



# Middle Powers Initiative Briefing Paper

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## **Creating the Conditions and Building the Framework for a Nuclear Weapons-Free World**

Briefing Paper for the Berlin Framework Forum

**February 21-22, 2013**

## **THE MIDDLE POWERS INITIATIVE**

Through the Middle Powers Initiative, eight international non-governmental organizations (the Albert Schweitzer Foundation, the Global Security Institute, the International Association of Lawyers against Nuclear Arms, the International Network of Engineers and Scientists for Global Responsibility, the International Peace Bureau, the International Physicians for the Prevention of Nuclear War, the Nuclear Age Peace Foundation, and the Women's International League for Peace and Freedom), work with middle power governments to advance nuclear disarmament and non-proliferation through immediate practical steps that reduce nuclear dangers and the commencement of negotiations to eliminate nuclear weapons. MPI is guided by an International Steering Committee, chaired by Dr. Tadatoshi Akiba, the former Mayor of Hiroshima, Japan.

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## Executive Summary

The 2010 nuclear Non-Proliferation Treaty (NPT) Review Conference declared that “all states need to make special efforts to establish the necessary framework to achieve and maintain a world without nuclear weapons.” The Framework Forum convened by the Middle Powers Initiative (MPI) focuses on implementation of that declaration. It builds on MPI’s successful series of six meetings of the Article VI Forum, which contributed to the deliberations at the 2010 NPT Review Conference on a comprehensive agenda for nuclear disarmament. Since its formation in 1998, MPI, a coalition of eight leading international civil society organizations specializing in nuclear disarmament issues, has worked closely with about 30 key middle power countries. This Briefing Paper for the Berlin meeting of the Framework Forum considers first the question of conditions for a nuclear weapons-free world, and second issues of strategy and process as well as design relating to building the framework of such a world.

### Creating the Conditions for a Nuclear Weapons-Free World

In Resolution 1887 of 2009, the United Nations Security Council resolved “to create the conditions for a world without nuclear weapons.” This raises the crucial question: what, if any, conditions need to be created?

Views of governments range from an affirmation that conditions already exist, to emphasis on implementation of measures on the NPT agenda, to identification of political prerequisites such as resolution of regional tensions and enhancement of collective security mechanisms. The views are divided in two major ways. One is that some view conditions as nuclear weapons-related measures like the Comprehensive Nuclear-Test-Ban Treaty (CTBT), a fissile materials treaty, US-Russian reductions, and Additional Protocol that must be put in effect prior to embarking upon elimination. Others reject the notion of conditions of any kind and maintain that a comprehensive approach to elimination can be undertaken now. A second is that the Permanent Five hold that general conditions of security must prevail prior to elimination. In this vein Russia and China further insist upon restraints or bans on missile defences, non-nuclear strike and space-based systems, and other military capabilities.

The step-by-step approach conveys that the cautious and prudent negotiation and implementation of measures can build confidence and engage states over time in a verified and irreversible nuclear disarmament process. However, it underestimates the risks of ongoing reliance on nuclear weapons and the pressures for proliferation arising from that reliance. Moreover, the approach has been in play for half a century now, yet the basic problem of reliance on nuclear weapons still bedevils the world. At present, the approach is encountering serious difficulties.

In the view of the Middle Powers Initiative, a comprehensive approach to nuclear disarmament, involving at least a preparatory process, should therefore be pursued in parallel with work on measures now on the agenda and would stimulate and reinforce progress on those measures. Prevention of the further spread of nuclear weapons would be strengthened by a comprehensive approach. In broad terms, there is a favorable global environment. The world is experiencing a period of relative cooperation among the major military powers coupled with increasing

assertion of a role in global governance by countries of the South and the Non-Aligned Movement, as well as by Northern middle powers. Moreover, the demands of global conscience are increasingly being heard; there is a growing unwillingness to tolerate some states' reliance on weapons whose use is palpably inhumane and also contrary to law governing the conduct of warfare.

Regarding the contention that nuclear disarmament is possible only in conditions of general security, such conditions are better viewed as facilitative rather than as absolute, and are considered further below under headings of strategic security, and cooperative and common security. They are to be distinguished from the criteria for an achievable and sustainable nuclear weapons-free world: verification, irreversibility, transparency, universality, bindingness in law, and effective governance. The criteria need to be met not only in future agreements; progress toward fulfilling them is taking place or can take place now.

*Verification:* Many tools exist for effective monitoring and verification, especially with respect to declared warheads, delivery systems, fissile materials and related facilities, and nuclear testing. It remains the case, however, that achieving confidence that arsenals have been reduced and eliminated and a true regime of zero established will be challenging, principally due to the possibility of hidden warheads, stocks of fissile materials, or capabilities. One implication is that transparency measures need to be implemented beginning now.

*Irreversibility:* The aim is to make arms control measures, and the elimination of nuclear weapons, not sham but effective, so that items subject to arms control and disarmament cannot be employed for rearmament. The principle of irreversibility has been applied to disposal of fissile materials from dismantled warheads, and to delivery systems, which have been verifiably destroyed under US-Soviet/Russian agreements. It has yet to be applied in a verified manner to the dismantlement of warheads. Modernization of nuclear weapons infrastructures for the purpose, declared or unspoken, of making a build-up of nuclear forces possible, circumvents the principle of irreversibility, and strengthens the institutional drivers of continued reliance on nuclear weapons. Also, there is no such thing, in technological terms, as an absolutely irreversible state of zero. The degree of difficulty of regenerating or creating nuclear arsenals will depend greatly, not only on any residual nuclear weapons infrastructure, but also on a country's civilian nuclear power infrastructure, in particular nationally controlled, or controllable, uranium enrichment and plutonium reprocessing facilities.

*Transparency:* There is a long way to go to achieve transparency regarding warheads, fissile materials, and delivery systems. A new process that may help remedy this lack is Permanent Five consultations on transparency and other issues at which the P5 have considered proposals for a standard NPT reporting format. Commendably, the Non-Proliferation and Disarmament Initiative group of governments has developed a draft standard nuclear disarmament reporting form and provided it to the NPT nuclear weapon states.

*Universality and bindingness in law:* The number of states with binding Additional Protocol agreements with the International Atomic Energy Agency (IAEA) amplifying NPT-mandated safeguards obligations has climbed to 119 as of October 2012; however, a number of major countries have not brought such agreements into force. One hundred and fifty-eight states have ratified the CTBT, but it is presently rather far from entering into force due to the eight

hold-out Annex 2 states. While there is nearly universal adherence to the NPT, the few non-member states possess nuclear arsenals, posing the problem of universality in stark terms. The participation of India and Pakistan in the non-proliferation/disarmament regime will have to come through other means, in particular treaties in which the same basic obligations apply to all states. The participation of the DPRK and Israel in the NPT depends on the success of regional processes.

*Effective governance:* Over the decades and with respect to the vast majority of the world's countries, there is a good record of compliance with the NPT and safeguards agreements and of cooperation with the IAEA. Nonetheless, the IAEA and the Security Council have proved unable so far to induce or compel compliance with non-proliferation norms in several cases. The poor performance with respect to those cases not only fails to address present-day problems of proliferation or potential proliferation, it also engenders skepticism about prospects for moving to a regime of zero in which compliance can be monitored, induced, and enforced as necessary. One possible way to improve the response to proliferation situations would be for NPT states parties to create mechanisms for collective deliberation and action.

*Strategic security:* If 'strategic stability' means the preservation of 'nuclear deterrence' as practiced since World War II unless and until the weapons are eliminated globally, it is completely unacceptable. Nuclear weapons can be marginalized as instruments of national policy even when still possessed, by changes in doctrines, deployments, alert status, and numbers. It is true that strategic capabilities, nuclear and non-nuclear, must be managed effectively in a disarmament process. Constraints on missile defenses, space-based systems, and non-nuclear strike systems will facilitate, and be stimulated by, nuclear disarmament. Currently, development and deployment of missile defenses and other strategic systems, in combination with ongoing Russian concerns about NATO expansion and US and NATO operations and activities in the Middle East and on Russia's periphery, are undermining prospects for further US-Russian nuclear arms reductions. From the US and NATO side, the question must be asked, are the supposed benefits of deploying missile defenses, developing non-nuclear strike systems, and preserving options for space-based systems worth the cost to prospects for nuclear disarmament?

*Cooperative and common security:* The concepts of common security and cooperative security build upon the key insight, arising out of the dilemmas of 'nuclear deterrence,' that a state's security, no matter what means of defense it has at its disposal, can depend crucially upon the security of an adversary. Nuclear disarmament is supported by an approach to security based not on a balance of power calculus but rather on recognition of the necessity of common security, embrace of the non-aggression norm, compliance with international humanitarian law and disarmament obligations, reliance on methods of conflict prevention and dispute resolution, and strengthening of the international rule of law and its foundational institutions, including the United Nations, International Court of Justice, and International Criminal Court. Both regionally and globally it is desirable to reinforce or build means of providing security alternative to that putatively or actually provided by reliance on nuclear weapons. One such means is the creation of new nuclear weapons-free zones, especially in Northeast Asia, the Middle East, and the Arctic. Regional preventive diplomacy, like that practiced during the Cold War in the Conference on Security and Cooperation in Europe, is important, for the sake of peace and security generally and to facilitate regional and global disarmament.

## Building the Framework for a Nuclear Weapons-Free World

*Process and strategy:* MPI's view is that the time has come to create a process expressly devoted to establishment of a nuclear weapons-free world, a process that could at least undertake preparatory work. Absent the current support of states possessing nuclear weapons, middle power countries have several options. The launching of a process leading to negotiations on complete nuclear disarmament could be an objective at the 2015 NPT Review Conference, a setting in which non-nuclear weapon states have significant bargaining power.

