory accountability for fissile materials, through transparency, safeguards and verification.
- *Duty of compliance* – treaties should be upheld in good faith.

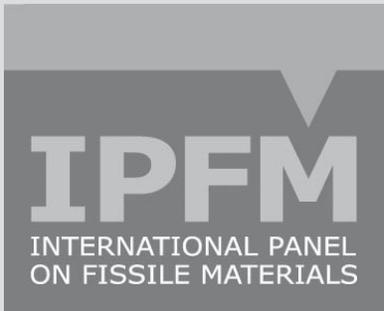
Fissile Material Cut-off Treaty

In 1993 the UN General Assembly called for “a non-discriminatory, multilateral and international and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices.” In 1995 the Conference on Disarmament agreed to negotiate such a treaty. There has however been no progress since then.

Annette Schaper, a member of the IPFM from Germany, described the benefits of an FMCT. Such an agreement would prohibit the production of new fissile material for weapons and would make the on-going dismantlement of nuclear warheads by the United States and Russia irreversible. The FMCT would also reduce discrimination between the nuclear and non-nuclear States, since it would add political and technical obligations specifically for the nuclear weapon states. The non-nuclear weapon states would have no additional restrictions, since they are already covered by the NPT restriction to not make or acquire nuclear weapons and their fissile materials and facilities are under International Atomic Energy Safeguards. An FMCT would also introduce some measure of “international responsibility” of nuclear weapon states to the non-nuclear weapon states by requiring them to improve their accounting of fissile materials. Lastly, an FMCT would strengthen the NPT. The 1995 NPT Review and Extension Conference called for such a treaty, and the 13 Steps for disarmament agreed to at the 2000 conference included the completion of the treaty within five years.

VERIFICATION OF A FISSILE MATERIAL CUTOFF TREATY (FMCT)

A contribution by the International Panel on Fissile Materials to the Middle Power Initiative report on the Article VI Forum at The Hague, Netherlands, March 2-3, 2006



Summary

The verification of an FMCT at declared civilian nuclear-energy and nuclear-research and shut-down military nuclear facilities could be implemented in nuclear-armed states largely by using the approaches developed by the IAEA to verify the NPT in non-weapon states. Given the magnitude of the effort that would be required to implement in the nuclear-armed states the full safeguards system that has been implemented in the non-weapon states, implementation would most likely be in stages.

To deal with the possibility of clandestine enrichment or reprocessing facilities being hidden in “sensitive” nuclear-weapons facilities, the limitations of the Additional Protocol in the nuclear-armed states could be lifted to allow the verification agency to request “managed access,” including environmental sampling at such sites. Or, to preemptively allay any such concerns, the owning nation could invite the verification agency to carry out special managed-access inspections at its most sensitive sites.

Special arrangements could be negotiated to provide assurance that enriched uranium declared for use to fuel naval or tritium-production reactors fuel was not being diverted for weapons use. Given sensitivities about naval-reactor fuel design, methods devised by Russia and the U.S. to non-intrusively verify non-diversion of fissile material released by the dismantlement of excess warheads could be adapted. International monitoring might also be extended to cover stockpiles of HEU or LEU that were produced for naval-reactor use prior to the FMCT coming into force.

These arrangements could either be part of the implementation of a fully-negotiated FMCT Treaty or negotiated in a step-by-step evolution of the treaty itself.

The full report will soon be available at <http://www.fissilematerials.org>

HON. MARIAN HOBBS
MP AND FORMER NEW ZEALAND MINISTER FOR DISARMAMENT AND ARMS CONTROL

I believe that even those within the powerful nuclear weapon states cannot really see themselves using a suicidal/catastrophic weapon. It is an emperor without clothes – in order to protect us, its very existence endangers our lives and lifestyles. Nuclear disarmament is a norm for most people on earth – so why has not this norm been enacted? [A 2002] poll had high figures of people opposed to nuclear weapons including citizens of state possessing nuclear weapons. But it is interesting to note the lower percentage in South Africa, urban samples. There housing/health/jobs/education/ personal safety are immediate tangible goals – disarmament is out here among the “feel goods.” For Pacific Island states, testing of nuclear weapons was real – but terrorism is not. Diabetes is a real threat. Small arms struggles are a real threat. Disarmament in general is not a top priority.

Ticking the NPT/disarmament box is a nod to what is good – but not a promise to action – there are other more immediate priorities.



My personal shock came at a speech to Quakers, reporting on the Review Conference. While I was not surprised that local media ignored the Review Conference I did not expect the issue to be dismissed as irrelevant by some Quakers. Climate change/environmental damage was seen to be more of a threat than a nuclear catastrophe or the nuclear winter. My reply to that analysis is that – it is not either/or – it is both threats, and if we disarmed, look at the resources (financial) we could release to provide clean water and sanitation, to expand renewable energy, to conserve energy, to invest in clever public transport systems. Without a move towards disarmament, we are saddling our children with two major battles for survival: an armed planet and a polluted planet.

But we need to recognise that many states are struggling with major problems of poverty and development –they can devote only very limited money or staff resource to promoting nuclear disarmament. This must be recognized – there must be explicit recognition of the disproportionate workload for some nations and recognition that that does not mean a lack of interest in the outcome by the others.

In July 2004, the United States changed its position, arguing that “effective verification of a FMCT would require an inspection regime so extensive that it could compromise key signatories’ core national security interests and be so costly that many countries will be hesitant to accept it,” and that “even with extensive verification measures, we will not have high confidence in our ability to monitor compliance with a FMCT.”

The US position since the early 1990s had been that the FMCT was verifiable and that compliance could be assured using measures much less stringent even than the NPT safeguards applied on non-nuclear-weapon states. The US supported a simple ‘focused approach,’ relying on the verification of shut-down military plutonium separation and uranium enrichment plants and the monitoring of civilian facilities, with no need for detailed material accounting of low-enriched uranium or of plutonium in spent fuel. This was and continues to be the position of technical experts in the US government, who believe NPT-like safeguards are possible in nuclear weapons states.

The dangers of an unverified FMCT are that the treaty would be stripped of transparency and accounting standards in the states with the largest nuclear industries and material stocks. It also raises questions about whether the US sees the NPT as verifiable and thus potentially undermining the NPT.

The 1993 UN General Assembly resolution calling for an FMCT had also asked the IAEA to consider possible safeguards arrangements for such a treaty. Tariq Rauf, the Head of the IAEA's Verification and Security Coordination, described how the IAEA had sought to tackle this responsibility.



Developing an outline for an FMCT verification system is a complex task because there are a number of unresolved issues about the scope of the treaty that can only be addressed during its actual negotiation. For instance, should the treaty also include requirements that material prior to its coming into force for civilian use or weapons materials declared excess could not be used to make weapons?

The IAEA developed four FMCT verification models with the highest degree of assurance coming from extending to the civilian nuclear sectors of the weapon states of these NPT safeguards applied to non-nuclear weapon states. A substantial period would be required to implement such a comprehensive verification system. It was estimated that 1,000 facilities in the eight states with nuclear weapons might have to be included. The expected problems included that in some plants there may be no accounting history and other facilities were not designed for verification.

The costs of such verification, including personnel, technology, training etc., might range up to \$140 million (1995 US\$). For comparison, the IAEA safeguards budget today is \$100-110 million (less than the Vienna police department), out of a total IAEA budget of \$245 million.

Some experts worry about states possibly seeking exemptions for continued production of HEU for naval propulsion reactors and how a verification system would guard against this material being used for weapons. The US Navy appears committed to the use of HEU. The reactors which it has developed satisfy several stringent requirements (lifetime operation without refueling, operation under stressful conditions, compact size, etc.) and the Navy sees no reason or need to change. However, the US is now starting to plan for a successor to the Trident submarine, to be ready sometime after 2025, and it might make sense for the Navy to see if the new submarine could use low enriched uranium. In any case, the US has a very large stockpile and so would not have to produce more HEU for 100 years.

