

ATLANTA CONSULTATION II

ON THE FUTURE OF THE NPT

**NUCLEAR DISARMAMENT & NON-PROLIFERATION:
A BALANCED APPROACH**

January 26-28, 2005
The Carter Center

Sponsored by the
Middle Powers Initiative

BACKGROUND

The Middle Powers Initiative, a program of the Global Security Institute, organized an Extraordinary Strategy Consultation on the Nuclear Non-proliferation Treaty (NPT) 2005 Review Conference in cooperation with former U.S. President Jimmy Carter at The Carter Center in Atlanta, Georgia, January 26-28, 2005.

Entitled *Atlanta Consultation II: On the Future of the NPT*, the gathering involved high-level representatives of key governments and was modeled after the successful *Atlanta Consultation I* that MPI held at The Carter Center in 2000.

A report from *Atlanta Consultation I* is available at <http://www.middlepowers.org/atlantareport.pdf>

The NPT is essential to global security. Every country in the world, other than Pakistan, India and Israel (and now North Korea), are members. It establishes a legal and moral norm to stop the proliferation of nuclear weapons. For example, Iraq's nuclear program was properly terminated in the early 1990s based on this legal norm. The NPT is based on a core bargain under which all the non-nuclear-armed countries have agreed they would not acquire nuclear weapons. In exchange, the five nuclear-armed countries (the United States, Russia, the United Kingdom, France, and China) have agreed to take good-faith disarmament steps, with the eventual goal of the complete, worldwide elimination of nuclear weapons. The Treaty has been remarkably successful on the first part of the bargain, but not so successful on the second.

The Treaty was indefinitely extended in 1995 based on a reaffirmation of the core bargain. Every five years, the NPT undergoes a formal review at the United Nations, during which important decisions are made about the Treaty's future. The next Review Conference will take place May 2-27, 2005. In the months prior to each Review Conference, countries form negotiating positions. Many countries currently assert that the nuclear weapon states are failing to make adequate progress toward the elimination of nuclear weapons.

The polarized debate over the core bargain of the NPT must not tear the Treaty apart. MPI is working to build up a powerful middle ground to carry the Treaty forward. The 2005 Review Conference will not receive very much public attention. Nevertheless, the consequences of failure at that historic moment could be subsequent erosion of the non-proliferation regime and the spread of nuclear weapons to many more states. In today's world, with terrorists and other dangerous non-state actors and unstable governments, we cannot allow this to happen.

Toward this end, MPI's *Atlanta Consultation II: On the Future of the NPT* helped identify workable proposals for governments to consider as they prepare for the 2005 Review.

MPI hopes that its work—including the wide distribution of this Final Report—will contribute to the worldwide diplomatic effort to preserve and strengthen one of the world's most important treaties.

Zachary Allen
Program Director, Middle Powers Initiative
February 15, 2005

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RECOMMENDATIONS

The Middle Powers Initiative recommends the following policy options to states party to the Nuclear Non-proliferation Treaty (NPT) for their consideration:

1. A successful outcome of the Review Conference depends on its ability to address equally every aspect of the Treaty. The strengthening of the commitments contained in the NPT regarding nuclear non-proliferation and nuclear disarmament should be done in a balanced way.
2. The Review Conference must refer to the substance of the consensus decisions from the 1995 and 2000 Conferences, including the 13 Practical Steps adopted in 2000 and the Resolution on the Middle East adopted in 1995.
3. The United States and Russia should build upon their progress in the Moscow Treaty by applying the principles of transparency, irreversibility, and verification to reductions under the Treaty, and by negotiating further deep, verified, and irreversible cuts in their total arsenals, encompassing both warheads and delivery systems.
4. Russia and the United States should engage in a wider process of control of their non-strategic weapons, through formalization and verification of the 1991-1992 initiatives, transparency steps, security measures, U.S. withdrawal of its bombs deployed on the territories of NATO countries, and commencement of negotiations regarding further reduction/elimination of non-strategic weapons.
5. Nuclear weapon states should implement their commitment to decreasing the operational readiness of nuclear weapons systems (“de-alerting”) by planning and executing a program to stand down their nuclear forces, culminating in a global stand-down by the 2010 Review Conference.
6. Nuclear weapon states should further implement their commitment to diminishing the role of nuclear weapons in their security policies by not researching or developing modified or new nuclear weapons and by beginning negotiations on a legally-binding instrument on the non-use of nuclear weapons against non-nuclear weapon states party to the NPT.

7. States should begin and rapidly conclude negotiations on a treaty banning the production of fissile materials for nuclear weapons in accordance with the 1995 statement of the Special Coordinator and the mandate contained therein, with the understanding that negotiations can and should address a range of issues, including dealing with existing military materials. As soon as possible a technical advisory panel should be created to assist with issues regarding verification of the treaty. In addition, states should work to develop a global inventory of weapons-useable fissile materials and warheads, and the nuclear weapon states should accelerate placing their “excess” military fissile materials under international verification. States should seriously consider proposals to ban production of all weapons-usable fissile materials, and to establish multilateral controls on uranium enrichment and plutonium reprocessing technology and a moratorium on supply and acquisition in the meantime.