It is always within the power of the General Assembly to establish a process leading to multilateral negotiations on nuclear disarmament. In 2012, the General Assembly took at least an initial step towards exercising its power by adopting a resolution, sponsored by Austria, Mexico, and Norway, establishing "an open-ended working group to develop proposals to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons." The working group can make decisions by vote, and could initiate, probably subject to further General Assembly decision, a process of negotiation or deliberation freed from the rigid rule of unanimity followed by the Conference on Disarmament.

The General Assembly also decided, by a resolution sponsored by Indonesia, to convene a high-level meeting as a plenary session of the Assembly, on 26 September 2013, to contribute to achieving the goal of nuclear disarmament. That meeting will present an opportunity for raising the profile of the disarmament enterprise and possibly for launching a new process, an opportunity that should be seized by middle powers as well as by parliamentarians, mayors, and civil society groups.

Middle power countries can also engage in independent courses of action without the immediate support or participation of nuclear possessor states. The regional nuclear-weapon-free zones can deepen coordination among the zones and undertake joint political action. Middle powers can undertake studies and deliberations on the architecture of a nuclear weapons-free world. They can encourage national adoption of measures of non-cooperation with nuclear weapons, such as a policy of divestment in producers of warheads and associated delivery systems; a ban on nationals' participation in manufacture of warheads and delivery systems; and an obligation to prosecute persons connected to the use of nuclear weapons. They could also support Mexico's proposal to amend the Rome Statute to make use of nuclear weapons an express war crime. More ambitiously, middle powers could initiate negotiations outside the UN and NPT contexts on a treaty categorically banning use and possession of nuclear weapons.

The underlying problem is one of political will. However challenging it may be to create a process expressly devoted to establishment of a nuclear weapons-free world, such a process is far, far more capable than the step-by-step approach of attracting and engaging global public opinion – a crucial dimension to successful disarmament.

*Choices Regarding the Architecture of a Nuclear Weapons-Free World:* Three forms of the legal framework for a nuclear weapons-free world deserve examination: 1) a Nuclear Weapons Convention; 2) a framework agreement on nuclear disarmament; and 3) a framework of instruments. A convention would likely incorporate or link to existing instruments. A framework

agreement could set forth the obligation of non-use of nuclear weapons and a schedule for their elimination, and provide for further negotiations on matters such as verification, enforcement, and control and disposition of fissile materials. A framework of instruments would tie together agreements and institutions that now exist as well as ones to be created. It has an affinity with the step-by-step approach and does not necessarily imply reliance on a global multilateral agreement.

Another set of choices concerns the institutions needed for governance of a nuclear weapons-free world. There are a range of tasks that will need to be undertaken by the institutions, among them monitoring and verification; conflict prevention, dispute resolution, and crisis management; compliance inducement and enforcement; disarmament education to ensure public and political commitment over time; and assistance to states with implementation. One question is whether a nuclear disarmament verification body needs to be created and, if so, the nature of its relationship to existing agencies and arrangements.

Regarding dispute resolution and compliance inducement and enforcement, a nuclear disarmament agency and its governing body could employ a number of techniques, including mediation, referral to the International Court of Justice, withdrawal of privileges and assistance, and the imposition of economic sanctions. More robust means of conflict prevention and peaceful crisis management need to be developed. As to the possible use of force to compel compliance, the Security Council is usually put forward as the appropriate body for considering and authorizing such action. However, the Security Council may need to be reformed to be more representative and to limit the exercise of the veto if it is to be accepted as the ultimate enforcement body for a nuclear weapons-free world.



## I. CREATING THE CONDITIONS FOR A NUCLEAR WEAPONS-FREE WORLD

1. In Resolution 1887 of 2009, the United Nations Security Council resolved “to create the conditions for a world without nuclear weapons.” This raises the crucial question: what, if any, conditions need to be created? Views of governments range from an affirmation that conditions already exist, to emphasis on implementation of measures on the nuclear Non-Proliferation Treaty (NPT) agenda, to identification of political prerequisites such as resolution of regional tensions and enhancement of collective security mechanisms. The views are briefly surveyed below, followed by an assessment. In brief, conditions are best understood as falling into two categories: facilitative, relating to development of strategic security, and cooperative and common security; and inherent in successful disarmament, relating to satisfaction of criteria of verification, irreversibility, transparency, universality, bindingness in law, and effective governance. Consideration follows of the current state of progress in satisfying the criteria for a sustainable nuclear weapons-free world, and in developing strategic security and cooperative and common security.

### **A. Views of Governments**

2. The **Non-Proliferation and Disarmament Initiative** (NPDI), composed of Australia, Canada, Chile, Germany, Japan, Mexico, the Netherlands, Poland, Turkey and the United Arab Emirates, focused in its statement to the 2012 NPT PrepCom on measures including systematic reductions of all categories of nuclear weapons, including non-strategic; a diminishing role of nuclear weapons in security strategies; reduction of operational status; transparency and reporting; negotiation of a Fissile Materials Cut-off Treaty (FMCT); entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT); improving nuclear security; further ratification of the Additional Protocol; export controls; and nuclear weapon free zones including a WMD free zone in the Middle East. The June 16, 2012 Istanbul Statement of the Foreign Ministers of NPDI is to like effect. While not addressing the question of “conditions” per se, the implication is that implementation of measures as well as success in preventing further proliferation is necessary to arrive at a stage where global elimination of nuclear weapons can be undertaken. Thus the NPT 2012 statement says that NPDI is seeking “continued and systematic reduction of nuclear weapons leading to their total elimination,” and that NPDI is “resolved to support efforts towards reducing nuclear proliferation risks by ensuring compliance with the international non-proliferation regime” as a component of “ultimately achieving a nuclear weapons free world.”

3. While strongly supporting implementation of measures and commitments as identified within the NPT review process, the **New Agenda Coalition** (Brazil, Egypt, Ireland, Mexico, New Zealand, Sweden and South Africa) also clearly rejects, now, ongoing reliance on nuclear weapons in national and alliance military postures, and supports work toward a framework for the elimination of nuclear weapons. A New Agenda working paper for the 2012 NPT PrepCom is marked throughout by a sense of urgency and an insistence that treaty obligations and commitments relating to disarmament remain unfulfilled. For example, it states: “Any justification for the continued retention or presumption of the indefinite possession of nuclear weapons by the nuclear-weapon States is incompatible with Treaty obligations, with the integrity and sustainability of the nuclear disarmament and nuclear non-proliferation regime and with the broader goal of the pursuit of international peace and security.” The working paper’s last section, entitled “Way forward: 2015 Treaty review cycle,” includes a paragraph (30) stating: “Furthermore, all States parties should

work toward the construction of a comprehensive framework of mutually reinforcing instruments for the achievement and maintenance of a world without nuclear weapons. Such a legally binding framework for the total elimination of all nuclear weapons must include clearly defined benchmarks and timelines, backed by a strong system of verification, in order to be efficient and credible.”

4. Brazil, a member of the New Agenda Coalition, has explicitly and emphatically rejected the contention that elimination of nuclear weapons must await the fulfillment of certain conditions. At the 2010 NPT Review Conference, Brazil stated (May 7): “Brazil and the vast majority of the non-nuclear-weapon States have never put our non-proliferation duties on hold, conditioning their fulfillment to indefinite, more favorable international conditions. A similar attitude is what we expect from the Nuclear-Weapon-States when it comes to disarmament.” In a similar vein, at the 2012 NPT PrepCom, Brazil stated (May 2): “Nuclear weapons were first developed to put an end to a war; arsenals increased dramatically to deter an enemy. Today there is no war to be ended by using atomic weapons and there is no enemy to deter. Has there ever been a more propitious time to put an end to the presently groundless addiction to nuclear weapons?”

5. While supporting various measures on the NPT agenda, the essence of the **Non-Aligned Movement** position is that near-term complete disarmament is feasible and should be accomplished; there are no preconditions to be satisfied. At the 2010 Review Conference, NAM’s working paper on disarmament set 2025 as the deadline for the achievement of elimination of nuclear weapons through a “phased programme” including a convention. The paper at the same time enumerates other measures to be pursued, for example an FMCT and legally binding negative security assurances. The Tehran Declaration issued by Heads of State or Government of NAM at the 16th Summit, August 30-31, 2012, states: “States Parties to the NPT have obligations under Article VI of the NPT to destroy all nuclear weapons within a time-bound framework, which is yet to be fulfilled. It is imperative to conclude a comprehensive convention on nuclear disarmament.” NAM has a far-reaching agenda for restructuring of world political and economic affairs, highlighted in the Tehran Declaration, but its fulfillment is not identified as a prerequisite to disarmament. The Final Document issued by the Summit reaffirms “that efforts toward nuclear disarmament, global and regional approaches and confidence building measures complement each other and should, wherever possible, be pursued simultaneously to promote regional and international peace and security. In this context, they stressed that nuclear disarmament, as the highest priority established by SSODI and as a multilateral legal obligation, should not be made conditional on confidence building measures or other disarmament efforts.”

6. The view of the **Permanent Five** (P5) members of the Security Council was set forth in Resolution 1887 of 2009. The preambular paragraph resolving to “create the conditions for a world without nuclear weapons” provides that this is to be done “in a way that promotes international stability, and based on the principle of undiminished security for all.” That language has subsequently appeared in Permanent Five statements at the 2010 NPT Review Conference and the 2012 NPT PrepCom, as well as in NATO’s May 2012 Defense and Deterrence Posture Review. A P5 joint statement to a July 27, 2011 General Assembly plenary is somewhat more specific: “All States,

\* For a collection of individual statements by P5 members, see <http://www.middlepowers.org/confidential/P5statements.docx>.

NPT Parties and non-Parties, must contribute to fulfilling the overall objective of disarmament, by creating the necessary security environment, resolving regional tensions, promoting collective security, ensuring that the international nuclear non-proliferation regime remains robust and reliable, and making progress in all the areas of disarmament.” Members of the P5 have also made individual statements.\* Common elements of the P5 position regarding conditions for elimination of nuclear weapons are the following:

7. *Prevention of further proliferation*: A 2009 UK paper, for example, refers to “establishing a watertight regime to prevent nuclear weapons from spreading to more states or to terrorists, at the same time as exploiting the peaceful benefits of nuclear energy.” Some P5 members have a strong interest in preventing acquisition of nuclear fuel production capabilities by additional states, though due to its sensitivity this is not usually stated in a forthright fashion.