Harold Feiveson of Princeton University outlined ideas proposed by Anatoly Diakov, a member of IPFM from Russia, of a three-step evolutionary approach to the FMCT, in contrast to the traditional

JONATHAN GRANOFF
PRESIDENT, GLOBAL SECURITY INSTITUTE

They say *veritas fortissima* (truth is most powerful), and we agree. Telling the truth has always had value. Distortions rationalized as political expediencies are placing our collective future at risk. If the public knew the risks posed by nuclear weapons, especially those remaining in launch-on-warning status, they would reject their continued deployments and seek safer alternatives. Alternatives that we know are viable. If the full truth had been known to the public, we would not be risking several Iraqs now. Approaches to security based on distortions cannot obtain stability. It is no longer business as usual; it is time to talk frankly.

It is regrettable that credible intellectuals in the United States accuse Europeans of being “soft” and lacking a sense of realism. The reason they prefer diplomacy and law to violence and the threat of violence at a massive scale is that Europeans are acutely aware of the costs of war. To imply that seeking ways to prevent war is unrealistic is to role dice with our future. In the age of nuclear weapons, such gambling is far too risky.

We focus on Article VI of the NPT because it points to a safer future. Article VI’s focus on nuclear disarmament is also akin to an acupuncture point. Needles are placed with great specificity to release healing energy enhancing the entire body’s well being. Likewise, collective energy focused on nuclear disarmament will release enormous potentials for cooperation, collective security, and strengthening of the rule of law.



model of a comprehensive arms control treaty. Phase one would involve the five NPT nuclear weapon states agreeing to end HEU production. In the second phase, the three non-NPT nuclear weapon states (Israel, India and Pakistan) would join this arrangement. In the third phase, these eight states would agree to end plutonium production for weapons, and introduce verification measures that covered both HEU and plutonium.

The verification system could also start by covering civilian enrichment and reprocessing plants in the nuclear weapon states. The plutonium reprocessing plants in the UK and France are already under safeguards, while the European enrichment company Urenco insists on safeguards over its centrifuge plants in the UK, as well as those planned for the US and France.

Another perspective on FMCT issues was offered by Dr. Walker. As part of the European safeguards system (Euratom), all civilian nuclear materials in the UK are already under international safeguards. Very few sites with unsafeguarded military materials remain today and implementing a verification regime for an FMCT in the UK could be less difficult than in the other P-5 countries. This consolidation of material to a small number of sites offers a model for other nuclear weapons states to follow.

However, there are special problems with the case of the UK, too. Most importantly, under a 1958 bilateral defense agreement, the British have received fissile materials from the United States, including large amounts of HEU to fuel their submarines. This practice of transferring existing materials between countries could become a matter of dispute in the negotiation of an FMCT.

The UK will also have to take a decision soon on how to replace its Trident missile submarines, its only nuclear weapon delivery system. Other nuclear weapon states are also facing such replacement issues.

In all cases, legitimate questions of compliance with Article VI of the NPT are raised.

Marvin Miller, an associate of the IPFM from the United States, said Israel is reluctant to support an FMCT for a number of reasons. Israel does not see the FMCT as a way to address the new problems of the nuclear fuel cycle – such as Iran’s acquisition of enrichment technology. Under a cutoff, Israel would presumably still want to make tritium at its Dimona reactor for its nuclear weapons, and would not want any inspection of the reactor to verify that it was not also producing plutonium. An unverified cutoff would be more attractive to Israel than one calling for verification. Israel and the US share an understanding of this policy.

M. V. Ramana, a member of the IPFM from India, described how India has adapted its position on the FMCT. India historically had been supportive of an FMCT but changed its stance in the mid-1990s after the indefinite extension of the NPT and India’s refusal to sign the CTBT. It argued that the FMCT is not part of a program for the elimination of nuclear weapons, but simply a non-proliferation measure. However it changed policy again after its 1998 nuclear weapons tests, as part of its effort to be seen as a “responsible nuclear weapon state.”

In the US-India joint statement of July 18, 2005, India committed to work with the US for a multilateral FMCT. But India expects that the negotiations would take many years and would give it time to build up its fissile material stockpiles. And, commitment to negotiations does not mean it will accept the outcome. It may change its position at the last minute, as it did with the CTBT.



Amb. Luis Alfonso De Alba

India’s government has made it clear that it is intent on keeping open the possibility of rapidly increasing its stockpiles of fissile material. The 2005 US-India nuclear deal would allow India access to the international market for nuclear fuel, technology and reactors in exchange for putting some of its reactors under safeguards. India has committed to put only 14 of the 22 power reactors it expects to have by 2014 under safeguards. It proposes to keep its breeder reactors unsafeguarded. These reactors could be used to convert reactor grade plutonium into weapons grade plutonium.

Pakistan is closely watching Indian policy. **A. H. Nayyar**, a member of the IPFM from Pakistan, observed that Pakistan was not enthusiastic about the early FMCT negotiations. It has a small fissile material stock, compared to India, and wants existing stocks to be included in the treaty. Like India, Pakistan would like an FMCT to be minimally intrusive. It says that it supports a “universal, non-discriminatory, multilateral and internationally and effectively verifiable treaty,” but there are no signs that it has yet thought seriously about issues of verification.

The US-India nuclear deal will affect India’s potential fissile material production capability in unpredictable ways, and Pakistan may seek to re-assess its fissile material stocks and production capabilities. If India seeks to increase its rate of fissile material production for weapons

and aims for a much larger arsenal, Pakistan may choose to consider how to quickly increase its fissile material production capacity.

China's approach to the FMCT, said **Dingli Shen**, a member of the IPFM from China, has been mixed. It has had a moratorium on HEU production for weapons since 1987 and on plutonium production for weapons since 1991. However, China did not support the 1993 UN General Assembly resolution calling for an FMCT. But, in 1994, in a joint statement with the US, it endorsed the call for an FMCT.

Between 1995 and 2003, China's support for a treaty largely stalled because of difficult bilateral relations with the US, especially over missile defense. In 1999, China linked progress on the FMCT with the start of talks at the Conference on Disarmament on preventing an arms race in outer space, which the US blocked. But in 2003, China seemed to de-link the issues and, since 2004, has adopted a policy that the "FMCT is conducive to preventing nuclear weapons proliferation and promoting the nuclear disarmament process."

China's new openness to an FMCT is attributed by Shen to China's reassessment of US national missile defense system, more US assurances on Taiwan, and the post-9/11 US emphasis on fighting terrorism, countering proliferation, and the importance of controlling fissile materials. This shift in Chinese policy may also be based on its assessment that China has a sufficient fissile material stockpile and that its emphasis now should be preserving and improving its international image. These have all created opportunities for cooperation.

There is clearly a need for greater collective initiative by nuclear weapon states in finding ways to meet their obligation under Article VI of the NPT, and agreement on reducing their nuclear weapons and fissile material stocks offers a way forward. The states with nuclear weapons outside the NPT must also participate. All states need to keep in mind that 2007 will be the fiftieth anniversary of the United Nations General Assembly Resolution calling for a treaty on "the cessation of the production of fissionable materials for weapons purposes."

POLITICAL REQUIREMENTS TO MEET THE NON-PROLIFERATION AND DISARMAMENT BARGAIN



Hon. Douglas Roche and Dr. Jaap de Zwaan

Dr. **Jaap de Zwaan**, the Director of the Clingendael Institute, opened the session on "Political Requirements to Meet the Non-Proliferation and Disarmament Bargain." He stated that the "old questions" of "what can we do to strike a new balance between nuclear non-proliferation and disarmament" and what the non-nuclear weapons states can do to influence the nuclear powers "have a particular relevance today" since the NPT regime "is under strain."

He asked, "How can we make sure that with all the attention paid to keeping nuclear weapons out of

the hands of terrorists we do not neglect the necessity - and indeed the legal and moral obligation – on the part of the nuclear haves to continue a process of disarmament in a verifiable and permanent manner?” He said the current strategy of “do as I say, not as I do is obviously unworkable.” Among the new challenges Dr. de Zwaan cited were the ramifications of the nuclear black market run by A.Q. Khan, how to strengthen the capabilities of the IAEA, and how to address “the challenge posed by the obvious Iranian flirtation with a home-grown nuclear weapons program.”

The panelists presented a variety of political options for adapting the international arms control regime in general, and the NPT in particular, to these changing circumstances. Strains in the system are undeniable. The answers must be based on more, not less, reliance on international law and the framework provided by the NPT, they said.