8. Adherence to the Additional Protocol on Safeguards should become a universal standard for compliance with non-proliferation obligations and treatment as a member in good standing of the NPT with access to nuclear fuel.

9. Prior to or at the Review Conference, a firm agreement should be reached on a program of work in the Conference on Disarmament that includes a subsidiary body to deal with nuclear disarmament. Achieving such an agreement in advance would greatly enhance the prospects for a cooperative outcome to the conference. Should it not prove possible to overcome the deadlock on a program of work, alternative venues should be pursued.

10. The Comprehensive Test Ban Treaty should be brought into force at an early date. In the meantime, states should continue to observe the moratorium on nuclear testing, fund the Preparatory Commission for the Comprehensive Test Ban Treaty Organization, and support completion of the International Monitoring System.

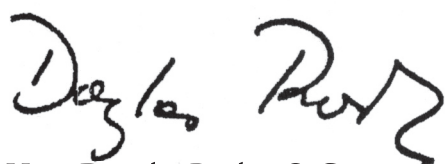
11. States should use the opportunity provided by the NPT review process to build upon the 13 Practical Steps to undertake deeper consideration of the legal, political and technical requirements for the elimination of nuclear weapons, in order to identify steps that could be taken unilaterally, bilaterally, and multilaterally that would lead to complete nuclear disarmament. The United Kingdom’s initiative on verification, the New Agenda Coalition’s proposals on security assurances and the strengthening and expanding of Nuclear Weapon Free Zones are positive examples in this regard. Such consideration should include the investigation of means to enhance security without relying on nuclear weapons.

INTRODUCTION: BALANCE, BARGAIN, BRIDGE

Balance. If there is one word that sums up the challenge of the Seventh Review of the Non-Proliferation Treaty, May 2-27, 2005 in New York, it is balance. The states party to the NPT must find a balance in the implementation of the disarmament and non-proliferation obligations of the NPT. This was a dominant finding of a Strategy Consultation conducted by the Middle Powers Initiative January 26-28, 2005 at The Carter Center, Atlanta.

Bargain. Balance is necessary because a bargain was struck when the NPT came into force in 1970. The nuclear weapon states agreed to negotiate in good faith the elimination of their nuclear weapons in return for the non-nuclear states not acquiring nuclear weapons and receiving access to nuclear energy. The consensus recognition of that bargain enabled the indefinite extension of the NPT in 1995.

Bridge. By emphasizing a balanced approach to implementing the NPT bargain, the MPI Strategy Consultation laid the groundwork for a bridge to be built between the nuclear weapon states and the non-nuclear states. If that bridge is to be buttressed, the center positions in the nuclear weapons debate must be strengthened. The center is occupied by the New Agenda Coalition countries along with a number of NATO states and like-minded countries. By agreeing on a pragmatic agenda for the implementation of key priorities—in both the disarmament and non-proliferation sides of the Treaty—the states could close the underlying gaps in the NPT debate. The MPI Strategy Consultation tried to engender strategies to help balance, bargain and bridge. Many of these ideas and recommendations are respectfully proffered in this report.



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

FOREWORD

“A peace based on terror is unworthy of civilization.”

—Senator Alan Cranston (1914-2000)
Founder, Global Security Institute

Former U.S. President Jimmy Carter and the staff at The Carter Center demonstrate excellence in service to humanity. We are grateful for the grace and generosity with which they hosted *Atlanta Consultation II: On the Future of the NPT*, and for their long-term commitment to addressing the threat of nuclear weapons. Nuclear weapons pose a greater threat to our collective security than any problem such weapons seek to solve.

President Carter effectively articulated the illogic of possessing and relying on the threat of nuclear weapons while simultaneously condemning others who seek them.

Security imbalances created by a handful of states intransigently clinging to their privilege to possess nuclear weapons can be understood by the concept of the “tragedy of the commons.” In the classic example, a shepherd seeks to maximize her short-term self-interest by overgrazing the commons, thereby stimulating others to do the same. An individual actor maximizing his self-interest without proper regard for the whole ultimately injures himself as well as the whole. This insight is often used to address environmental degradation and the depletion of common natural resources, but it applies with equal clarity to explaining the crisis in global security.

When one nation or a small group of nations tries to maximize their self-interest by relying on nuclear weapons in the name of “national security,” and undermines the strength of legal instruments calling for collective security, the common security of the planet is threatened.

The Nuclear Non-proliferation Treaty (NPT) is premised on universalizing the norm that nuclear weapons themselves pose a threat to us all. That is why the Treaty seeks both to stop their spread and advance their elimination. We gathered in Atlanta because accomplishing the NPT’s goals is essential for the security of all.

