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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

Towards 2010

Priorities for NPT Consensus

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

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MIDDLE POWERS INITIATIVE

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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.gsinstitute.org>

Towards 2010

Priorities for NPT Consensus

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

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

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

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

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

A. Meetings of the Article VI Forum

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

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

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

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

B. Priorities for the NPT Review Process

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C. Disarmament as the Compass Point

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

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

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

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

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

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

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

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

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

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

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

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



MIDDLE POWERS INITIATIVE

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

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

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

The work of MPI includes:

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



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