Ambassador **Paul Meyer**, the Permanent Representative of Canada to the Conference on Disarmament, stated, “The basic requirement of the NPT bargain ... is the need for it to be respected and seen to be so. If some states believe that crucial elements of the bargain are being ignored or implementation is skewed in favor of one component over another, a crisis of confidence can ensue.” This is what is happening in both disarmament and non-proliferation. He said these “strains on the Treaty regime must be acknowledged and addressed promptly before further damage is done.”



Mr. Carlos Garbanzo Blanco and Mr. Alyn Ware

The NPT bargain “was from the start a challenging bargain to honor and we should not be surprised that there exist differing views as to the extent to which it has been respected in a fair and balanced manner,” he said. Amb. Meyer, reprising Canada’s position during the 2005 Review Conference, said this balance requires “ensuring implementation of [the NPT’s] obligations, while promoting its universalization” as a route to a nuclear-free world. Such a goal “requires both reaffirmation and tangible supporting action” and “needs to be augmented through a major overhaul and upgrade of its institutional arrangements,” he said.

The twin disappointments of 2005 – the NPT Review Conference and the UN Summit – “only increases the need for political engagement to preserve the Treaty,” he said. On the non-proliferation side of the ledger, all states should conclude safeguards agreements and sign the additional protocol and “display restraint of the spread of particularly sensitive nuclear technologies.” On the disarmament side, states should implement “the various measures set out in the 13 Steps” from the 2000 Review Conference. “Displaying the necessary political flexibility permitting a resumption of work in the Conference on Disarmament regarding key NPT-related issues, in particular negotiation of a Fissile Material Cut-Off Treaty, would send a positive signal of renewed commitment to this dimension of the NPT,” Amb. Meyer said.

Paul W.J. Wilke, the Head of Nuclear Affairs and Non-Proliferation Division Department of Security

Policy, Netherlands Ministry of Foreign Affairs, said, “The old paradigm was unraveling” even as the 2000 Review Conference agreed to the 13 Steps. That paradigm is suffering from “inconsistencies or anomalies,” he added. One inconsistency is the “ideological distress” placed on the NPT by the “diminution” of the importance of “essential conviction” behind the treaty, that there needs to be “some limitation of national sovereignty” in order for the treaty to function. Another inconsistency is the fact that three nuclear powers remain outside the NPT; in particular the treaty is “frozen in time” in that India can not join the NPT as a nuclear state, “the historical anomaly can no longer be maintained,” Mr. Wilke said.



Ambassador Robert Grey, Jr. (ret)

The discriminatory nature of the NPT was sustainable so long as the NPT nevertheless served nations’ security needs, but with the end of the Cold War, “re-alignment of strategic partnerships and the development of new threats make some countries reconsider the value of this discriminating arrangement for their national security...In order to deal with the logical inconsistency of the old paradigm, we will have to develop an inclusive forum for NPT and non-NPT states alike.” The first item on the agenda should be the FMCT, he added.

“The belief system that found its roots in this Treaty is in crisis now; a paradigm shift is taking place that could potentially destroy the Treaty,” Mr. Wilke warned, “At the core of the issue are international law and the effective implementation thereof. The basic political requirement to meet the bargain of the NPT is therefore a restoration of the international consensus that we can and must settle nuclear non-proliferation and disarmament by means of inclusive negotiations, and that we can translate the results into binding international law.”

Ambassador **Robert Grey, Jr.**, the Director of the Bipartisan Security Group and former US Representative to the Conference on Disarmament, said, “It is obvious to most of us that we cannot develop a consensus to move to resolve these collective threats to the NPT regime unless we are prepared to take positive steps not only in terms of non-proliferation, but also in the area of nuclear disarmament as well.” This requires a balance of responsibilities between those states which are committed under the NPT to disarmament as well as to non-proliferation. “The five nuclear states who signed the NPT must demonstrate by word and by deed that they take their Article VI commitments under the treaty seriously,” said Amb. Grey, “It is essential that the non-nuclear states signatories to the treaty insist that they do so. Those who are allied to the United States, the United Kingdom, and France have a special responsibility in this regard.”

He added, “If we are to attain the non-proliferation and arms control objectives which most of us here support, we have to accept the realities of the current international environment and come up with

strategies and tactics which hopefully will get our respective governments pointed in the right direction again.”

One of the most salient current realities, he said, is the “radical departure from 60 years of collective efforts to ensure the peace” of the Bush administration, which has decided to take a unilateralist approach to international security. Amb. Grey, who served in the US government for 41 years, added that the failure of this unilateralist course is now apparent to all, especially in the case of Iraq. “At the end of the day, the real test of a great power is its willingness to accept its limitations, to change course, and to be patient enough to stay that course. I believe this is beginning to happen back in my country. It is important that forums like this and our allies continue to politely but firmly push us in the right direction,” said Amb. Grey. “But let’s not forget that arms controls and non-proliferation are not enough



Amb. Jeurg Streuli, Ms. Lúcia Maria Maierá, Mr. Adrian McDaid, Ms. Monika Fröhler, and Mr. Dian Wirengjurit

in and of themselves. They are tools in the arsenal of diplomacy but not a substitute for it, but a vital part of an active policy of multilateral cooperation. However, they can contribute to international stability. We need to do all we can to move in this direction.”

During the discussion period, one diplomat warned against making “too easy” the links between disarmament and non-proliferation. He argued that “real disarmament” occurred in

the 1980s (the INF Treaty, the Bush/Gorbachev reciprocal disarmament steps), yet we now know that “real proliferation challenges” such as North Korea, Iraq, Iran and Libya also began in this decade. “Is the policy of proliferation not much more related to lack of regional security than to actions of nuclear weapon states,” he asked, “If so, shouldn’t we be placing non-proliferation and disarmament in a more comprehensive framework?” such as focusing more on small-scale confidence building measures, in parallel with disarmament and non-proliferation measures.

Several participants objected to Wilke’s notion of India “exceptionalism.” One said the US-India nuclear technology deal “makes a mockery of the NPT.”

An NGO participant argued that there are no technical or economic obstacles to eliminating nuclear weapons by 2020, as advocated by the Mayors for Peace; the obstacles are political – such as the Middle East - and they need to be addressed immediately. Another NGO asked what possibilities now exist to engage the United States, for example having parliamentarians from like-minded states discuss the issues with members of the US Congress.

RIGHT HONOURABLE KIM CAMPBELL
FORMER PRIME MINISTER OF CANADA



... Where do nukes fit into the landscape of threat? I would argue that nuclear weapons are an artifact of state versus state enmity, but especially conflict between geographically distant states. If Canada were the Soviet Union, would nuclear weapons have been such an important part of American strategy during the Cold War? Now, you may think that that is somewhat of a ridiculous hypothesis, but the fact of the matter is that the United States would not have been so keen on dropping nuclear weapons on Vancouver or Toronto or Ottawa, given the geographical proximity. The fact that you could lob a nuke on Moscow and hope that the nuclear fallout wasn't going to affect you was very significant in terms of calculations of the utility of these kinds of weapons....it was a very particular time not only in ideological differences but also in geopolitical relationship of the combatant during the Cold War.

If the dangers of nuclear weapons are no longer the threats that we face, why is anybody trying to keep them? Then we find the anomaly of people trying to find new justifications for nuclear weapons rather than being happy that we can now phase them out. They were developed for a particular set of threats and challenges, and for conflict that would take place in a particular geographical relationships, and instead of saying thank goodness

those days are over, people are trying to find new reasons to keep them... They are simply useless...

Where is the calculus of keeping them? It is very interesting because the same people in the United States who are pushing for bunker busters are the same people that promised that Iraq was going to be a slam dunk. I think what we have to do is to create a very healthy sense of skepticism in the public for the people who are making these decisions for weapons. Those who wish to keep nuclear weapons often equate anti-nuclear advocates or policy with weakness. This is what I call the fear muscularity and nukes: those who don't like nukes are wimpy and don't like having that real strength ... We have to reclaim the ground of effective security policy of those who want to abolish nuclear weapons. We have to reclaim the high ground. We have to make the point that those who wish to abolish nuclear weapons are the realists, are the tough minded people, are the ones who are facing real threats and are prepared to address them...