Although those of us who gathered in Atlanta were diplomats and experts, working to eliminate nuclear weapons is an effort that all with good conscience should join. As President Carter said, “there is no more important subject.”


Jonathan Granoff
President, Global Security Institute

EXECUTIVE SUMMARY

The Middle Powers Initiative organized an Extraordinary Strategy Consultation on the Non-Proliferation Treaty (NPT) 2005 Review Conference in cooperation with former U.S. President Jimmy Carter at The Carter Center in Atlanta, January 26-28, 2005. *Atlanta Consultation II: On the Future of the NPT* involved 75 participants and observers, including high-level representatives of key governments and non-governmental expert practitioners. The Consultation was modeled after the successful *Atlanta Consultation I*, which MPI held at The Carter Center in 2000.

The important dialogue during *Atlanta Consultation II* formed the basis for MPI's recommended policy options (see Recommendations) presented herein to the states party to the NPT for their consideration.

Atlanta Consultation II was based on the initiatives of the New Agenda Coalition (NAC) and MPI's briefing paper, *Building a Nuclear Weapons-Free Future* (See Appendix B). Well-established but unfulfilled pragmatic and effective steps toward nuclear disarmament were emphasized at the Consultation. They include reducing the operational status of nuclear weapons; negotiating a fissile materials treaty; applying the principles of transparency and irreversibility to U.S.-Russian arms reduction agreements; controlling/eliminating non-strategic weapons held by the United States and Russia; establishing a body in the Conference on Disarmament (C.D.) to deal with nuclear disarmament; and bringing the Comprehensive Test Ban Treaty (CTBT) into force.

The entire nuclear non-proliferation regime is under stress from the policies and doctrines of the nuclear weapon states and from attempts by more states to go nuclear. As President Carter said at the opening plenary, "*It is disturbingly obvious that there has been no improvement over the situation as it was described in our previous meeting. In fact, proliferation and the behavior of the nuclear weapon states with regard to disarmament have worsened over the past five years.*"

The Consultation noted how shocking it is that, after three two-week meetings of the Preparatory Committee, an Agenda for the Review Conference has not yet been agreed upon. It is improper for any state to obstruct the setting of an Agenda and attempt to go forward without recognizing the results of the 1995 and 2000 Review Conferences. The Agenda for 2005 must refer to the specific matters of substance as well as the resolution on the Middle East adopted in 1995, and also the outcome of the 2000 Review Conference, including developments affecting the operation and purposes of the Treaty.

The President-designate of the Review Conference has a right to expect support from the parties on this issue. Lack of an agreed agenda may block the work of the Conference and precipitate a long and fruitless discussion, preventing meaningful debate on the substantive issues. Different parties have different views on what would constitute a successful Conference. All parties agree, however, that the Conference should strive to preserve and strengthen the credibility of the Treaty so that it can be effective and lasting.

MPI calls on all governments to assert in public declarations—prior to the 2005 Review Conference—the integrity of the strengthened review process decided upon in 1995 and enhanced in 2000. Any reopening of the debate on commitments agreed upon at the Review Conferences since 1995 would invariably lead to an undermining of the Treaty. It is of utmost importance for the review process to continue from the point of the 13 Practical Steps arrived at by consensus in 2000 and move forward from there.

A successful outcome is linked to the ability of the Review Conference to address equally every aspect of the Treaty. The strengthening of the commitments contained in the NPT regarding nuclear non-proliferation and nuclear disarmament should be done in a balanced way. Reinforcement of non-proliferation provisions should be carried out along with a stronger adherence to the commitment to nuclear disarmament contained in Article VI.

A key issue is how to preserve the integrity and credibility of the Treaty in face of recent doubts about compliance and of withdrawn support from political commitments accepted in previous Review Conferences. Lack of trust in the fulfillment of non-proliferation obligations and backtracking from previous disarmament commitments only erodes the credibility of the Treaty.

On the disarmament side of the equation, agreement is within reach on a program of work in the Conference on Disarmament encompassing commencement of negotiations on a fissile materials treaty and establishment of a body to deal with nuclear disarmament. It is vital to finally and definitively overcome the deadlock that has stalemated the C.D. for years, prior to or at the Review Conference. Doing so in advance of the Conference would greatly enhance prospects for a cooperative outcome.

The present crisis regarding compliance with non-proliferation obligations by North Korea, and to a lesser extent Iran, points to the obvious need to ensure that the safeguards and verification system provided for in Article III works effectively. In light of recent episodes that gave rise to accusations of lack of compliance, there is a need to strengthen the non-proliferation provisions of the Treaty. Adherence to the Additional Protocol on Safeguards should become a universal standard for compliance with non-proliferation obligations and treatment as a member in good standing of the NPT with access to nuclear fuel.