8. *Resolution of regional disputes*: Thus the 2010 US Nuclear Posture Review states: “The conditions that would ultimately permit the United States and others to give up their nuclear weapons without risking greater international instability and insecurity are very demanding. Among those is the resolution of regional disputes that can motivate rival states to acquire and maintain nuclear weapons ....”

9. *Strategic stability*: The US Nuclear Posture Review states: “By promoting strategic stability with Russia and China and improving transparency and mutual confidence, we can help create the conditions for moving toward a world without nuclear weapons ....” At the 2010 NPT Review Conference, Russia stated that the “elimination of nuclear weapons can be discussed only as an ultimate goal of general and complete disarmament in the circumstances of strengthening strategic stability ....” Also at the conference, China stated: “Nuclear disarmament must follow the principles of maintaining global strategic stability and undiminished security for all.”

10. *A step-by-step approach* pursuant to a policy of sequentialism in which certain measures must be accomplished before others are undertaken: The US Nuclear Posture Review states that post-New START negotiations will be pursued with Russia, this time encompassing all US and Russian nuclear weapons, deployed and non-deployed, strategic and non-strategic. Once there have been “substantial” further U.S.-Russian reductions, the Review envisages that the United States would “engage other states possessing nuclear weapons, over time, in a multilateral effort to limit, reduce, and eventually eliminate all nuclear weapons worldwide.” Thus there must be further US-Russian reductions before multilateralization of reductions can be contemplated. Also, the FMCT must be negotiated before other global agreements on non-proliferation and disarmament can be pursued. In general, under the policy of sequentialism, there would need to be at least further US-Russian reductions, then multilateral reductions involving most or all states possessing nuclear arsenals, entry into force of the CTBT, and negotiation and perhaps entry into force of the FMCT prior to any possible consideration of an agreement on global elimination of nuclear weapons.

11. Individual members of the P5 add other conditions:

*Restraints or bans as to missile defenses, space-based systems, and other strategic systems* are fundamental to the Russian and Chinese positions. Thus China stated at the 2010 NPT Review Conference: “Nuclear disarmament must follow the principles of maintaining global strategic stability and undiminished security for all. The development of missile defence systems that disrupt global

strategic stability should be abandoned. Multilateral negotiation process to prevent the weaponization of and arms race in outer space should be vigorously promoted.” At the 2012 NPT PrepCom, Russia included the following among conditions for disarmament: “prevention of placement of weapons in outer space”; “inadmissibility of building-up conventional SOA [strategic offensive arms] (establishment of the so called ‘compensatory potential’)”; and “refusal from unilateral development of strategic missile defense systems [which] is fraught with erosion of strategic stability and improper functioning of the regime of checks and balances that ensure global parity.” France is expansive on the subject, stating at the 2010 NPT Review Conference that there is a need for “moving ahead in all areas (biological, chemical and conventional weapons, anti-missile defence, ballistic missiles and non-proliferation in space) ....”

12. *Conventional arms control* is identified by Russia as essential; at the 2010 NPT Review Conference, Russia referred to “controlled cessation of building up conventional weapons” as a measure that “must be implemented.”

13. *Reassurance of US allies* as nuclear arms reductions proceed is central to the US Nuclear Posture Review. It states that to assure allies and partners of the US commitment to their security, the United States will take actions including “the continued forward deployment of US forces in key regions, strengthening of US and allied non-nuclear capabilities, and the continued provision of extended deterrence.” Such actions can serve non-proliferation goals “by demonstrating to neighboring states that their pursuit of nuclear weapons will only undermine their goal of achieving military or political advantages, and by reassuring non-nuclear U.S. allies and partners that their security interests can be protected without their own nuclear deterrent capabilities.”

14. *Limits on nuclear infrastructure*: Russia apparently had in mind constraints on capacity to regenerate nuclear forces in its reference at the 2012 NPT PrepCom to “provision of guarantees of the absence of recoverable nuclear capabilities.” This contrasts with the position taken in the US Nuclear Posture Review that “in a world with complete nuclear disarmament, a robust intellectual and physical capability would provide the ultimate insurance against nuclear break-out by an aggressor.”

15. *Development of capabilities for transparency, verification methods, and enforcement methods and collective security* is discussed by the United Kingdom, United States, and France. Thus among the “very demanding” conditions identified by the US Nuclear Posture Review are “much greater transparency into the programs and capabilities of key countries of concern, verification methods and technologies capable of detecting violations of disarmament obligations, and enforcement measures strong and credible enough to deter such violations.”

## **B. Assessment**

16. The views of governments on the subject of conditions are divided in two major ways. One is that some view conditions as nuclear weapons-related measures like the CTBT, FMCT, US-Russian reductions, and Additional Protocol that must be put in effect prior to embarking upon elimination. Others reject the notion of conditions of any kind and maintain that a comprehensive approach to elimination can be undertaken now. A second is that the P5 and some other governments hold that general conditions of security – e.g., strategic stability, prevention of proliferation, settlement of regional disputes – must prevail prior to elimination. In this vein Russia and China further insist

upon restraints or bans on missile defences, non-nuclear strike and space-based systems, and other military capabilities. Other governments reject or are silent on such matters. Governments agree, in NPT review outcomes and General Assembly resolutions, that the reduction and elimination of nuclear weapons must be verifiable, irreversible, and transparent.

17. On the surface, the step-by-step approach is coherent and plausible. It conveys that the cautious and prudent negotiation and implementation of measures can build confidence and engage states over time in a verified and irreversible nuclear disarmament process. Moreover, some measures – the CTBT, FMCT, and Additional Protocol – would likely be part of the architecture of a nuclear weapons-free world, contributing to prevention of breakout. However, the step-by-step approach underestimates the risks of ongoing reliance on nuclear weapons, the pressures for proliferation arising from that reliance, and the problem of further entrenchment of nuclear establishments. Moreover, the approach has been in play for half a century now, and was recommitted to in the 1995, 2000, and 2010 NPT outcomes, yet the basic problem of reliance on nuclear weapons still bedevils the world. In general, with its indefinite and contingent timeline, the step-by-step approach is vulnerable to geopolitical tensions and disruptive events like wars and further proliferation.

18. At present, the step-by-step approach is encountering serious difficulties. In good part due to concerns about missile defenses and other strategic systems, Russia appears resistant to the bilateral negotiations on reductions of all types of nuclear weapons, strategic and non-strategic, deployed and non-deployed, envisaged by the United States. The problems of US deployment of non-strategic weapons under NATO auspices in Europe and Turkey and its linkage with Russia's deployment of such weapons remain to be solved. Pakistan is blocking negotiations on an FMCT in the Conference on Disarmament. More generally, absent a credible comprehensive approach to global disarmament, in the near to mid-term it is not at all certain that Pakistan, and India as well, will ratify the CTBT, or an FMCT if and when negotiated. Such steps may be perceived as primarily aimed at preserving the advantage of powerful states and thus deemed unacceptable. The Obama administration has not judged the domestic politics as propitious for seeking Senate approval of the CTBT. Meanwhile, the P5 along with India, Pakistan, and Israel are proceeding with modernization of warheads, delivery systems, and infrastructure, with planning horizons on the order of several decades. This is well documented by the *Reaching Critical Will* book released in 2012, *Assuring Destruction Forever: Nuclear Weapon Modernization Around the World*.

19. In the view of the Middle Powers Initiative, a comprehensive approach to nuclear disarmament, involving at least a preparatory process, should therefore be pursued in parallel with work on measures now on the agenda and would stimulate and reinforce progress on those measures. Possible modalities of such an approach are discussed in Part II, Building the Framework. In broad terms, there is a favorable global environment. The world is experiencing a period of relative cooperation among the major military powers coupled with increasing assertion of a role in global governance by countries of the South and the Non-Aligned Movement, as well as by Northern middle powers. Globalization of trade, finance, communications, travel, and culture proceeds apace, accompanied by a perception, particularly among the post-Cold War generation, of nuclear weapons as irrelevant and a relic of the past. Moreover, the demands of global conscience are increasingly being heard; there is a growing unwillingness to tolerate some states' reliance on weapons whose use is palpably inhumane and also contrary to law governing the conduct of warfare.

20. Regarding the contention of some states that nuclear disarmament is possible only in conditions of general security, including strategic security, prevention of proliferation, and settlement of regional disputes, such conditions are better viewed as facilitative rather than as absolute, and require clear definition. Strategic security, and cooperative and common security, are discussed below under separate headings.

21. Concerning prevention of the further spread of nuclear weapons, it would be strengthened, not undermined, by a comprehensive approach to nuclear disarmament. Efforts to restrain individual attempts to acquire nuclear weapons or a nuclear weapons capability would be placed in universal context and thus reinforced. It continues to be a matter of great urgency for peace and security in the Middle East and Northeast Asia to succeed in those efforts. Still, while among other things conducive to building public support for disarmament in countries already possessing nuclear arsenals, complete success in preventing proliferation is not an absolute prerequisite for pursuing a comprehensive approach. Acquisition of nuclear weapons can be and has been peacefully reversed. That indeed is the aim of disarmament, to reverse proliferation that began at Los Alamos in 1942. A comprehensive approach would also improve non-nuclear weapon states' receptivity to non-proliferation measures, from wider ratification of the Additional Protocol to more ambitious efforts to provide inducements against or even to limit or bar the spread of nationally owned nuclear fuel production facilities.