This notion of making them a stigma is extremely interesting ... What can we do? I like the idea of making the possession of nuclear weapons a stigma. They are dangerous to their owners. We can bring out the stories of Soviet nuclear accidents. Even the reality of Chernobyl can help us understand what it means when we have these types of explosions. I think there is some interesting research on U.S. testing grounds and the effect on people who have lived close to them. But if young people are concerned about the environment, nukes are the ultimate environmental issue. They cannot be used without poisoning the earth, and therefore their use is immoral...

How do you bring that message forward? One suggestion would be to have the cities of the world ask for guarantees that they are not targeted...Perhaps we might create an international norm or law which designates it a war crime to ever target a nuclear weapon towards a country that is a non-nuclear state.

WHAT NON-NUCLEAR STATES CAN DO TO MOVE THE NON-PROLIFERATION/DISARMAMENT AGENDA FORWARD

This session was chaired by Dr. **Peter van Ham**, the Head of the Clingendael Global Governance Program, and the keynote address was delivered by the Hon. **Marian Hobbs**, M.P., of New Zealand. She opened with the 1961 Hone Tuwhare poem “No Ordinary Sun” about Hiroshima and Nagasaki that is taught to 15 and 16 year olds in New Zealand (see box on page 26). The poem talks to a tree relaying the uniquely destructive effects of nuclear weapons in time and space and the potential to end life as we know it. The poem also links nuclear disarmament with environmental protection, a link Minister Hobbs has emphasized, particularly when she was Minister for the Environment.



Speaking from her experience as a former teacher, Minister Hobbs emphasized the importance of translating the diplomatic jargon of arms control into issues and policies that people can understand. Otherwise, despite the fact that no one wants nuclear weapons to be used, more personal issues such as jobs, health care, and the immediate environment subsume the issue. When a public campaign is effective, it is worth highlighting. In a recent election in New Zealand, the losing party attempted to change New Zealand’s nuclear weapon free status. The people spoke because they had been effectively educated on the issue.

Minister Hobbs thanked the Middle Powers Initiative for ensuring that the disarmament portion of the NPT bargain is highlighted in the diplomatic agenda. She emphasized the importance of coalition building when facing such a contentious issue and encouraged that such coalitions include NGOs such as is being done with the Article VI Forum.

Swedish Ambassador to the Conference on Disarmament, **Elisabet Borsiin-Bonnier** said disarmament is struggling in a new context: “an era of galloping globalization,” which transcends national boundaries. Nation states do not control it, nor are they the primary actors. This economic dynamic has not fostered cooperation in the security field, in fact, global norms have been diminished in favor of ad hoc coalition

building. An example of this is the US-India Nuclear Deal, which is a proliferation stimulant.



Ambassador Elisabet Borsiin-Bonnier

Amb. Bonnier emphasized that non-nuclear weapon states can and must make a difference. The future political will of the nuclear weapons states cannot justify systemic corrosion. Non-nuclear weapons states have political will too and must exercise it more effectively. They must do better to hold the nuclear weapon states accountable and work with equal vigor in stopping proliferation. “We must stand up for the rule of international law which applies across the board in the UN system,” said Amb. Bonnier. She warned that if they did not, the rule of law will lose credibility, people will lose confidence in it and it will fall apart,

a tendency that can be seen already. “Globalized anarchy is in nobody’s interest.”

Amb. Bonnier also recommended that non-nuclear weapon states do more work to de-value nuclear weapons. “We must strive to counteract, and not play along, with those who believe nuclear weapons bring special, elevated status,” she explained, “It should rather be seen as a disqualifier or ... a stigma. Nuclear weapons should not be accepted as an entrance ticket to any special positions in any fora.” In line with a sentiment heard repeatedly at the Forum, Amb. Bonnier called on non-nuclear weapon states to rethink the way they interact in old geopolitical groupings. She called the groupings anachronistic, and worse, said working in them sustains an order where the nuclear weapon states are split in various groups, dividing the haves and the have-nots and tearing non-nuclear weapon states between traditional groups and new alliances.

She used this context to talk about the “New York Six” (Brazil, Canada, Kenya, Mexico, New Zealand and Sweden), who threatened to introduce a resolution at the 2005 First Committee to push the Conference on Disarmament to work. Although it did not result in concrete disarmament negotiations, the attempt to set a new and different stage shuffled the cards a bit. “The New York Six created a reaction in certain capitals which for years have remained dead silent,” said Amb. Bonnier. More importantly, for the first time in years, the CD has something that is close to a work program for the year.

Amb. Bonnier said the non-nuclear weapon states should continue building intercontinental partnerships, issue by issue, and to begin building real dialogue. She called for greater attention on communications with the public. She recommended three possible focuses:

- 1) Hair trigger alerts. People don’t know that there are thousands of nuclear weapons targeted across the globe and that even an illegal intrusion into the computer system could set the whole thing off.

- 2) Fissile Materials. Begin with inventory, the FMCT, and the fuel cycle. These three reinforce each other and must be dealt with together. It is necessary to create the same norms for all states to get away from the haves and the have-nots, NPT and non-NPT, nuclear and non-nuclear.
- 3) Non-strategic nuclear weapons and the build down to elimination. They are the small portable ones, and this is the site of the looming danger of new smart usable weapons.

Ambassador **Luis Alfonso De Alba**, Mexico's ambassador to the CD, emphasized the importance of focusing on international law and the institutional frameworks needed for upholding nuclear non-proliferation and disarmament. Inadequacies in the fulfillment of disarmament obligations by nuclear weapon states should not be used as an excuse to diminish the non-proliferation benefits of the treaty.

Amb. De Alba pointed out that in international affairs many major decisions, including the Law of the Sea Treaty, The Human Rights Council, and the CTBT have been adopted by voting procedures. In these instances, progress has been made without consensus. In this regard, he challenged the absolutism of consensus.

NGOs and parliamentarians are especially helpful in advancing the interests of non-nuclear weapon states. He emphasized the value of NGO support of NWFZs and specifically thanked MPI for its valuable contribution in the last five years. He said, "Working with civil society is fundamental, it's a must!" The NGO community is useful for its access to the media, support for peace education, its

The following poem was read by Hon. Marian Hobbs, MP during her presentation at the Article VI Forum.

No Ordinary Sun
By Hone Tuwhare

Tree let your arms fall
raise them not sharply in supplication
to the bright enhaloed cloud.
Let your arms lack toughness and
resilience for this is no mere axe
to blunt nor fire to smother.

Your sap shall not rise again
to the moon's pull.
No more incline a deferential head
to the wind's talk, or stir
to the tickle of coursing rain.

Your former shagginess shall not be
Wreathed with the delightful flight
Of birds nor shield
Nor cool the ardour of unheeding
Lovers from the monstrous sun.

Tree let your naked arms fall
Nor extend vain entreaties to the radiant ball.
This is no gallant monsoon's flash.

independence of thought, and its potential to mobilize public pressure.

During the open discussion session, concern was expressed that the public focus had shifted away from disarmament towards non-proliferation - specifically, focus has shifted away from the impropriety of nuclear weapons to the acquisition of weapons by non-state actors and new states. By focusing on the unacceptability of the weapons, condemnation of proliferation is reinforced as well as the need for abolition. The benefits of the inclusion of NGOs and parliamentarians in government delegations was highlighted.

Responding to a question on how to ensure greater implementation of the 1996 ICJ Advisory Opinion, both Minister Hobbs and Amb. de Alba spoke favorably regarding a proposal to return to the ICJ for a follow-up opinion on compliance with nuclear disarmament obligations. Mexico raised this issue at the recent Conference of States Parties to the Tlatelolco Treaty, at which they called on the UN General Assembly to take special action this year.

STRATEGIES FOR MOVING THE ARTICLE VI FORUM FORWARD

The final plenary session, on “Strategies for Moving the Article VI Forum Forward,” was an open-ended discussion, drawing on the collective expertise of all the participants. Nobuyasu Abe, the former UN Under-Secretary General for Disarmament Affairs and current Japanese Ambassador to



Hon. Marian Hobbs, Amb. Bernhard Brasack, Amb. Rajmah Hussain, Amb. Laszlo Molnar

Switzerland, opened the session dissecting the strategic relationship between the politically-difficult long-term goal of nuclear abolition and the immediate need for incremental steps. “We should not abandon our ultimate goal” of nuclear abolition, he said, but “(I)n the meantime, we have to work for immediate, practical steps to bring abolition closer.”