A more far-reaching non-proliferation-related proposal has come from IAEA Director-General Mohamed ElBaradei, who called for “*working towards multilateral control over the sensitive parts of the nuclear fuel cycle—enrichment, reprocessing, and the management and disposal of spent fuel.*” The matter is extremely sensitive. Non-nuclear weapon states regard access to technology as their right under Article IV of the NPT. However, it was understood from the beginning of the nuclear age that the spread of nuclear technology, especially the means of producing fuel for nuclear reactors, would also provide the foundation for nuclear weapons programs. For reasons of effectiveness, legitimacy, and promotion of global norms generally, states should seriously consider proposals for multilateral controls.

PRESERVING THE BARGAIN: A BALANCED APPROACH

Atlanta Consultation II: On the Future of the NPT was held with the widespread feeling that the NPT regime is under stress, but that perception was tempered by an unwillingness to declare the Treaty in crisis, which would suggest that the Treaty has outlived its usefulness. Numerous participants referred to the image evoked by the report of Secretary-General Kofi Annan's High-level Panel on Threats, Challenges and Change that the world is "approaching a point at which the erosion of the non-proliferation regime could become irreversible and result in a cascade of proliferation." Looking back at his address to the first *Atlanta Consultation* in 2000 and ahead to this spring's Review Conference, former U.S. President **Jimmy Carter** said, "Prospects for success are not good, because of the dire state of long-standing tediously negotiated international arms control agreements and the present indifference among nuclear weapon states to their decline or demise."

The concern over the prospects for the Review Conference did not, however, translate into despair as participants promoted a long list of immediate and long-term policies to fulfill the disarmament and non-proliferation obligations embedded in the Treaty. No consensus was expected or sought during the Consultation; it was a meeting of dialogue. Nevertheless, certain themes resonated throughout the meeting, chief among them the belief that a successful outcome of the NPT Review Conference requires a balanced approach toward all the commitments in the Treaty, with the consensus decisions of the 1995 and 2000 conferences—especially the 13 Practical Steps—remaining fundamental to the disarmament and arms control regime.

Hon. **Marian Hobbs**, New Zealand's Minister for Disarmament and Arms Control, said, "At the NPT Review Conference in May, we need to build on the 13 Steps. We need to position the NPT into an abolition framework. At the moment we are in danger of wasting energy arguing which steps are more important and forgetting about the end goal that we agreed to—the end/abolition of nuclear weapons—in Article VI of the Treaty."

She continued, "If disarmament and non-proliferation are seen as two separate processes, progress will be difficult. There will continue to be a competitive tug-of-war between the nuclear weapon states on the one hand calling for a focus on non-proliferation and the other groups directing greater attention towards disarmament. An abolition approach avoids competition by shaping actions in ways that contribute to the gradual prohibition of nuclear weapons themselves and to both non-proliferation and disarmament."



Dr. Jane Goodall (and "Mr. H.") listening to President Carter.

Ambassador **Elisabet Borsiin Bonnier** of Sweden said, "It is detrimental to the whole regime when we find that consensus agreements freely entered into at a Review Conference, such as the practical steps towards nuclear disarmament agreed in 2000, are not only left by the wayside but also may not even be referred to, as happened at the last preparatory committee.... What conclusions can we draw when today, only five years later, some nuclear

weapon states, in particular the United States and France, seem determined to delete it from the agenda.”

In the months leading up to the 2005 Review Conference, supporters of the NPT have been debating whether the most appropriate strategy in May 2005 is to respond to the U.S. hard-line position with a hard-line approach of their own, or to develop a pragmatic strategy that defends and advances the Treaty, leaving the option of compromise to the United States and its closest allies. Participants for the most part favored a proactive strategy. Rather than reacting to the anticipated U.S. strategy of trying to focus the Review Conference on noncompliance issues, speakers advocated a proactive defense of the 13 Practical Steps and a strategy that emphasizes all three “pillars” of the NPT bargain: nuclear disarmament, non-proliferation, and peaceful uses. The NPT as a “bargain” was a recurring theme. In other words, each pillar helps support the other two.

The strategy of middle powers therefore could involve highlighting and defending all three pillars of the NPT bargain: disarmament, non-proliferation,

and access to technology for peaceful uses. This would mean, for example, states would continue to support the SORT reductions but also argue that protocols for verification and irreversibility should be added. A positive development is that, as it has reported to NPT Preparatory Committee meetings, the United Kingdom is exploring technologies that could be used for multilateral verification of warhead dismantlement. The non-compliance issues concerning North Korea and Iran will have to be confronted, but so will U.S. rejection of key disarmament measures endorsed in the 13 Practical



PRESIDENT JIMMY CARTER

...[I]t is disturbingly obvious that ... proliferation and the behavior of the nuclear weapon states with regard to disarmament have worsened over the past five years...