22. As to resolution of regional disputes, MPI agrees with the September 2012 statement, "Eliminating Nuclear Weapons Threats: A Call for New Focus and Energy from Political Leaders," of members of the Asia Pacific Leadership Network for Nuclear Non-Proliferation and Disarmament: "There is certainly a need for determined efforts to preserve stability and resolve tensions in areas of potential nuclear confrontation. But it is not acceptable to make serious progress toward nuclear disarmament depend on the prior achievement of lasting peace in the Middle East; or resolution of outstanding India-Pakistan issues; or the ending of remaining tensions in North East Asia; or a complete accommodation of Russia's and NATO's competing strategic visions; or complete confidence that no further proliferation of nuclear weapons will occur. To do so is just another way of saying disarmament won't happen." It may be the case that the final step of relinquishment of all nuclear weapons will require resolution of certain regional issues. That is no reason to delay the initiation of a comprehensive approach to nuclear disarmament.

23. UN High Representative for Disarmament Affairs Angela Kane provided a bracing perspective on the insistence on conditions of general security in her remarks at an October 2012 event hosted by the German mission in New York in anticipation of this meeting of the Framework Forum.\* She criticized the enumeration of "preconditions" for nuclear disarmament – e.g., settlement of regional disputes, a definitive end to risks of proliferation and terrorism, an end to missile defense, a ban on space weapons, world peace or world government. Ms. Kane asked, "Should there be a double standard of *absolute preconditions* for disarmament, combined with an insistence on *unconditional adherence* to non-proliferation?" And she noted that the good faith undertaking of NPT Article VI is not "predicated on the satisfaction of any activity or condition. There is no 'quid'

\* [http://www.un.org/disarmament/HomePage/HR/docs/2012/2012-10-10\\_luncheon\\_German\\_MPI.pdf](http://www.un.org/disarmament/HomePage/HR/docs/2012/2012-10-10_luncheon_German_MPI.pdf)

prescribed for the ‘quo’ of fulfilling solemn disarmament commitments.”

24. Ms. Kane contrasted such preconditions with the *criteria* for “quality” nuclear disarmament agreements: verification; irreversibility; transparency; universality; and bindingness in law. Such criteria are characteristics of the regime that would make a nuclear weapons-free world acceptable, achievable and sustainable; in a sense they are conditions of such a world. Another criterion should be added to those listed by Ms. Kane, effective governance, including adequate inducements to compliance and sufficient enforcement capability. The six criteria not only need to be met in future agreements; progress toward fulfilling them is taking place or can take place now, in part through measures like the CTBT and the Additional Protocol. That is the subject of the next section. It is followed by consideration of strategic security, and then cooperative and common security.

### **C. Progress toward Meeting the Criteria for an Achievable and Sustainable Nuclear Weapons-Free World**

25. *Verification*: Many tools exist for effective monitoring and verification, especially with respect to declared warheads, delivery systems, fissile materials and related facilities, and nuclear testing. US-Soviet/Russian arms control has demonstrated the feasibility of verification with respect to deployment and destruction or conversion of delivery systems, as well as confirmation of the number of warheads on deployed systems. The International Atomic Energy Agency (IAEA) has demonstrated the feasibility of verification with respect to fissile materials and facilities to produce them, and the CTBT Organization (CTBTO) has done the same with respect to nuclear testing. The Chemical Weapons Convention and the work of the Organisation for the Prohibition of Chemical Weapons provide models for a range of methods from declarations to inspections. While as of yet there has been no verification of dismantlement of warheads, the United Kingdom and Norway, working with VERTIC, have completed studies indicating its feasibility without revealing sensitive information. Technology development regarding warhead tracking and dismantlement, tamper indicating devices to protect monitors and monitored items, detection of low-level nuclear tests, and other verification related matters is underway at the US National Center for Nuclear Security.

26. New horizons for monitoring and verification of nuclear disarmament are opened up by advances in social media, including the ability to instantaneously upload video and photos for public viewing. Non-governmental analysts already rely on and publicize photos taken by commercial satellites, for example in identifying possible new nuclear facilities. Such advances can work synergistically with the kind of intensive civil society monitoring practiced in relation to the bans on landmines and cluster munitions and with whistleblowing. However, caution is needed; non-governmental monitoring can be misleading and provocative and needs to be integrated into or confirmed by reliable and authoritative verification by an international agency.

27. It remains the case, however, that achieving confidence that arsenals have been reduced and eliminated and a true regime of zero established will be challenging, principally due to the possibility of hidden warheads, stocks of fissile materials, or capabilities. Issues regarding capabilities will be strongly affected, moreover, by the nature of limitations on nuclear weapons-related infrastructure. A 2005 study by the US National Academy of Sciences found that confidence would increase based on monitoring programs undertaken on an ongoing, long-term basis in an atmosphere of transparency and cooperation. One implication is that transparency measures need to be implemented beginning now, and comprehensive reporting as NPDI has proposed is imperative.

28. *Irreversibility*: The principle of irreversibility has its origins in the formation of policy concerning disposal of fissile materials from dismantled warheads. The policy adopted between the United States and Russia is that such materials should be processed to render them effectively unusable again in warheads, for example by downblending highly enriched uranium and using it as nuclear reactor fuel, or mixing plutonium with highly radioactive nuclear waste and burying it underground. The principle was similarly applied to delivery systems: missiles and bombers removed from deployment were verifiably destroyed under the Intermediate-Range Nuclear Forces and START agreements. As is readily understood, the aim is to make arms control measures, and the elimination of nuclear weapons, not sham but effective, so that items subject to arms control and disarmament cannot be employed for rearmament.

29. Dismantlement of warheads also is irreversible in the sense that, like destroyed delivery systems, the same warheads cannot be used again. The United States reported in 2010 that between 1994 and 2009 it dismantled 8,748 nuclear warheads. That process has not been independently confirmed. Moreover, dismantlement does not necessarily equate to disarmament. The US Department of Energy stated in 2010 that some 14,000 plutonium pits (core components) of dismantled warheads remain in storage. The pits can be reused until destroyed, which is proceeding very slowly. No information regarding dismantlement has been supplied by other states possessing nuclear arsenals.

30. Modernization of nuclear weapons infrastructures for the purpose, declared, as in the US case, or unspoken, of making a build-up of nuclear forces possible, circumvents the principle of irreversibility, and strengthens the institutional drivers of continued reliance on nuclear weapons. The question of infrastructures arises not only with respect to the process of reduction to zero; it is a key one regarding the design of a regime of zero. Some analysts view robust infrastructures in a regime of zero as desirable because they would provide a form of ‘virtual deterrence’. That approach would be unstable, would provide an incentive for some states against going to zero, as Russia’s statement already indicates, and, disregarding the growing momentum for the complete delegitimization of nuclear weapons, assumes that they would continue to be regarded as a possibly acceptable means of warfare.

31. Finally, as emphasized in a 2011 VERTIC study, *Irreversibility in Nuclear Disarmament*, there is no such thing, in technological terms, as an absolutely irreversible state of zero. The United States, after all, created nuclear bombs from scratch in three years starting in 1942. As VERTIC, the International Panel on Fissile Materials, and others have further noted, the degree of difficulty of regenerating or creating nuclear arsenals will depend greatly, not only on any residual nuclear weapons infrastructure, but also on a country’s civilian nuclear power infrastructure, in particular nationally controlled, or controllable, uranium enrichment and plutonium reprocessing facilities. It follows that prevention of the spread of nationally controlled nuclear fuel production facilities, and conversion of existing nationally controlled facilities to international control, would advance the principle of irreversibility. Aside from movement toward establishment of an international fuel bank, whose use would be voluntary and a backup to interruption of normal supply, there is little progress in development of norms and institutions in this regard.

32. *Transparency*: The United States and Russia publicize the numerical reductions of deployed nuclear forces made pursuant to bilateral agreements; the United States has released information



on the total number of its warheads not slated for dismantlement; the United Kingdom and France have released information regarding the size of their operational arsenals; and the United States and United Kingdom have released information about their fissile materials stockpiles. Such information is only partial, and has not been independently confirmed. Further, no comparable information is available from other states possessing nuclear arsenals. The Nuclear Security Summit meetings have not addressed issues of transparency and security with respect to military stocks of fissile materials. The result is that widely used numbers regarding nuclear arsenals, for example the Federation of American Scientists estimate that there are currently over 17,000 operational, reserve, and stockpiled warheads in the world, are just that, estimates by non-governmental experts. A complication is that some states may be quite cautious about disclosing information about their nuclear forces and capabilities so long as they are viewed as important parts of military postures and absent a global process demonstrably leading to zero. Thus there is a long way to go to achieve transparency regarding warheads, fissile materials, and delivery systems, and still further to go to subject reporting to independent confirmation.

33. A new process that may help remedy this lack is Permanent Five consultations regarding implementation of NPT commitments and in particular issues of transparency, mutual confidence, and verification. At the most recent meeting held in Washington in June 2012, according to a P5 joint statement, the P5 *inter alia* considered proposals for a standard NPT reporting format. Commendably, NPDI has developed a draft standard nuclear disarmament reporting form and provided it to the NPT nuclear weapon states. Under Action 21 of the NPT 2010 Action Plan on Disarmament, those states “are encouraged to agree as soon as possible on a standard reporting form and to determine appropriate reporting intervals for the purpose of voluntarily providing standard information without prejudice to national security.” The NPDI draft form, attached to the 2012 NPT PrepCom working paper on transparency, is comprehensive in scope, including multiple categories relating to numbers of warheads, delivery systems, fissile material, testing, and doctrine. Also in 2012, the International Panel on Fissile Materials made a set of proposals for how the NPT nuclear weapon states could fulfill transparency commitments.

34. *Universality and bindingness in law:* The number of states with binding Additional Protocol agreements with the IAEA amplifying NPT-mandated safeguards obligations has climbed to 119 as of October 2012; however, a number of major countries have not brought such agreements into force. One hundred and fifty-eight states have ratified the CTBT, but it is presently rather far from entering into force due to the eight hold-out Annex 2 states. While there is nearly universal adherence to the NPT, the few non-member states possess nuclear arsenals, posing the problem of universality in stark terms and exerting considerable pressure on some member states to reconsider their status.