Amb. Abe said, “We should engage in intensive dialogue with those who still cling to nuclear weapons. Without meaningful dialogue we can never achieve even incremental goals.” This is easy to say, but these days very difficult to do “with those in positions of responsibility” for defense and foreign policy. “Very often they simply reject the idea of dialogue,” he noted. Therefore it is necessary to “raise public voices.” Part of the problem “is the public complacency about nuclear weapons and the threat and dreadful effects of nuclear weapons. It is our important task ... to make the public aware of the enormous and immediate question still before us.”

Sen. Roche discussed how to involve the leaders of states in this discussion. He said that although there is no “magic solution” to world leaders’ failure to engage this issue, MPI “will advance sensible proposals going forward and be heard by relevant governments.” He added, “I am filled with enthusiasm. I don’t see this as a dead end at all... I feel we are on the cutting edge of history, we have historical momentum and we must stand back from all these problems that affect us every day and see where we



Dr. Ron McCoy, Ms. Alice Slater, and Mr. Aaron Tovish

are going, that we are making progress.” The combined work of “skilled diplomats ...buttressed by informed civil society” means that “a fusion can take place.”

Sen. Roche stated the he looked forward to the engagement with the nuclear weapon states in the future. “We need to be able to make statements in a non-combative, non-confrontational way so that the nuclear weapon states can hear us and thus have confidence in the expression of the view points that we put forward.”

One participant warned that we must continue to be vigilant regarding the dangers of vertical proliferation, such as new weapons from Russia or the U.S. such as “mini-nukes” and the Robust Nuclear Earth Penetrator.

Several diplomats concurred that even small successes on technical issues are valuable in convincing ministers to pay greater attention to long-term disarmament/non-proliferation objectives. Support was expressed for Ambassador Bonnier’s suggestion to emphasize taking hair-trigger alert, a verifiable FMCT, and making cuts verifiable and irreversible as good examples the general public could easily grasp.

One participant said planning for the 2010 NPT Review Conference and its preparatory committees should begin at the earliest possible time to identify consensus issues around which strong coalitions can be formed to avoid the kind of procedural deadlock that hampered the 2005 Review Conference. The Article VI Forum can make a strong contribution in this regard.

CONCLUSION

Senator Roche and Jonathan Granoff, the President of the Global Security Institute, concluded the consultation by focusing on the role of the Article VI Forum in moving the disarmament and non-proliferation agenda forward.



Clockwise from top: Hon. Douglas Roche, Rt. Hon. Kim Campbell, Rt. Hon. Ruud Lubbers, Dr. Frank von Hippel, Hon. Marian Hobbs, and Mr. Jonathan Granoff

Mr. Granoff said that real progress will come when the debate “moves up the political ladder.” Recalling the Six-Nation Initiative of the 1980s, Mr. Granoff said, “When six heads of state went to Washington and Moscow and raised the issue of the crisis of nuclear weapons, Gorbachev was fully seized of it and Reagan was fully seized of it.” The six leaders worked both publicly and under the radar to move the issue of nuclear weapons up the political ladder, he said. Foreign Ministers and Heads of State bring credibility to an issue when they publicly demonstrate concern. “As long as the focus is singularly on non-proliferation, NGO advocacy is marginalized - we simply must raise the principal of nuclear disarmament up the political ladder as soon as possible,” Mr. Granoff said. With concern to the role of diplomats, he said, “I believe diplomats know better than anyone the crisis the world faces today. There is no other class of people on the planet as aware of how critical the political landscape is, and there is no other group of people who know the practical steps that could be taken that could move us forward if there was political will at a higher level,” added Mr. Granoff.

He concluded his remarks with a poem of his own composition, “The Heart Without the Hand Withers”:

The heart without the hand withers

Mere sentiment without action is inadequate

The hand without the heart is dangerous

The hand operating without compassion, justice, and love is very dangerous

Human activity without conscience is dangerous

The hand without the heart is dangerous

When the heart and the hand come together

Salt is turned to sugar

Tears of sorrow, betrayal and disappointment in a world of competition and violence are transformed into the sugar of justice, cooperation, law, peace and wonder

May that be our work

In concluding, Sen. Roche said, “I found one word that sums up how I feel about the Article VI Forum and what happened here today ... That is the word, confidence.” He said the diplomats have given MPI “confidence in proceeding with the Article VI Forum, we think we can build it into a potent instrument.” Sen. Roche added, we are “trying to form a strength in which together we can make an impression on the nuclear decision makers of the world and get them to follow the legal requirements that are involved.”

APPENDIX A

Materials from Second Meeting of the Article VI Forum

SCHEDULE & AGENDA

THURSDAY, MARCH 2, 2006
Parkhotel, Den Haag

9:00 am – 10:30 am **Opening Address**

REMARKS:

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

GREETINGS:

Dr. Edwin Bakker, Netherlands Institute of International Relations, 'Clingendael'

Dr. Frank von Hippel (U.S.), Co-Chair, International Panel on Fissile Materials and Co-Director, Program on Science and Global Security, Woodrow Wilson School, Princeton University

PRESENTERS:

Dr. Tariq Rauf, Head of Verification and Security Policy Coordination, International Atomic Energy Agency

H.E. Mr. Johannes Landman, Permanent Representative of the Netherlands to the Conference on Disarmament

11:00 am – 12:30 pm **Panel**

TOPIC: "**Legal Requirements to Achieve Non-Proliferation and Disarmament**"

CHAIR:

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

PRESENTERS:

H.E. Dr. Hans Corell, Former Under-Secretary-General for Legal Affairs and the Legal Counsel of the United Nations

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

1:30 pm – 2:45 pm **Panel**

TOPIC: "**Technical Bases for a Production Cutoff and Stockpile Reductions of Nuclear Weapon Materials**"

CHAIR:

Dr. Jose Goldemberg (Brazil), Co-Chair, International Panel on Fissile Materials, Former Secretary of State for Science and Technology, Brazil

PRESENTERS:

Dr. Frank von Hippel (U.S.), Co-Chair, International Panel on Fissile Materials and Co-Director, Program on Science and Global Security, Woodrow Wilson School, Princeton University

Dr. Annette Schaper (Germany), Senior Research Fellow, Peace Research Institute Frankfurt

Dr. William Walker (U.K.), School of International Relations, University of St. Andrews, Scotland

Dr. Tariq Rauf, Head of Verification and Security Policy Coordination, IAEA

3:15 pm - 5:15 pm

Workshops

A: FMCT Issues

CHAIR:

Dr. Tariq Rauf, Head of Verification and Security Policy Coordination, IAEA

PRESENTER:

Dr. Harold Feiveson (U.S.), Co-Director, Program on Science and Global Security, Woodrow Wilson School, Princeton University

Dr. Marvin Miller (U.S.), Member, International Panel on Fissile Materials

Dr. Abdul H. Nayyar (Pakistan), Member, International Panel on Fissile Materials

Dr. M.V. Ramana (India), Member, International Panel on Fissile Materials

Dr. Dingli Shen (China), Member, International Panel on Fissile Materials

B: Fissile Materials and Disarmament

CHAIR:

Dr. Jose Goldemberg (Brazil), Co-Chair, International Panel on Fissile Materials, Former Secretary of State for Science and Technology, Brazil

PRESENTERS:

Dr. Ole Reistad (Norway), Researcher, Institute of Physics in the Norwegian University of Science and Technology

Dr. Tatsu Suzuki (Japan), Member, International Panel on Fissile Materials

Dr. Frank von Hippel (U.S.), Co-Chair, International Panel on Fissile Materials and Co-Director, Program on Science and Global Security, Woodrow Wilson School, Princeton University

Dr. William Walker (U.K.), School of International Relations, University of St. Andrews, Scotland

7:00 pm

Reception and Dinner

WELCOMING REMARKS:

Dr. Edwin Bakker, Netherlands Institute of International Relations, 'Clingendael'

