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Middle Powers Initiative Briefing Paper

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Forging a New Consensus for the NPT

Briefing Paper for the Fourth Meeting of the Article VI Forum

Vienna, Austria
March 29-30, 2007

March 2007

THE MIDDLE POWERS INITIATIVE
A Program of the Global Security Institute
www.gsinstitute.org

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

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ACKNOWLEDGEMENT

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Executive Summary

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

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

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

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

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

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

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

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

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

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

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

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

A. The Emergence of a New Consensus

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

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

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

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

B. Towards Security Without Nuclear Weapons

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

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

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

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

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

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

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

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

C. Comprehensive Nuclear-Test-Ban Treaty

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

D. Fissile Materials Cut-off Treaty

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

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

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

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

E. Fuel Cycle and Proliferation Challenges to the NPT Regime

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

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

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

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

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

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

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

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

F. Steps Towards Implementation of the 1995 Middle East Resolution

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

H. Strategy and Procedure in the NPT Preparatory Committee

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

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

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

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

I. The Need for Middle Power Leadership

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

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



MIDDLE POWERS INITIATIVE

A program of the Global Security Institute

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

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

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

The work of MPI includes:

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



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