Prospects for this year’s discussions are not encouraging. I have heard that the PrepComm for the forthcoming Non-Proliferation Treaty talks have so far failed even to achieve an agenda because of the deep divisions between the nuclear powers who seek to stop proliferation without meeting their own disarmament commitments, and the Non-aligned movement,

whose demands include firm disarmament commitments and consideration of the Israeli arsenal.

The Middle Powers Initiative approach remains an effort to build a bridge between the New Agenda Coalition countries (Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa and Sweden) and the eight NATO states that voted last year for a New Agenda Resolution calling for implementing commitments already made to the Non-Proliferation Treaty. Tragically, Britain, France and the United States all voted against this resolution.

Our common goal is simply stated: “To exert leverage on the nuclear powers to take minimum steps to save the Non-Proliferation Treaty in 2005.” Prospects for success are not good, because of the dire state of long-standing tediously negotiated international arms control agreements and the present indifference among nuclear weapons states to their decline or demise...

There is no more important subject than the one you are addressing, and illogical [emphasis original] approaches to resolving the problem threaten world peace. The tragic and unnecessary Iraq invasion was based on false allegations of Saddam Hussein having a nuclear weapons program, and the threat of war in Korea in 1994 was narrowly averted after Kim Il Sung announced the expulsion of international inspectors with the prospect of reprocessing nuclear fuel. Since then, the Korean situation has deteriorated badly. More recently, high officials have made public insinuations of American or Israeli military interventions in Iran.

AMBASSADOR PAUL MEYER
CANADIAN AMBASSADOR TO
THE UNITED NATIONS FOR
DISARMAMENT

The perception that the nuclear weapon states are not serious about fulfilling their disarmament obligations at the same time that they are calling for the non-nuclear weapon states to assume ever more stringent non-proliferation commitments, exacerbates the discriminatory aspects of the Treaty and contributes to an erosion of confidence in its integrity and authority...

I fear that until greater concern is shown by the world's political leadership in the pathetic performance of multilateral disarmament and the erosion of the NPT's authority (and a greater resolve to do something about it), these corrosive processes will continue...

What does this all mean for the May Review Conference and our approach to it? From Canada's perspective, the situation calls for rapid remedial action. This should include ensuring a balanced and practical outcome that reinforces the three fundamental commitments of the NPT: to non-proliferation, to disarmament and to the peaceful uses of nuclear energies. We believe such an outcome should: i) embrace recognition of the IAEA's Additional Protocol as the contemporary safeguards standard under Art III; ii) agree on new approaches to govern sensitive technologies of the fuel cycle so they cannot be diverted to proscribed purposes; iii) require a compliant status with Treaty commitments prior to any exercise of withdrawal rights; and iv) demonstrate significant progress in implementing the agreed "benchmarks" of the 13 steps on nuclear disarmament.

Steps. Iran's nuclear program has to be on the agenda, but so does Israel's, since no progress can be made on the creation of a Nuclear Weapon Free Zone in the Middle East—as endorsed by the NPT Review Conference and the U.N. Security Council—without the good-faith involvement of all states in the region.

Paul Meyer, Canada's Ambassador for Disarmament, noted, "The perception that the nuclear weapon states are not serious about fulfilling their disarmament obligations at the same time that they are calling for the non-nuclear weapon states to assume ever more stringent non-proliferation commitments, exacerbates the discriminatory aspects of the Treaty and contributes to an erosion of confidence in its integrity and authority."

Minister Hobbs took the same theme and built on it, looking past the NPT and reminding the Consultation, "There appears to be a growing divide in the international community between those countries (including the nuclear weapon states) prepared to take stronger action—unilaterally or through coalitions—against potential proliferators, and those countries calling instead on the nuclear weapon states to lead by example and take greater steps towards disarming their own nuclear weapons."

"This split could be bridged," she continued, "and progress made on both non-proliferation and disarmament fronts, by adopting an abolition framework, i.e. through advancing norms which further de-legitimize nuclear weapons regardless of who may possess or aspire to possess them, and further developing the mechanisms which prevent their acquisition and provide for their systematic and verified elimination."

Amb. Meyer saw a "crisis of non-compliance" by potential proliferators like North Korea and Iran and by the failure of nuclear states to disarm.



"It is the seeming complacency of the major powers, or even their complicity, with regard to the crisis of confidence in the NPT that has middle powers, like Canada, concerned," he said. "This treaty,

which has drawn a red line around nuclear proliferation, is too vital to our own and global security to take it for granted or fail to act to reduce its vulnerability.”

While the word “crisis” was often used to describe the state of play over the NPT, many other participants warned against considering this a crisis since—as a negotiating tactic—it suggests that states will be willing to compromise too much in the name of a Review Conference consensus or that the Treaty is in its terminal stages. Amb. Bonnier asked, “Is it wise to say that the NPT is in a crisis? Some believe that projecting a sense of crisis around the NPT and to do so year after year might induce some governments to take action when otherwise they would not.... I am afraid that others will rather take the crisis calls as indications that the NPT is no longer good enough, no longer worth the effort and no longer a viable road ahead.” The Consultation would make “a real contribution” if it were to focus “on what it takes to prevent a crisis.”