INTRODUCTION OF KEYNOTE SPEAKER:

Mr. Jonathan Granoff, President, Global Security Institute

KEYNOTE:

Rt. Hon. Ruud Lubbers, Former Prime Minister, the Netherlands

FRIDAY, MARCH 3, 2006
Clingendael Institute, Den Haag

8:45 am – 10:30 am

Opening Address

REMARKS:

Dr. Jaap de Zwaan, Director, Netherlands Institute of International Relations,
'Clingendael'

Panel

TOPIC: **"Political Requirements to Meet the Non-Proliferation and Disarmament Bargain"**

CHAIR:

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

PRESENTERS:

H.E. Mr. Paul Meyer, Permanent Representative of Canada to the Conference on Disarmament

Mr. Paul Wilke, Head of Nuclear Affairs and Non-Proliferation Division Department of Security Policy, Netherlands Ministry of Foreign Affairs

Ambassador Robert Grey, Jr., Director of the Bipartisan Security Group and Former U.S. Representative to the Conference on Disarmament

11:30 am – 1:00 pm

Panel

TOPIC: **"What Non-Nuclear States Can Do to Move the Disarmament / Non-Proliferation Agenda Forward"**

CHAIR:

Dr. Peter van Ham, Head of Clingendael Global Governance Program, Netherlands Institute of International Relations

KEYNOTE:

Hon. Marian Hobbs, New Zealand MP and Former Minister for Disarmament and Arms Control

PRESENTERS:

H.E. Mr. Luis Alfonso de Alba, Permanent Representative of Mexico to the Conference on Disarmament

H.E. Ms. Elisabet Borsiin-Bonnier, Permanent Representative of Sweden to the Conference on Disarmament

2:00 pm

Keynote Address

TOPIC: **"Importance of Cooperative Multilateral Security"**

Rt. Hon. Kim Campbell, Former Prime Minister of Canada

2:30 pm – 3:30 pm

Open Plenary

TOPIC: **“Strategies for Moving the Article VI Forum Forward”**

CHAIR:

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

INFORMAL REMARKS:

*H.E. Mr. Nobuyasu Abe, Former Under-Secretary-General for Disarmament Affairs,
United Nations*

Adjournment

ROSTER OF PARTICIPANTS

H.E. Mr. Nobuyasu Abe

Former Under-Secretary-General for Disarmament Affairs, United Nations
Ambassador of Japan to Switzerland

Dr. Edwin Bakker

Senior Research Fellow
Netherlands Institute of International Relations 'Clingendael'

Mr. Werner Bauwens

Director, Non-Proliferation, Disarmament and Arms Control Division
Federal Office for Foreign Affairs, Belgium

H.E. Ms. Elisabet Borsiin-Bonnier

Permanent Representative of Sweden to the Conference on Disarmament

H.E. Mr. Bernhard Brasack

Representative of Germany to the Conference on Disarmament

Dr. John Burroughs

Executive Director
Lawyers' Committee on Nuclear Policy

Ms. Jacqueline Cabasso

Executive Director
Western States Legal Foundation

Rt. Hon. Kim Campbell

Former Prime Minister of Canada
Secretary-General, Club of Madrid

H.E. Mr. Y.J. Choi

Permanent Representative of the Republic of Korea and Chairman of the First Committee

H.E. Dr. Hans Corell

Former Under-Secretary-General for Legal Affairs and the Legal Counsel of the UN

Ms. Charlotte Darlow

Disarmament Representative, Ministry of Foreign Affairs, New Zealand

H.E. Mr. Luis Alfonso de Albá

Permanent Representative of Mexico to the Conference on Disarmament

Mr. Pol D'Huyvetter

Coordinator, Abolition 2000 Europe

Ms. Monika Fröhler

Advisor for Disarmament Affairs
Austrian Federal Ministry for Foreign Affairs

Mr. Carlos Garbanzo-Blanco

Minister-Counsellor
Permanent Mission of Costa Rica to the United Nations in Geneva

Mr. Sylwin Gizowski

Strategic Coordinator / Planning Office
Comprehensive Nuclear-Test Ban Treaty Organization

Mr. Jonathan Granoff

President
Global Security Institute

H.E. Mr. Robert Grey, Jr.

Director, Bipartisan Security Group

Fr. Steven van der Grinten, S. J.

Adviser of the Apostolic Nunciature in the Netherlands

Ms. Regina Hagen

Coordinator, INESAP

Ms. Xanthe Hall

IPPNW, Germany

Dr. Peter van Ham

Director, Global Governance Program
Netherlands Institute of International Relations, 'Clingendael'

Hon. Marian Hobbs

MP and Former Minister for Disarmament
Freepost Parliament, New Zealand

H.E. Dr. Rajmah Hussain

Ambassador of Malaysia to Austria and
Permanent Representative to the United
Nations in Vienna

Mr. Güçlü Lem Isik

Second Secretary
Permanent Mission of Turkey to the United
Nations in Geneva

Dr. Karel Koster

Coordinator
Project on European Nuclear
Nonproliferation, Netherlands

H.E. Mr. Johannes Landman

Permanent Representative of the
Netherlands to the Conference on
Disarmament

Rt. Hon. Ruud Lubbers

Former Prime Minister, the Netherlands

Ms. Lucia Maria Maiera

Minister-Counsellor
Permanent Mission of Brazil to the United
Nations, New York

Dr. Ronald McCoy, M.D.

President, IPPNW

Mr. Adrian McDaid

Director
Disarmament and Non-Proliferation
Section
Department of Foreign Affairs, Ireland

Mr. Arend Meerburg

Former Ambassador, Netherlands

H.E. Mr. Paul Meyer

Permanent Representative of Canada to
the Conference on Disarmament

H.E. Dr. László Molnár

Director General for the Department of
International Organizations
Ministry of Foreign Affairs, Hungary

Ms. Jennifer Nordstrom

International Coordinator
Reaching Critical Will

Dr. Tariq Rauf

Head of Verification and Security Policy
Coordination, IAEA

Mr. Ernie Regehr, O.C.

Former Director, Senior Policy Advisor
Project Ploughshares

Hon. Douglas Roche, O.C.

Chairman, Middle Powers Initiative

Ms. Stine Rødmyr

No to Nuclear Weapons
Oslo, Norway

Mr. Zbigniew Rucinski

Minister-Counsellor, Embassy of the
Republic of Poland, The Hague

Ms. Hilde Janne Skorpen

Assistant Director General,
Ministry of Foreign Affairs, Norway

Ms. Alice Slater

President
GRACE Policy Institute

H.E. Mr. Juerg Streuli

Permanent Representative of Switzerland to
the Conference on Disarmament

Mr. Aaron Tovish

Campaign Manager, Mayors for Peace

Mr. Alyn Ware

Global Coordinator
Parliamentary Network for Nuclear
Disarmament

Mr. Paul Wilke

Head of Nuclear Affairs and Non-
Proliferation Division
Department of Security Policy
Netherlands Ministry of Foreign Affairs

Mr. Dian Wirengjurit

Minister-Counsellor
Permanent Mission of Indonesia to the UN

Dr. Bob Van der Zwaan

Researcher
Energy Research Center of the Netherlands

Dr. Jaap W. de Zwaan
Director
Netherlands Institute of International
Relations, 'Clingendael'

MPI STAFF

Mr. Matthew Werner
Program Officer, Middle Powers Initiative

Mr. Axel Woolfolk
Program Assistant, Middle Powers Initiative

Mr. James Wurst
Program Director, Middle Powers Initiative

Mr. Adam Zarakov
Program Assistant, Middle Powers Initiative

**INTERNATIONAL PANEL
ON FISSILE MATERIALS (IPFM)**

Chairs:

Dr. Frank von Hippel (U.S.)
Co-Chair
International Panel on Fissile Materials

Dr. Jose Goldemberg (Brazil)
Co-Chair
International Panel on Fissile Materials

Members Present:

Dr. Jungmin Kang (South Korea)

Dr. Tadahiro Katsuta (Japan)

Dr. Marvin Miller (U.S.)