35. There is no realistic prospect that India and Pakistan would join the NPT as non-nuclear weapon states. Their participation in the non-proliferation/disarmament regime will have to come through other means, in particular treaties in which the same basic obligations apply to all states. The CTBT, a fissile materials treaty, and a Nuclear Weapons Convention qualify, though substantive disparities in capabilities based on nuclear powers’ different histories would have to be managed and diminished over time in conjunction with the total delegitimization of nuclear weapons. Israel conceivably would join the NPT as a non-nuclear weapon state if it was sufficiently reassured about regional security, though it may be that dismantlement of its arsenal would additionally require the context of a global nuclear disarmament process. The DPRK’s return to

non-nuclear weapon state status under the NPT depends on the success of the six-party process. The establishment of a Northeast Asia nuclear weapon-free zone among other things providing assurances of non-use of nuclear weapons against the DPRK should be considered as a solution.

36. *Effective governance*: Over the decades and with respect to the vast majority of the world's countries, there is a good record of compliance with the NPT and safeguards agreements and of cooperation with the IAEA. A range of instruments and methods of coordination and governance has also been developed with respect to non-proliferation and nuclear security, for example the NPT review process, the CTBTO, the Security Council's 1540 Committee, OPANAL (the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean), treaties on nuclear terrorism, and the Nuclear Security Summit. Nonetheless, as is widely remarked, the IAEA and the Security Council have proved unable so far to induce or compel compliance with non-proliferation norms by the DPRK, Syria, and Iran. They also were sidelined with respect to Libya, whose nuclear weapons program was disbanded by negotiations with the United Kingdom and United States outside those institutions. And in the case of Iraq, following the 1991 war that revealed its advanced nuclear weapons program, the Security Council and IAEA efforts were successful in compelling Iraq to end its program, but this fact, admittedly not fully demonstrated by Iraq, was eventually ignored by the United States and United Kingdom when they invaded Iraq. NPT states parties collectively have essentially played no role in any of the cases through the NPT review process or otherwise.

37. This poor performance with respect to those cases not only fails to address present-day problems of proliferation or potential proliferation, it also engenders skepticism about prospects for moving to a regime of zero in which compliance can be monitored, induced, and enforced as necessary. One possible remedy, easy to state but not to implement, is reform of the Security Council to make it more representative and therefore legitimate and effective, and otherwise to improve its functioning. The resistance to reform was illustrated in 2012 by the P5's adamant rejection of a proposed but ultimately withdrawn General Assembly resolution, "Improving the working methods of the Security Council" (A/66/L.42/Rev.2), championed by the "Small Five," Costa Rica, Jordan, Liechtenstein, Singapore and Switzerland. In addition to recommending numerous quite modest steps such as increasing the transparency of Security Council subsidiary bodies, the proposed resolution recommended that members of the P5 give explanations for vetoes, and that they refrain from using a veto to block Council action aimed at preventing or ending genocide, war crimes, and crimes against humanity.

38. It is also the case that in a universal regime of zero, compliance and enforcement as necessary would command more consent and support and therefore would be more successful. Further, if no state had nuclear weapons, there would be far higher incentives to respond effectively to any breakout. Those are valid arguments, though not necessarily convincing to skeptics absent different institutional arrangements than now prevail. Further, transition to a zero regime will be more challenging if the spread of nuclear weapons slowly continues in the meantime. For that as well as presently compelling reasons, there is a need now to improve the responses to proliferation situations. One possibility would be for NPT states parties to create mechanisms for collective deliberation and action, as through empowered annual meetings as proposed by Canada. And in some way it is desirable to find ways to involve states of the Global South in inducing and compelling compliance to lend those efforts more political legitimacy. Options regarding institutional arrangements in a regime of zero are addressed in Part Two.

## D. Strategic Security

39. In a contribution to the 2009 book published by the Carnegie Endowment for International Peace, *Abolishing Nuclear Weapons: A Debate*, Harald Müller, Head of the Research Department at the Peace Research Institute Frankfurt, focuses on the character of international relations required to support a process of nuclear disarmament. Progress would depend on “a basic – and increasing – confidence among the nuclear-armed states that there was no malevolent intention of one against another within their group.” A model is the 19th Century Concert of Europe, in which great powers abided by principles including recognition of equality of participating powers, renunciation of military strategies of superiority, respect for vital interests, permanent consultation on issues of common and global concern, renunciation of unilateral use of force, intensified consultation in crises, and none seeks unilateral advantage in crises. Now, Müller holds, another principle needs to be added, respect for the integrity of smaller powers that abide by international law, to preclude incentives for them to acquire nuclear weapons.

40. Prospects for the institutionalization of such a modern concert of powers were bright in the years after the Cold War, but were dimmed by US policies and actions in the 2000s. Notably, US withdrawal from the Anti-Ballistic Missile Treaty and the US-UK led invasion of Iraq against the will of the international community were hard blows to the international system. In addition to unleashing missile defense programs that have impeded nuclear arms reductions, the treaty withdrawal raised the question of whether the United States is prepared to sustain long-term commitments. Nonetheless, it remains the case that the United States and other major powers are not embroiled in highly divisive ideological, ethnic, territorial or resource-related disputes, and proclaim their ability to work together as partners on a variety of issues, including in P5 consultations on implementation of NPT 2010 commitments. Accordingly, while commitment to and implementation of some of the principles Müller sets forth – e.g. renunciation of military superiority and obtaining unilateral advantage in crises – is lacking, there is a basis for progress on disarmament. It is profoundly unwise to assume that the current environment of relative stability and cooperation among major powers will last indefinitely.

41. The world is also truly shifting in a multi-polar direction, and not only among the P5. Thus a group known as BRIC, Brazil, Russia, India, and China, has become prominent. The Group of Seven/Eight has been enlarged to a Group of Twenty to enable more representation in global economic policy formation. Turkey has become more active in Middle Eastern affairs. Kazakhstan helped form the Central Asian Nuclear Weapon Free Zone and vigorously promotes nuclear disarmament in UN settings. And so on. On a collective level, the Non-Aligned Movement stated in the Tehran Declaration: “The growing importance of developing countries is yet to be sufficiently reflected in the governance structures of international key decision-making bodies. Key decisions concerning the issues of global governance can no longer be the preserve of a small group of countries.”

42. Ambassador Libran Cabactulan, the Philippines’ Permanent Representative to the UN in New York and President of the 2010 NPT Review Conference, enlarged upon the possible significance of these trends in remarks to a Framework Forum roundtable held May 1, 2012 in Vienna. He said: “The Big Powers shaped history. They dominated events and changed the world. Whole eras and historic periods are almost always exclusively named because of them. The Cold War was indelibly defined by the two Big Powers. There is still some debate on what appropriate appellation

should be given to the Post-Cold War era. Different concepts have been thrown about: clash of civilizations, multilateralism, asymmetrical, democratization, and human security, to name a few. Significantly, many of these notions of what to call the Post-Cold War era are not necessarily centered on the Big Powers. I believe that the Post-Cold War period need not be another period in history defined by the Big Powers. There is enough time and opportunity for others to make the difference, to define the world we are in today. It may be the moment for the Middle Powers to define this era, as the catalyst that brings about dramatic and historic change, by leading the way in building the framework for a nuclear weapons-free world.”

43. Regarding *strategic stability*, it is desirable for nuclear powers to understand each other’s deployments and for the element of surprise in movements and new deployments to be removed. Beyond that, as Pavel Podvig cogently argued in a December 2012 *Bulletin of the Atomic Scientists* article, the concept is “extremely malleable and politically charged. Depending on the politics of the moment, just about any configuration of strategic forces could be declared sufficiently stable or dangerously unbalanced, and any imaginable threat could be brought into the equation or conveniently ignored.... [E]ven the most difficult strategic stability problems are usually resolved by a simple decision that they are not problems anymore.”

44. If strategic stability as a condition for disarmament means the preservation of ‘nuclear deterrence’ as practiced since World War II unless and until the weapons are eliminated globally, it is completely unacceptable. Possession of nuclear weapons pending their elimination, while a form of at least implicit deterrence, does not require ongoing deployment of nuclear forces ready for use conjoined with the declared willingness to use them in certain circumstances. Nuclear weapons can be marginalized as instruments of national policy even when still possessed, by changes in doctrines, deployments, alert status, and numbers. More broadly, the aim should be cooperation and peace, in accordance with the UN Charter. Balance of power thinking, with or without nuclear weapons, is out of date and dangerous in a technologically advanced world.

45. There is some indication that the US State Department is thinking along these lines. In July 2011 terms of reference for a study by the International Security Advisory Board released in August 2012, then Under Secretary of State for Arms Control and International Security Ellen Tauscher wrote: “In a world characterized by mutually assured stability, increasingly interdependent states would have incentives to cooperate on political, military, and economic issues, reducing the need for adversarial approaches to managing security challenges. Such an international security environment would facilitate significant reductions in nuclear weapons and a corresponding relation of nuclear force postures – in effect moving beyond traditional concepts of deterrence. This transition would be gradual unfolding across a continuum from today’s deterrence-based stability to a world less reliant on nuclear weapons and characterized by increased trust and transparency among major powers.”