The U.N. Under-Secretary-General for Disarmament, Hon. **Nobuyasu Abe** did see the situation as a crisis. “I think we all know that the NPT is facing a

crisis,” he said. “Some say it is on the verge of collapse.... It is an undeniable fact that unless the NPT succeeds in regaining its relevance at the coming Review Conference in May, its foundation may be further eroded.”

This erosion in the non-proliferation regime has led to seven “gaps,” according to Mr. Abe. The gaps are: (1) nuclear states that remain outside the NPT; (2) the “new and quite disturbing phenomenon”

HON. NOBUYASU ABE
UNDER-SECRETARY-GENERAL
FOR DISARMAMENT AFFAIRS



I think we all know that the NPT is facing a crisis. Some say it is on the verge of collapse. Some others say it is increasingly losing its relevance. Mohamed ElBaradei, the Director-General of the IAEA, said the NPT is facing a “major challenge.” The Secretary-General’s High-level Panel on Threats, Challenges and Change has in its recent report warned that we are “approaching a point at which the erosion of the nonproliferation regime could become irreversible and result in a cascade of proliferation.” Expressions may vary but it is an undeniable fact that unless the NPT succeeds in regaining its relevance at the coming Review Conference in May, its foundation may be further eroded.

The Nuclear Non-proliferation Treaty, as its name shows, aims at preventing the proliferation of nuclear weapons. As a corollary, it also has the objective of promoting nuclear disarmament. If the Treaty fails to achieve these objectives, one may come to question the value of maintaining the Treaty...

Given the urgency of the situation I hope the relevant entities such as the NPT Review Conference, IAEA Board of Governors, the Security Council and the Conference on Disarmament take urgent action on them. We need what I may call an urgent action plan to stop the erosion of the NPT, arrest nuclear proliferation and promote disarmament. The Secretary-General’s High-level Panel and his Advisory Board on Disarmament Matters have offered a blueprint for such a plan, and I encourage you all to consider its recommendations seriously. I know many participants of those forums are aware of the urgency but it seems the rigid rules of procedure that require consensus agreement on almost everything prevent them from achieving the desired results. I would urge them to try even harder testing the limits of their consensus rules. In anticipation of the high-level summit at the United Nations this September, and during this 35th anniversary year for the NPT, the Secretary-General for his part plans to challenge the international community to think and act more boldly to reinvigorate the nuclear non-proliferation and disarmament regime.

Otherwise, if we fail to act in a meaningful way, there may be an increasing tendency that like-minded countries come to work together to take actions to supplement or to build on the existing nuclear non-proliferation regime centered around the NPT, and that may be ultimately the way we may have to look to, an NPT Plus.

AMBASSADOR SERGIO DE QUEIROZ DUARTE
PRESIDENT-DESIGNATE OF THE 2005 NPT REVIEW CONFERENCE

The future of the NPT has been put in doubt by some commentators over the past few months. There are several reasons for discouragement: the announcement of withdrawal by one of the parties, accusations of lack of compliance by another, disclosure of a secret nuclear program by yet another, and complacency about the de facto nuclear status of three non-parties; last, but certainly not least, a general sense of lack of interest by the nuclear-weapon parties to pursue vigorously their commitments to nuclear disarmament.

What we have to contend with at the 2005 Review Conference is a persistent and serious situation of erosion of confidence in the mechanisms of the NPT and on the ability of the instrument to survive the tests it has been put through. We could say there is a “confidence gap” in the NPT. This state of affairs seems to have grown more complex since the indefinite extension in 1995, despite what was perceived as an important step forward in 2000. Many feel that its Parties lack the necessary will to confront that situation squarely and agree on effective means to avert further dangers...

I believe it goes without saying that by being party to the NPT almost the entirety of the world community and has a vital stake in its permanence and validity. Trust in the full implementation of its promises was the primary reason for the massive support it came to enjoy. In order to preserve and strengthen the Treaty it seems imperative to renew and enhance this trust at the 2005 Review Conference.

If previous commitments made by states party are regarded as mere symbolic gestures confidence on the effectiveness of the Treaty will certainly erode. Despite what many would consider as serious shortcomings, all parties have a stake in the permanence and durability of the NPT, and thus have a duty to work actively towards full compliance with all provisions of the Treaty...

Despite alarming signs of frustration with the NPT and recent doubts about its relevance to deal with old and new threats, I am convinced that the success of the forthcoming 2005 Conference rests on the will of parties to work toward the central objectives of the Treaty, thus reinforcing its relevance and credibility.