Dr. Abdul Nayyar (Pakistan)

Dr. M. V. Ramama (India)

Dr. Ole Reistad (Norway)

Dr. Annette Schaper (Germany)

Dr. Mycel Schneider (Germany)

Dr. Dingli Shen (China)

Dr. Tatsujiro Suzuki (Japan)

Dr. William Walker (U.K.)

Researchers and Staff:

Ms. Dorothy Davis

Dr. Harold Feiveson

Dr. Alexander Glaser

Dr. Zia Mian

ACKNOWLEDGEMENTS

We are deeply grateful to the following individuals, sponsors and supporters whose contributions ensured the success of the Article VI Forum meeting in The Hague.

Middle Powers Initiative Planning Committee

Hon. Douglas Roche, O.C., *Chair*
John Burroughs
Jonathan Granoff
Alyn Ware
Jim Wurst

Netherlands Institute of International Relations

Dr. Jaap de Zwaan, *Director*
Dr. Peter van Ham, *Head, Global Governance Program*
Dr. Edwin Bakker, *Senior Researcher*
Ms. Ana Gans, *Head, External Affairs*

Middle Powers Initiative Staff

Jim Wurst, *Program Director*
Matthew Werner, *Program Officer*
Wendy Miller, *Program Associate*
Axel Woolfolk*, *Program Assistant*
Adam Zarakov*, *Program Assistant*

Service Providers

Bonja Stoker, *Parkhotel Den Haag*
Marcel van der Stelt, *Parkhotel Den Haag*
Buek Touring Cars
IFS Recording Services

Rapporteurs

James Wurst, *Chief Rapporteur*
Jacqueline Cabasso
Jennifer Nordstrom
Alexander Glaser
Zia Mian

Interns

Bridget Campbell
Abby Doll
Alyson Muecke
Nadia Patel
Luke Patton
Neal Sandin

SPONSORS & SUPPORTERS

Major Supporters

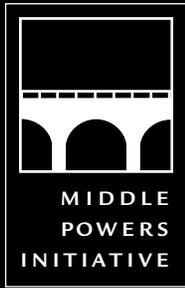
John C. and Chara C. Haas Foundation
Ford Foundation
Rissho Kosei-kai
The Arsenault Family Foundation
GSI Board of Directors
Christie Brinkley
Michael Douglas
Fred Matser
Mary Lamar & Michael Price
Johannes Witteveen

Additional Supporters

The Simons Foundation
Gary Jacobs
Tong Schraa-Liu

APPENDIX B

MPI Briefing Paper
The Article VI Forum: A Creative Initiative



A program of the
Global Security Institute

Middle Powers Initiative Briefing Paper

Middle Powers Initiative · One Belmont Ave., Suite 400 · Bala Cynwyd, PA 19004 · Tel: + 610 668 5488 · www.middlepowers.org

The Article VI Forum: A Creative Initiative

Briefing Paper for

Securing the Future: Strengthening the NPT

A Consultation of Like-Minded States

Co-hosted by the Middle Powers Initiative

and The Netherlands Institute of International Relations, 'Clingendael'

The Hague, The Netherlands

March 2-3, 2006

March 2006

THE MIDDLE POWERS INITIATIVE
A Program of the Global Security Institute

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

ACKNOWLEDGEMENT

This Middle Powers Initiative briefing paper was prepared by James Wurst,
Program Director for the Middle Powers Initiative.

TABLE OF CONTENTS

| | |
|---|----------|
| Summary | 1 |
| A. The Beginning of the Article VI Forum | 1 |
| B. The First Article VI Forum Meeting: October 3, 2005 | 2 |
| C. The Second Meeting: March 2-3, 2006 | 3 |
| D. The Future of the Article VI Forum | 4 |

Summary

The Article VI Forum is a new and creative initiative intended to stimulate and shape effective responses to the crisis of the non-proliferation/disarmament regime manifested by the breakdown of the 2005 Non-Proliferation Treaty Review Conference. The Forum is conducting high-level meetings of diplomats from like-minded States, decision-makers, and experts; engaging in briefings, consultations, and missions to capitals; and producing and disseminating publications. It is examining the political, legal and technical elements required for a nuclear weapons-free world. The aim is to advance international cooperation to prevent the spread of nuclear weapons and to fulfill existing commitments to achieve the reduction and elimination of nuclear arsenals. The initiative takes its name from the article of the NPT requiring good faith negotiations to achieve nuclear disarmament. The Middle Powers Initiative, a program of the Global Security Institute, has convened the Article VI Forum.

The Forum will help reassert the centrality of nuclear disarmament and the validity of multilateral negotiations. It is intended to specify nuclear non-proliferation and disarmament steps that could be taken unilaterally, bilaterally, regionally and/or multilaterally. In addition, it will explore and promote mechanisms and approaches to enhance security without relying on nuclear weapons. This process may well produce an outline or framework for negotiations, as called for in Article VI of the NPT and reinforced by the International Court of Justice.

The Article VI Forum is a response to the institutional and procedural deadlocks in the Nuclear Non-proliferation Treaty, the Conference on Disarmament, and in large measure in the First Committee of the General Assembly. With the stakes for humanity so high, the Middle Powers Initiative believes there must be progress and that middle power countries, working in a non-adversarial environment, focusing on goals for which they already have strong consensus, can and must build a framework to repair the regime. Our faith in the rule of law, multilateral cooperation, and the call of necessity inspires confidence that disaster is not inevitable and success is possible. However, time is running out. The 2010 Review of the NPT serves as a focus for our efforts. The regime cannot withstand another failure as occurred at the 2005 Review Conference.

A. The Beginning of the Article VI Forum

1. The deadlock at the May 2005 NPT Review Conference prevented the needed review of how to extract the international community from the present nuclear disarmament impasse. As such it failed. However, what the Review Conference reinforced was that there is virtual agreement on a wide range of issues including:

- Nuclear Weapon States must stop nuclear sharing for military purposes under any kind of security arrangements;
- The most effective way to prevent nuclear terrorism is the total elimination of nuclear weapons;
- International action to stop proliferation is essential;
- Building upon the decisions taken at the 1995 and 2000 Review Conferences, including the “unequivocal undertaking” for total nuclear disarmament, no new nuclear weapons should be developed;
- Anticipating the early entry-into-force of the CTBT, the moratorium on testing should be maintained;
- The Nuclear Weapon States must respect existing commitments regarding security assurances pending the conclusion of multilaterally negotiated legally binding security assurances for non-nuclear States Parties to the Treaty;
- Nuclear weapon free zones strengthen the non-proliferation regime and deserve to receive security assurances;
- Assurances are not applicable if any beneficiary is in material breach of its own non-proliferation and disarmament obligations.

In addition, there were many practical and popular proposals for making progress on specific areas which have a possibility for implementation but which unfortunately were left in diplomatic limbo. These proposals, put forward in working papers by States and groups of States – if given their proper due –

would do much to strengthen the Treaty that all States Parties say they want to survive. Proposals were also put forward with the goal of advancing the decisions taken in 2000 including actions on the reduction of non-strategic nuclear weapons, concrete agreed measures that should be taken for reducing the operational status of nuclear weapons, the further development of verification capabilities and mechanisms that would assist nuclear nonproliferation and disarmament, and further work on transparency taking into consideration security requirements for information protection. However, all these proposals faded in to the background as disputes over footnotes and whether chairman’s ‘non-papers’ could be transferred from the committees to the plenary sucked much life out of the conference.

2. Taken together, these positions demonstrated the clear desire of the vast majority of States to reduce both the number of nuclear weapons and the military and political space these weapons occupy in doctrines as steps leading towards their total elimination.

3. Many of these proposals and a strategy for implementing them were put forward in a working paper submitted by six nations, led by Malaysia and Costa Rica (WP 41). The paper ventured beyond immediate disarmament steps to consider the elements required to construct a comprehensive nuclear weapons abolition regime. It sensibly reflected an understanding that key legal, political and technical issues need to be addressed to overcome security concerns of the nuclear weapon States, which are currently preventing them from commencing negotiations leading to complete nuclear disarmament. The paper did not attempt to place political pressure on States to take action on nuclear disarmament and non-proliferation steps. Rather it attempted to identify the legal, political and technical elements that would be required for all States to confidently join a nuclear abolition regime. In this way, it took a problem-solving and pragmatic approach rather than a prescriptive or politically-confrontational approach. Thus the paper built on the Practical Steps agreed to in 2000 for systematic and progressive efforts to implement Article VI of the Treaty, but places these in a comprehensive framework for complete nuclear abolition.