46. If moving away from nuclear weapons-based strategic stability and embarking upon disarmament is to succeed, strategic capabilities, nuclear and non-nuclear, must be managed effectively. Russia and China are greatly concerned about the erosion of effective military parity with the United States due to planned or possible US deployments of non-nuclear strategic systems. Such deployments theoretically could undercut the relationship of mutual vulnerability to nuclear attack. For example, in view of US programs Russian and Chinese analysts can now conjure up this scenario of the not too far distant future: a conventional and cyber preemptive attack on

their nuclear forces, backed up by missile defense against, and possible nuclear retaliation to, any nuclear response to the preemptive attack. Therefore, the process of achieving zero will be greatly facilitated by and stimulate constraints on some or all of these strategic systems: *missile defenses, long-range conventional strike systems, space-based systems, and cyber-war capabilities.*

47. An article by Nancy Gallagher based on her remarks at the 2010 MPI Atlanta Consultation III lays out some of the key considerations. Gallagher is Research Director at the Center for International and Security Studies at Maryland. In a July 2011 *Nonproliferation Review* article, she writes: “In theory, strategic stability might be harder to preserve at very low numbers for many reasons, including concerns about ensuring the survivability of a sufficient retaliatory force, fears that low-level cheating on arms control would be more militarily significant, and worries that a second-tier nuclear weapons state might be more tempted to challenge a first-tier state that no longer had overwhelming nuclear superiority. The typical response is that overwhelming US conventional military superiority will ensure strategic stability on the road to zero nuclear weapons.... From the perspective of Russian and Chinese strategic planners, however, using international cooperation to reduce nuclear weapons without corresponding constraints on other US strategic capabilities looks highly destabilizing.... Much as the United States might like to keep nuclear arms control completely separate from missile defense and space weapons, the issues are inextricably linked for Russia and China.”

48. Gallagher further observes: “So far, the Obama administration has responded to Russian concerns by reviving old proposals for increased missile defense transparency, early warning data exchanges, and unspecified possible future joint missile defense activities. The most it currently offers China is ‘strategic dialogue.’ These kinds of confidence-building measures pale in comparison to the administration’s open-ended plans to continue enhancing long-range missile defense capabilities in the United States while working harder to build and integrate increasingly capable regional missile defense systems in Europe, Asia, and the Middle East. If the Obama administration wanted to provide more meaningful strategic reassurance, it could start by ruling out the testing and use of space-based missile defense interceptors, the basing mode that is technologically the least mature and most expensive, but that (theoretically) would be uniquely capable of boost-phase intercepts against launches from internal locations of large countries.”

49. An understanding of the keen US interest in missile defenses, non-nuclear strike capabilities, and other strategic systems is essential. There is the officially declared mission of countering projected missile capabilities of states like Iran and the DPRK. There are factions in the United States that reject mutual vulnerability as a relationship with China and even Russia; their views found their way into various documents during the Clinton and George W. Bush administrations. There is intense political support in much of Congress, regardless of cost or technological feasibility. There is the sheer weight of the various interests which benefit from the vast spending. And, as Gallagher indicates, there are supporters of deep reductions leading to elimination who see non-nuclear strategic systems as a means of providing capabilities to carry out missions formerly assigned to nuclear forces and to enable a preemptive or responsive US strike when undergoing nuclear attack.

50. The latter camp includes the Global Zero US Nuclear Policy Commission chaired by James Cartwright, former commander of US strategic forces. Its 2012 report, “Modernizing US Nuclear Strategy, Force Structure and Posture,” calls for a transition away from the current “institutionalized threat-based relationship with Russia and China.” Among other things it specifies that a new US

posture with a smaller nuclear arsenal would include “a de-alerted operational posture requiring 24-72 hours to generate the capacity for offensive nuclear strikes” and “a stood-up alert missile defense and conventional force capability that is prompt and global, and that can function sufficiently well for 24-72 hours that a regional adversary would be deterred or defeated during an initial period of conflict prior to the generation of nuclear offensive forces.” According to the report, the limited missile defense deployments it calls for when combined with the de-alerting of US nuclear forces would not present a theoretical first strike capability against Russian and Chinese nuclear forces.

51. The hard truth is that development and deployment of missile defenses and other strategic systems are drastically undermining the ambitious bilateral and eventual multilateral nuclear arms control agenda pursued with sincerity and energy by the US State Department. It offers a convenient rationale to anti-disarmament elements within Russia for obstruction of further negotiations and for modernization of Russian forces, including anti-missile and anti-aircraft systems. That is so even though they are aware that at least the early stages of planned US missile defense deployments could have no conceivable consequences for the effectiveness of Russian strategic nuclear forces. When combined with ongoing Russian concerns about NATO expansion, which have not been assuaged, and US and NATO operations and activities in the Middle East and on Russia’s periphery, the effect on prospects for further bilateral nuclear arms reductions is highly pernicious. None of this is to excuse Russia. The lack of alacrity in the Russian response to the evident US desire to engage in further nuclear reductions is regrettable and blameworthy given all that is at stake.

52. From the US and NATO side, the question must be asked, are the supposed benefits of deploying missile defenses, developing non-nuclear strike systems, and preserving options for space-based systems worth the cost to prospects for nuclear disarmament? The operational effectiveness of missile defenses remains in very serious doubt, and according to knowledgeable observers that will be the case for the foreseeable future. “Regional adversaries” such as Iran and the DPRK in any case are decisively overmatched militarily. Build-up of US/NATO military capabilities declared to be aimed at them undermines prospects for what are really needed, basic political settlements. And any notion that the United States can lead the world to zero nuclear weapons while at the same time retaining overwhelming military superiority including global prompt strike capabilities is a fantasy that must be rejected not only in words but by actions.

53. Regarding *conventional arms control*, history is instructive. The burst of nuclear arms control in the waning years of the Cold War was accompanied by negotiation of the Chemical Weapons Convention and the Treaty on Conventional Forces in Europe (CFE). The latter responded to the problem that imbalances in major conventional forces (e.g., tanks, artillery, aircraft) can lead to reliance on nuclear deployments. Such imbalances are now a stated Russian reason for reluctance to enter into negotiations on non-strategic nuclear weapons. The CFE Treaty is now in a state of decay, and needs to be restored or replaced in conjunction with progress on bilateral and multilateral nuclear disarmament. It also provides a model for negotiations in other regions, which can yield not only treaties but also important confidence-building measures such as information exchanges and joint military exercises.

54. A related and important regional matter concerns US *alliance arrangements*. As Nancy Gallagher remarks, the strategy of reassuring US allies as nuclear reductions proceed by bolstering

conventional military capabilities compounds “Russian and Chinese unease about their own security in a world where nuclear weapons have less salience by reaffirming the continued centrality of exclusive alliances whose purpose, cohesion, capabilities, and budgets all benefit from worst-case depictions of external threats. This is not what either country expected would happen after the Cold War ended ....” Equal or more attention and resources should be devoted to development of regional institutions capable of dispute resolution and preventive diplomacy, for example by reinvigoration of the Organization for Security and Co-operation in Europe (OSCE) and creation of a Northeast Asia Nuclear Weapon Free Zone. It must be also recognized that US allies have been resolutely supportive of US-Russian reductions and of implementation of NPT commitments. The contention that reducing the numbers and roles of US nuclear weapons will lead to US allies eventually deciding to acquire their own arsenals is speculative rather than evidence-based, and serves mostly as a benign-sounding argument in favor of the status quo.

## **E. Cooperative and Common Security**

55. The concepts of *common security* and *cooperative security* were elaborated in the later stages of the Cold War and in its aftermath. They build upon the key insight, arising out of the dilemmas of ‘nuclear deterrence,’ that a state’s security, no matter what means of defense it has at its disposal, can depend crucially upon the security of an adversary. Threats and instabilities are to be prevented by cooperation, reassurance, conflict resolution, arms control, and collective security mechanisms like the United Nations, rather than managed by deterrence and defense after they emerge. Rules and security arrangements are to be equitable, inclusive, and mutually beneficial. The concepts were global in scope, focused in particular on the relationship between the United States and its allies and the Soviet Union/Russia and its allies. More recently, the term “cooperative security” also has been applied in the European context to refer to an approach aimed at eliminating the risk of war within the region, managing other violence-related problems, e.g. terrorism, conflict on the periphery, and preventing the re-emergence of an overtly hostile relationship with Russia. There is certainly room for dispute as to how to define the concepts and as to exactly what measures, arrangements, and rules they encompass. Without attempting to resolve such disputes, the basic point for purposes of this Briefing Paper is that reinforcing and developing cooperative and common security increases the feasibility of achievement of a nuclear weapons-free world.

56. Thus as the discussion of strategic security has already indicated, it is desirable both regionally and globally to reinforce or build means of providing security alternative to that putatively or actually provided by reliance on nuclear weapons. One such means, long supported by MPI, is the creation of new nuclear weapons-free zones, especially in Northeast Asia, the Middle East, and the Arctic. That would contribute to peace and security in those regions as well as to the process of global nuclear disarmament.

57. A related point is that regional preventive diplomacy is important, for the sake of peace and security generally and to facilitate regional and global disarmament. As Xanthe Hall of the German chapter of the International Physicians for the Prevention of Nuclear War (IPPNW) explained at the Framework Forum roundtable in Vienna, a good example is the Conference on Security and Cooperation in Europe, the CSCE, that was the basis for today’s OSCE. The CSCE negotiated agreements to reduce tension and build confidence during the Cold War at the same time as talks on nuclear weapons took place – first SALT and then START. The CSCE negotiated the Helsinki

Final Act, the Paris Charter, Vienna CBMs and, most importantly, the Treaty on Conventional Forces in Europe. As Hall added, civil society can and does contribute. One example is that a group of NGOs led by IPPNW have begun a process called the Conference on Security and Cooperation in the Middle East. The goal is to encourage governments, through bottom-up pressure from civil society, to adopt a similar diplomatic process.

58. In general, global nuclear disarmament is supported by an approach based not on a balance of power calculus but rather on recognition of the necessity of common security arising out of the very existence of nuclear weapons, embrace of the non-aggression norm, compliance with international humanitarian law (IHL) and disarmament obligations, reliance on methods of conflict prevention and dispute resolution, and strengthening of the international rule of law and its foundational institutions, including the United Nations, International Court of Justice, and International Criminal Court.