Sen. Douglas Roche, Amb. Sergio Duarte, Ilmi Granoff, and Mrs. Carter.

The NPT must continue to be a necessary element of the international framework to maintain peace and security for all. Rather than reiterating confrontational positions or to seek gaining selective advantages at the 2005 Review Conference, all parties should strive together to advance a common agenda based on the essential bargain that made the Treaty possible. I intend to devote my efforts from now until the end of the Review Conference to help the realization of this goal.

of withdrawal from the Treaty; (3) the verification gap in which there are still countries that have not signed the Additional Protocol; (4) a “nuclear fuel cycle gap” under which “countries can go very close to having nuclear weapon production capability without breaking the existing non-proliferation rules;” (5) the possibility of terrorists obtaining weapons of mass destruction; (6) the “enforcement gap” meaning the lack of capacity to take action against a country violating the NPT; and (7) lack of progress on disarmament.

THE ISSUES AND NEGOTIATING STRATEGIES

In the final months leading up to the Review Conference, the President-designate of the Review Conference, Ambassador **Sergio de Queiroz Duarte** of Brazil, said his focus has been on settling procedural questions, in particular agreement on an agenda. “Lack of an agreed agenda may block the work of the Conference and precipitate a long and fruitless discussion, preventing meaningful debate on the substantive issues,” he warned.

On those substantive issues, he said some of “the major items of interest” are:

- “The reaffirmation of the commitment to nuclear disarmament under Article VI ... has been stressed as a major objective by non-nuclear weapon parties,” along with the “related question” of “measures to increase accountability and transparency, particularly regarding nuclear arsenals.”
- “There is an obvious need to ensure that the safeguards and verification system provided for in Article III works effectively to satisfy parties that obligations set forth in Articles I and II are being fully complied with; at the same time, however, many have pointed out that the application of that system should not contradict the right to develop research and use of nuclear energy for peaceful purposes, as established in Article IV.”
- “Many parties have stated the view that it is imperative to break the paralysis of the Conference [on Disarmament]. The negotiation of an FMCT still seems to be the best possible opportunity, if the remaining divergences can be bridged.”
- “The entry into force of the Comprehensive Test-Ban Treaty is seen by the overwhelming majority of parties as an essential step towards nuclear non-proliferation and disarmament.”
- “Non-nuclear parties have consistently stressed that [the] nuclear non-proliferation regime would be greatly strengthened by the adoption of effective, legally binding agreements on negative security assurances.”
- “The new and serious challenges to international peace and security, which arose as a consequence of the emergence of terrorism as a tool of political extremism, must also be firmly addressed at the forthcoming Review Conference. Although specifically dealing with states, not individuals, the NPT has an important role to play in preventing the acquisition of nuclear weapons by so-called non-state actors.... The reduction and eventual elimination of the threat posed by international terrorism, however, cannot be achieved solely through the NPT. Other tools and mechanisms exist, and some have already been put in motion.”
- “Regional security issues, particularly those relating to the Middle East, once again will represent an important part of deliberations at the Review Conference. The acquisition of nuclear weapons by states not party to the NPT also raises serious concerns. Many parties believe that there should be no rewards for those who remain outside the regime. This question is closely linked to the perception, apparently held by some, that the indefinite possession of nuclear weapons was somehow legitimized for those states recognized as such in the NPT, a view that non-nuclear parties strongly reject.”

MR. PETER GOOSEN
SOUTH AFRICA

In 2005, contradictory forces will confront the Review Conference. While attempting to deal with the current political realities, it will need to work to restore the 1965 principle of a "...balance of mutual obligations of the nuclear and non-nuclear Powers." It will be challenged to balance the dissatisfaction at the lack of progress and reversals on the agreed nuclear disarmament measures with non-proliferation concerns that have been exacerbated by the role of non-state actors. It will need to balance calls for the implementation of the nuclear disarmament obligations, commitments and undertakings with calls for additional non-proliferation measures as well as further restrictions on the right to utilize nuclear science for peaceful purposes.

In doing this "balancing act," the Review Conference will furthermore be required to ensure that any attempts to reinterpret, negate or withdraw from Treaty Regime obligations, commitments and undertakings, including those made in 1995 and 2000, are not successful. The Conference will need to make the proponents of such positions understand that they may not only be satisfying an immediate national objective, but that they may in the process be laying the foundation for undermining the entire package of bargains that make up the NPT Treaty Regime. Such approaches may also set challenges for 2005 that the Review Conference will not be able to meet...

An approach at the 2005 Review Conference which focuses on the implementable and the achievable, which does not attempt to reinterpret, negate or withdraw from existing obligations, commitments and undertakings, and which maintains the balance of the NPT Treaty Regime bargains will allow the 2005 Review Conference to meet the core NPT challenges flowing from 1995 and 2000.