4. The Article VI Forum was born out of this desire to carry forward the substantive work of the Review Conference in a forum where like-minded States could nurture these proposals in a positive, cooperative setting. The Forum took as a hallmark the advice given by Ambassador Sergio Duarte, President of the 2005 NPT Review Conference, when he spoke to a forum in Hiroshima, Japan, August 3, 2005:

“It is important to stress once again the urgent need to achieve progress toward the central objectives of the NPT: to prevent the proliferation of nuclear weapons to new States, to promote the goal of nuclear disarmament and to further the peaceful uses of atomic energy. Progress on all three fronts must be simultaneously pursued, and progress in one direction does not preclude progress in the other. Those who attach absolute priority to one or another of those objectives must understand that they are complementary and mutually reinforcing. There is no possibility of success if each group clings to its own narrow perceptions.”

B. The First Article VI Forum Meeting: October 3, 2005

5. The Article VI Forum was formally launched on October 3, 2005 at the United Nations, New York, at a meeting hosted by MPI of 28 invited States, U.N. officials and 12 non-governmental experts. There was broad support expressed at the meeting that the Forum was an excellent way to advance the nuclear disarmament agenda. Featured speakers included Nobuyasu Abe, UN Under-Secretary-General for Disarmament Affairs, and Amb. Choi Young-jin, Chairman of the Disarmament and International Security (First) Committee of the 60th General Assembly, and Permanent Representative of the Republic of Korea to the United Nations.

6. In his introductory remarks, USG Abe welcomed the Article VI Forum initiative as an example of the “new and creative thinking” on disarmament and non-proliferation called for by General Assembly President Jan Eliasson. Amb. Abe’s sense is that some states have been taking multilateralism hostage so as not to move on either disarmament or non-proliferation, and ways have to be found to overcome this roadblock.

7. Hon. Douglas Roche, O.C., former Canadian Ambassador for Disarmament and Chairman of MPI, explained the work ahead for the Article VI Forum: “Instead of accepting the roadblock thrown up by the nuclear weapon States, a group of like-minded States could now start work to identify the legal, political and technical requirements for the elimination of nuclear weapons. This work should start at first among like-minded non-nuclear weapon States working in a non-combative atmosphere. The work could stimulate the deliberating and negotiating processes and thus revitalize the disarmament fora. The Article VI Forum could then follow, in subsequent meetings, a dual track consisting of informational and preparatory work for the development and implementation of the legal, political and technical elements, and the exploration of ways to start negotiations on disarmament steps leading to a nuclear weapons convention or a framework of instruments for the abolition of nuclear weapons.”

8. Representatives of a number of states expressed their support for the Article VI Forum initiative as a means of continuing the political dialogue in the face of the stalemate in the traditional multilateral fora. Some of the observations made at the session included:

- *Amb. Choi Young-jin of South Korea, Chairman of the First Committee:* “One of the major causes of the failure of the 2005 NPT Review Conference was the sharp, perennial division about whether the nuclear weapon states are fulfilling their disarmament obligation. This unhealthy situation should not hold the entire process hostage and there is a need to look to new horizons.”
- *Amb. Paul Meyer of Canada:* “Clearly it is in the interests of nuclear disarmament to ensure that the political utility of nuclear weapons is gradually seen to be the same as the military utility of nuclear weapons; i.e., something close to zero if not a negative number.”
- *Amb. Luis Alfonso De Alba of Mexico:* “Governments seeking progress are not inventing and not confronting; rather they are responding to a need and fulfilling their responsibility as member states that believe in the United Nations and common security.”
- *Amb. Radzi Rahman of Malaysia:* “While the nuclear weapon states might not be ready to begin negotiations, this is the right time for us to ask them and other states to consider what would be the requirements for a nuclear weapon-free world.”

9. The participating states at the initial meeting were: Argentina, Austria, Belgium, Brazil, Canada, Chile, Costa Rica, Germany, Holy See, Hungary, Indonesia, Ireland, Japan, Jordan, Lithuania, Malaysia, Mexico, Mongolia, Netherlands, New Zealand, Norway, Poland, Samoa, South Africa, South Korea, Sweden, Switzerland, and Turkey.

C. The Second Meeting: March 2-3, 2006

10. Immediately following up on the success of the October meeting, MPI began planning the next Article VI Forum meeting. The Forum will convene its second session on March 2-3, 2006, to continue its work on the legal, technical, and political requirements for a nuclear weapons-free world. The session will be co-hosted by the Netherlands Institute of International Relations, Clingendael, The Hague. The meeting will host ambassadors and senior representatives from more than 20 middle powers governments.

11. The session is entitled *Securing the Future: Strengthening the NPT*, and, as was the case at the UN meeting, this meeting will explore practical and effective steps that could be taken in the political, legal and technical realms of nuclear disarmament and non-proliferation. The two-day session will be divided into panels and workshops that will examine the political potential in each of these three fields. To assist on the technical aspects of the conference, MPI is collaborating with the International Panel on Fissile Materials, headed by eminent nuclear physicists Professors Jose Goldemberg and Frank von Hippel. IPFM experts will guide the sessions dedicated to technical issues.

12. The highly respected speakers addressing the Forum will include Ambassador Hans Corell, Former UN Under-Secretary-General for Legal Affairs, the Honorable Ruud Lubbers, Former Prime Minister of The Netherlands, and Right Honorable Kim Campbell, Former Prime Minister of Canada.

D. The Future of the Article VI Forum

13. Clearly the Article VI Forum has tapped into a rich vein of creative political thought. The Forum is rapidly turning into a "commons" where like-minded governments can explore the issues and map strategies for advancing the nuclear disarmament and non-proliferation agenda.

14. MPI has received an invitation from the Government of Canada to host the third meeting of the Article VI Forum in Ottawa on September 28-29, 2006. Canadian leadership during and after the 2005 NPT Review Conference shows the government's deep concern at the present impasse. By giving support to the MPI and the Article VI Forum at this crucial moment, Canada is taking a leading role in stimulating like-minded countries to work together to build up support for positive action. The third meeting will examine ways to implement the recommendations made at the March meeting. Already, another country is holding discussions with MPI concerning the possibility of hosting the fourth meeting of the Article VI Forum.

15. A question high on the organizational agenda of the Forum is how to engage the Nuclear Weapon States. Involving these States was one of the issues raised at the October meeting. In order to allow the Forum to "find its legs" in a creative, non-combative atmosphere, the first two meetings will include only Non-Nuclear States, but it is intended to open the Forum to the Nuclear Weapon States at an appropriate time.

16. Where is all this work leading? In the near term the Article VI Forum aims to stimulate constructive work on nonproliferation and disarmament steps in order to reduce nuclear dangers and pave the way for a successful 2010 NPT Review Conference. MPI takes the view that the NPT cannot withstand two successive failed review conferences. The Article VI Forum will conclude Phase I of its work at an Extraordinary Workshop at the Thinkers' Lodge, Pugwash, Nova Scotia, July 5-7, 2007 (marking the 50th Anniversary of the Pugwash Thinkers' Lodge). The Extraordinary Workshop, comprising world leaders in the nuclear disarmament movement, will draw together the principal themes emerging from an examination of the reports of the Article VI Forum meetings. A substantive paper, providing expert views, will then be presented to every government in the world in an effort to focus their attention on precise nuclear disarmament requirements. This paper will be of special help as States Parties to the NPT prepare for the 2010 Review Conference. Senator Roche will chair this event.

ENDORSEMENTS OF THE ARTICLE VI FORUM

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

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

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

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

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

- Marian Hobbs, MP, New Zealand Minister for Disarmament and Arms Control (2002-2005)



MIDDLE POWERS INITIATIVE

A program of the Global Security Institute

www.middlepowers.org

Through the Middle Powers Initiative (MPI), 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 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.



THE GLOBAL SECURITY INSTITUTE

Promoting security for all through the elimination of nuclear weapons

www.gs institute.org

The Global Security Institute (GSI), 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.