59. The October 2012 remarks of High Representative Kane are very much to the point. She noted that the UN objective of general and complete disarmament under effective international control (GCD) was first set in the 1950s and endorsed by the 1978 UN First Special Session of the General Assembly on Disarmament, and explained that it “encompasses both the elimination of nuclear weapons and other weapons of mass destruction and the regulation and reduction of conventional arms.” She then observed: “It is a brilliant scheme because the GCD concept anticipates that security challenges must still be met even in a world without nuclear weapons. It went beyond the need to address conventional arms, by including the need to strengthen compliance with other parts of the UN Charter, especially those relating to the duty to resolve disputes peacefully and the obligation to refrain from the threat or use of force. This is the larger framework, the framework of the UN Charter (and its related agreements) that offers the best architecture for pursuing a world free of nuclear weapons.”

60. A moral and legal imperative powerfully supporting nuclear disarmament is that of safeguarding the well-being and rights of “the peoples of the United Nations” invoked by the Charter’s preamble. There is now a deepening awareness, at both popular and governmental levels, of the inherent incompatibility of reliance on nuclear weapons with IHL, the Rome Statute of the International Criminal Court, and human rights law. The growing awareness of the incompatibility of nuclear weapons with law has been coupled with renewed understanding of the totally unacceptable, and essentially irremediable, humanitarian, environmental, climactic, and economic consequences of nuclear explosions. As President Barack Obama said in Prague in April 2009, just one detonation of a nuclear bomb in a major city “could kill hundreds of thousands of people. And no matter where it happens, there is no end to what the consequences might be -- for our global safety, our security, our society, our economy, to our ultimate survival.” Starting in 2010, the International Committee of the Red Cross and the Red Cross and Red Crescent Movement have played an important role in underlining the devastating humanitarian consequences of nuclear explosions as well as their incompatibility with law.

61. The humanitarian critique has now penetrated the NPT review process. The 2010 Conference for the first time acknowledged the humanitarian catastrophe of use of nuclear weapons and the obligation of all states at all times to comply with international law, including IHL. At the 2012 session of the First Committee, 35 states - Algeria, Argentina, Austria, Bangladesh, Belarus, Brazil, Chile, Colombia, Costa Rica, Denmark, Ecuador, Egypt, Iceland, Indonesia, Ireland, Kazakhstan,



Liechtenstein, Malaysia, Malta, Marshall Islands, Mexico, New Zealand, Nigeria, Norway, Peru, the Philippines, Samoa, Sierra Leone, South Africa, Swaziland, Thailand, Uruguay, Zambia, and Switzerland, plus the Holy See - took up these themes in a “Joint Statement on the humanitarian dimension of nuclear disarmament.” On March 4-5, Norway will hold a conference in Oslo aimed at increasing understanding of the consequences of a nuclear detonation and the ability to respond to it, covering themes such as preparedness, humanitarian efforts and response capacity, civilian loss of life and damage, health issues, climate effects, and refugee flows. It will be preceded by a civil society forum organized by the International Campaign to Abolish Nuclear Weapons.

62. International humanitarian law is a central element of the humanitarian condemnation of nuclear weapons, as is set forth in the 2011 Vancouver Declaration initiated by MPI co-sponsor International Association of Lawyers Against Nuclear Arms and The Simons Foundation. IHL is rooted in what the International Court of Justice (ICJ) called “elementary considerations of humanity,” and its evolving rules apply to all states. It therefore is a solid foundation for the norm of non-use of nuclear weapons, a norm explicitly recognized by President Obama and Prime Minister Manmohan Singh in November 2010. IHL also lends force to the disarmament obligation, a dynamic that underlies the ICJ’s unanimous conclusion that 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.” And IHL contributes to building a legal framework of a nuclear weapons-free world that is universal in its approach. With rules of non-use and non-possession applying to all, that world will be far more conducive than our present world of nuclear haves and have-nots to development of a just and legitimate system of international law and institutions, which in turn will reinforce the durability of abolition of nuclear weapons as well as enable better responses to other pressing global problems. And an end to reliance on ongoing deployment of nuclear forces pursuant to standing doctrines of their possible use as an international security mechanism for prevention of major war would for the first time put in place the world envisaged by the UN Charter, a world in which threat or use of force is the exception, not the rule.

## **II. BUILDING THE FRAMEWORK FOR A NUCLEAR WEAPONS-FREE WORLD**

### **A) Process and Strategy**

63. So far as existing multilateral processes are concerned, discussions at the 2012 NPT PrepCom largely stayed within the parameters of the 2010 NPT outcome document. A number of states submitted working papers that advance understanding of important disarmament/non-proliferation topics, for example the New Agenda paper on multilateral nuclear disarmament verification, the NPDI paper on transparency, and Sweden’s paper on multilateral approaches to the nuclear fuel cycle. The conference on a zone free of WMD in the Middle East to be held pursuant to the 2010 NPT outcome has been at least delayed. The Conference on Disarmament (CD) remains stalemated. On the sidelines of the CD, Germany and the Netherlands organized meetings of scientific experts in May and August on technical issues related to an FMCT. The Disarmament Commission has not produced any substantive outcome for years. The Security Council meeting following up on Resolution 1887, held April 19, 2012 under US presidency of the Council, yielded a presidential statement that mostly concerns nuclear security and non-proliferation measures.

64. In other initiatives, the NPTI proposal regarding reporting, the P5 consultations, and the 2013 Norway-sponsored conference on humanitarian consequences of nuclear explosions have already been mentioned. Also worth noting is that Kazakhstan has organized periodic diplomatic discussions of nuclear disarmament and non-proliferation in New York, annual events in New York and elsewhere marking the UN International Day Against Nuclear Tests, and international conferences. The most recent conference, entitled “From a Nuclear Test Ban to a Nuclear Weapon Free World,” was held August 28-29 in Astana. It was accompanied by an assembly of parliamentarians from 70 countries organized by Parliamentarians for Nuclear Nonproliferation and Disarmament, the parliament of Kazakhstan and the Nazarbayev Centre. Kazakhstan proposes the adoption of a universal declaration on the achievement of a nuclear-weapon-free world.

65. Beyond existing processes and initiatives, MPI’s view is that the time has come to create a process expressly devoted to establishment of a nuclear weapons-free world, a process that could at least undertake preparatory work. The Framework Forum is intended as a contribution to such a process. If states possessing nuclear arsenals agreed, the matter would be relatively straightforward. For example, negotiations on complete nuclear disarmament could be commenced in the CD, or, building on the Nuclear Security Summit, a Nuclear Disarmament Summit could be launched. The Security Council could play a role as well. Absent the support of possessor states, middle power countries have several options, not necessarily mutually exclusive.

66. Within the NPT *review process*, states working for nuclear disarmament can directly leverage both the legal disarmament obligation and a core objective of the NPT nuclear weapon states, and other states as well, of maintaining the norm of non-proliferation rooted in the NPT. Action 5 of the 2010 Action Plan on Nuclear Disarmament calls upon the nuclear weapon states to promptly engage, *inter alia*, on “rapidly moving towards an overall reduction in the global stockpile of all types of nuclear weapons,” further diminishing the role of nuclear weapons in security policies, and further enhancing transparency. Action 5 also calls upon the nuclear weapon states to report on the undertakings to the 2014 PrepCom, and states that the 2015 Review Conference “will take stock and consider the next steps for the full implementation of article VI.” It thus sets the stage for the 2015 Review Conference to build upon the action plan, and the launching of a process leading to negotiations on complete nuclear disarmament could be an objective. That indeed was effectively sought by the first draft of the action plan on nuclear disarmament put forward by the Chairman of Subsidiary Body I, Alexander Marschik of Austria, at the 2010 Review Conference. It provided for convening of an international conference in 2014 to “consider ways and means to agree on a road map for the complete elimination of nuclear weapons within a specified timeframe, including by means of a universal, legal instrument.”

67. Currently, the *General Assembly* is seized with the responsibility of revitalizing multilateral disarmament machinery, a responsibility underlined by the ongoing failure of the CD to adopt a program of work. And it is always within the power of the General Assembly to establish a process leading to multilateral negotiations on nuclear disarmament, as it has done with respect to other matters including the UN Convention on the Law of the Sea and more recently the Arms Trade Treaty. In deciding whether to exercise that power, states consider among other things whether nuclear weapons possessors are likely to participate, and also the likely effects on the Conference on Disarmament, which historically has been charged with negotiations relating to nuclear disarmament as well as other major disarmament measures. The Non-Aligned Movement

position is that any restructuring of disarmament machinery “should strengthen the role and work of the CD, as mandated by SSOD-I,” the first General Assembly Special Session on Disarmament, held in 1978. Further, some NAM and other states of the South hold that any restructuring should be done through another special session. However, unlike regular sessions, past special sessions have been subject to a practice of consensus-based decision-making. An advantage of resort to the General Assembly, whether in a regular or special session, is that universal disarmament is more straightforwardly pursued because its members include the non-NPT and non-CD states.

68. In 2012, the General Assembly took at least an initial step towards exercising its power by adopting a resolution (A/RES/67/56), sponsored by Austria, Mexico, and Norway, establishing “an open-ended working group to develop proposals to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons.” The vote count was 147 to 4 with 31 abstentions. The four negative votes came from the United States, United Kingdom, France, and Russia. The first three governments also declared themselves “unable to accept” the Open-Ended Working Group or “any outcome it may produce.” The resolution’s preamble reaffirms the role of the CD as set out by the First Special Session on Disarmament, a point underlined by numerous governments in their statements. In practical terms, the OEWG is meeting in 2013 for up to 15 days in Geneva on days when the CD is not meeting. Nonetheless, the OEWG can make decisions by vote, and it is not precluded that it would initiate, probably subject to further General Assembly decision, a process of negotiation or deliberation freed from the CD’s rigid rule of unanimity.

69. In another step aimed at promoting negotiations, the General Assembly adopted a resolution (A/RES/67/53), sponsored by Canada, creating an experts’ group to make recommendations on possible aspects of an FMCT. The Assembly also decided, by a resolution (A/RES/67/39) sponsored by Indonesia, to convene a high-level meeting as a plenary session of the Assembly, on 26 September 2013, to contribute to achieving the goal of nuclear disarmament. That meeting will present an opportunity for raising the profile of the disarmament enterprise and possibly for launching a new process, an opportunity that should be seized by middle powers as well as parliamentarians, mayors, and civil society groups.

70. Middle power countries can also engage in *independent courses* of action without the immediate support or participation of nuclear possessor states. The regional nuclear-weapon-free zones can deepen coordination among the zones and undertake joint political action. Middle powers can undertake studies and deliberations on the architecture of a nuclear weapons-free world, for example by producing draft components of a convention or framework agreement. Middle powers can encourage national adoption of measures of non-cooperation with nuclear weapons, such as a policy of divestment in producers of warheads and associated delivery systems; a ban on nationals’ participation in manufacture of warheads and delivery systems; and an obligation to prosecute persons connected to the use of nuclear weapons. They could also support Mexico’s proposal to amend the Rome Statute to make use of nuclear weapons an express war crime (a typical use already would be criminal under the Statute’s general provisions on war crimes and crimes against humanity). More ambitiously, middle powers could initiate negotiations outside the UN and NPT contexts on a treaty categorically banning use and possession of nuclear weapons.

71. The underlying problem, especially but not only with respect to nuclear possessor states, is one of political will. It bears emphasis that, however challenging it may be to create a process

expressly devoted to establishment of a nuclear weapons-free world, such a process is far, far more capable than the step-by-step approach of attracting and engaging global public opinion – a crucial dimension to successful disarmament. The International Campaign to Abolish Nuclear Weapons, Abolition 2000 Global Network to Eliminate Nuclear Weapons, Mayors for Peace, Global Zero and others are working assiduously to arouse the public, but it is hard going absent any concrete process in motion. To help generate political will, middle power governments should also consider an initiative by heads of state/government that would engage on disarmament with their counterparts in states holding nuclear weapons. And North American and European governmental and civil society actors alike should find more ways to interact on disarmament with governments and civil society in Russia, Pakistan, India, China, and Israel.

## **B) Choices Regarding the Architecture of a Nuclear Weapons-Free World**

### **1) Legal Instruments**

72. Choices will need to be made regarding the legal framework for governance of a nuclear weapons-free world. At least three possible approaches deserve assessment: 1) a Nuclear Weapons Convention; 2) a framework agreement on nuclear disarmament; and 3) a framework of instruments. The approaches are more in the nature of aids to thinking than mutually exclusive alternatives; in particular, they help focus attention on issues of timing, sequencing, and participation.

73. A *Nuclear Weapons Convention* is often thought of as a single legal instrument addressing all aspects of elimination of nuclear weapons, like the Chemical Weapons Convention. However, given the already well-developed state of nuclear arms control and non-proliferation, in fact a Nuclear Weapons Convention almost surely would incorporate or link to instruments including the NPT, the CTBT, possibly a fissile materials treaty, safeguards agreements and the Additional Protocol, Security Council resolution 1540, treaties on nuclear terrorism and nuclear safety, and more. Until the convention came into force, the NPT would remain the basic non-proliferation and disarmament agreement. A Model Nuclear Weapons Convention is set forth and discussed in the 2007 book *Securing our Survival* released by three MPI co-sponsors, the International Association of Lawyers Against Nuclear Arms, the International Network of Engineers and Scientists Against Proliferation, and IPPNW.

74. A *framework agreement on nuclear disarmament* could set forth an obligation of non-use of nuclear weapons and a schedule for their elimination, and provide for further negotiations on matters that could not be settled at the outset, for example verification, enforcement, and control and disposition of fissile materials. A framework agreement could have the great benefit of early treaty codification of the obligation of non-use. However, states might be reluctant to enter into an agreement if crucial issues were left to further negotiations. The concept of a framework agreement is well established in international practice, for example the UN Framework Convention on Climate Change.

75. A *framework of instruments* is referred to in the 2010 NPT Final Document, which notes “the five-point proposal for nuclear disarmament of the Secretary-General of the United Nations, which proposes, inter alia, consideration of negotiations on a nuclear weapons convention or agreement on a framework of separate mutually reinforcing instruments, backed by a strong system of

verification.” Such a framework would tie together agreements and institutions that now exist as well as ones yet to be created, probably including an overarching instrument on governance. The tendency of this approach is to push finalization of the institutional and legal arrangements for elimination of nuclear weapons well into the future; it has a strong affinity with the step-by-step approach. It does not necessarily imply reliance on a global multilateral agreement on prohibition and elimination of nuclear weapons, leaving open, for example, employment of a Security Council resolution, or a protocol to the NPT with states possessing nuclear weapons as parties. Such approaches would not fully meet the criterion of universality.

## **2) Institutions**

76. Another set of choices concerns the institutions needed for governance of a nuclear weapons-free world. There are a range of tasks that will need to be undertaken by the institutions, among them monitoring and verification; conflict prevention, dispute resolution, and crisis management; compliance inducement and enforcement; disarmament education to ensure public and political commitment over time; and assistance to states with implementation.

77. Regarding verification, a number of tasks are already being undertaken through bilateral arrangements such as New START and multilateral bodies including the IAEA and the CTBTO. However, there is now no bilateral or multilateral verification of warhead dismantlement, and no multilateral verification regarding delivery system deployment and dismantlement. Organizational questions include whether a nuclear disarmament verification body needs to be created and, if so, the nature of its relationship to existing agencies and arrangements; whether verification tasks should instead be assigned to existing agencies with provision for coordination, governance, and data sharing; and the relationship of multilateral verification to what are now nationally owned technical means such as satellites. A question key to whether a verification regime will be deemed acceptable is how verification bodies and arrangements are embedded within the larger scheme of governance, including the mechanisms for assessment of suspected violations and for compliance inducement and enforcement.

78. Regarding dispute resolution and compliance inducement and enforcement, the Chemical Weapons Convention and the Model Nuclear Weapons Convention illustrate that a nuclear disarmament agency and its governing bodies could employ a number of techniques. They include consultation, mediation, referral to the International Court of Justice, withdrawal of privileges and assistance, imposition of economic sanctions, and referral to the General Assembly as well as the Security Council. In view of experience to date with situations of non-compliance with non-proliferation obligations, more robust means of conflict prevention and peaceful crisis management need to be developed.

79. As to the possible use of force to compel compliance, the Security Council is usually put forward as the appropriate body for considering and authorizing such action. However, its current dominance by the Permanent Five may very well be unacceptable to India and Pakistan if they are to agree to eliminate their weapons. Other states may also object to making the Security Council as now configured the ultimate enforcement body for a nuclear weapons-free world. If so, reform of the Security Council to make it more representative may be necessary. The veto also is problematic. States may not accept a regime in which the veto could be exercised on behalf of a permanent member or its allies with respect to enforcement of nuclear disarmament obligations.

One option would be to restrict exercise of the veto with respect to such obligations, for example by establishing a veto-free committee of the whole of the Security Council with jurisdiction over issues relating to nuclear, biological, and chemical weapons. In view of the difficulty of reforming Security Council composition and procedures, in a 2010 book published by the Henry L. Stimson Center, *Elements of a Nuclear Disarmament Treaty*, editors Barry Blechman and Alexander Bollfrass propose instead that any decision to use force would be made by an assembly of states parties or governing council.

## CONCLUSION

**80. A favorable global environment now exists for undertaking comprehensive work leading to a global regime of zero nuclear weapons: relatively cooperative, and increasingly inclusive, relations among key states, and rising global consciousness of the complete unacceptability of nuclear weapons. The proliferation of conditions by the Permanent Five is at bottom a defense of an unconscionable status quo. The General Assembly specified the right approach in the First Special Session on Disarmament, which held: “In order to create favourable conditions for success in the disarmament process, all States should strictly abide by the provisions of the Charter of the United Nations, refrain from actions which might adversely affect efforts in the field of disarmament, and display a constructive approach to negotiations and the political will to reach agreements.”**

**81. One particularly artificial set of conditions is based on the identification of measures that must be accomplished prior to tackling others. The step-by-step approach pushes realization of a nuclear weapons-free world off into an unseen future. But when the entire path is not seen, standing still in a known present may seem better than taking the next step. The step-by-step approach is subject to starts and stops. Progress on the disarmament enterprise is delayed when one measure is blocked. The risk is raised that developments like new countries’ acquisition of nuclear weapons or rising tensions among major powers could take disarmament off the agenda.**

**82. A comprehensive approach is no panacea; it too could move slowly at times. But it would place measures like reductions or negotiation of a fissile materials treaty or CTBT entry into force within a larger perspective and process, stimulating movement. It would reinforce the non-proliferation norm. It would enable a focus on issues that must be resolved if the disarmament enterprise is to keep moving. Not least among such issues is the control of missile defenses and other strategic systems. It would require that answers be developed for key questions regarding the establishment of a nuclear weapons-free world, notably what governance and security arrangements would be required for states to relinquish their arsenals.**

**83. The Middle Powers Initiative therefore urges middle powers to do all that is within their power to support and stimulate a comprehensive approach, ideally through creation of a process explicitly devoted to establishment of a nuclear weapons-free world. Through the Framework Forum and otherwise, MPI stands ready to assist in that endeavor.**





## MIDDLE POWERS INITIATIVE

Through the Middle Powers Initiative, eight international non-governmental organizations (the Albert Schweitzer Foundation, the Global Security Institute, the International Association of Lawyers against Nuclear Arms, the International Network of Engineers and Scientists for Global Responsibility, the International Peace Bureau, the International Physicians for the Prevention of Nuclear War, the Nuclear Age Peace Foundation, and the Women's International League for Peace and Freedom), work with middle power governments to advance nuclear disarmament and non-proliferation through immediate practical steps that reduce nuclear dangers and the commencement of negotiations to eliminate nuclear weapons. MPI is guided by an International Steering Committee, chaired by Dr. Tadatoshi Akiba, the former Mayor of Hiroshima, Japan.

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

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

The work of MPI includes:

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

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