Amb. Sergio Duarte, Mr. Peter Goosen, Sen. Douglas Roche, Amb. Robert Grey, and Dr. David Krieger

Conference ready to match the U.S. hard-line with a hard-line of their own, or come with a balanced agenda that would be a counterpoint to the United States, the two diplomats favored the latter approach. Mr. Goosen said, "An approach at the 2005 Review Conference which focuses on the implementable and the achievable, which does not attempt to reinterpret, negate or withdraw from existing obligations, commitments and undertakings, and which maintains the balance of the NPT Treaty Regime bargains will allow the 2005 Review Conference to meet the core NPT challenges flowing from 1995 and 2000."

The diplomats who will be involved in the deliberations at the Review Conference described what they felt should be the strategies and priorities of the New Agenda Coalition and other non-nuclear weapon states, and again the emphasis was on balance and bargain.

"At their core," said Mr. Peter Goosen of the South African foreign ministry, "the Treaty regime and the NPT, its extension and its Reviews are bargains—bargains that contained a balance of obligations, commitments or undertakings that need to be implemented in all their aspects." Amb. Bonnier also emphasized balancing all the commitments. "We sometimes hear the view that since the Review Conference of 1995 was about the Treaty's extension, and the Review Conference of 2000 focused on disarmament, the 2005 Review Conference should focus on curbing proliferation," she said. "I for my part believe that it is necessary to focus on key issues in all of the three dimensions of the Treaty. Progress on only one front will not effectively uphold the NPT as a whole."

As to the debate over whether middle power governments should come to the Review

DR. JANE GOODALL, D.B.E.
U.N. MESSENGER FOR PEACE

I've always been fascinated from the beginning by human aggression. I think that stems back to my own childhood.

I don't remember World War II awfully well. I wasn't very old when it began. I was only five. I distinctly remember even though we were safe—we were on the South coast of England away from most of the bombing—but bombs fell, they cracked our windows. We knew people who died in the fighting in Europe.



And then came the terrible revelations of the Holocaust, and those pictures made a deep impression on me...

And then came Hiroshima and Nagasaki. And those two events were too hard for a child to even contemplate. It didn't seem to be making sense, that a bomb was dropped, the same kind of bomb, as far as we knew that was dropped all the time on innocent civilians. But this bomb, these bombs, these atom bombs were capable of such terrible destruction. We read about people who just were standing there and then suddenly they were gone. And it wasn't making any sense. And I think what children do when things don't make sense, they push it away. And a lot of us never grow up. And we don't like to think about things that don't make sense...

When I began to realize that chimpanzees showed similar signs of aggressive patterns as us, I began to wonder if perhaps understanding aggression in chimpanzees might help me to understand how we got ourselves into the kind of situation that I kept seeing. All these wars around the world, the violence, the murders, the crime, the hate.

Chimps show many postures and gestures in aggressive context, which are virtually the same as ours: shaking their fists, throwing rocks, waving branches, swaggering. And they show aggression in the same kind of context that we show them in, such as protecting females, protecting resources, such as fighting for dominance. It seemed to me that they sometimes fight and try to get high status, just to attain power. And that perhaps the only other creature except ourselves for whom power is important for itself is the chimpanzee and maybe the other great apes. And it was pretty shocking to learn that these beings who I thought were so like us, but rather nicer, in certain situations could show brutality.

They too had a dark side...

... I kept meeting young people who seemed to have lost hope. Young people who were depressed, and in some cases they were almost suicidal. Some of them were angry and bitter ... Basically they were all saying the same thing, 'We feel this way because we think you've compromised our future.'

And we have... When I look at my grandchildren and I think of how much we've harmed this planet since I was their age, I feel deep shame and pain...

My reasons for hope for the future are the human brain and what we can do with it and have done with it, for so much good. And unfortunately there is that part which, I think, gets divorced from the human heart, and leads to things like weapons of mass destruction and some of the other horrors of modern technology.

But the human brain, which has created these monsters, is capable of overcoming them.

THE ROLE OF THE UNITED STATES

Judging from past Conferences, there will be more than 100 states party to the NPT represented at the Review Conference. But it is clear that the focus of attention will be the negotiating position of the United States. The Preparatory Committee meetings saw little progress, largely because the United States (and France) would not agree to an agenda for the Review Conference that makes reference to the 13 Practical Steps. With a stalemate on a procedural matter, there was no hope of progress on substantive issues.

While he referred to all the nuclear powers in his analysis, President Carter centered his criticism on the U.S. government. “The United States claims to be upholding Article VI,” he said, “but yet asserts a security strategy of testing and developing new weapons—Star Wars and the earth-penetrating ‘bunker buster’—and has threatened first use, even against non-nuclear states, in case of ‘surprising military developments’ and ‘unexpected contingencies.’”

He then proposed a series of “corrective actions” the United States and other nuclear weapon states need to take: (a) the U.S. needs to address unresolved issues from the Moscow Treaty, including applying principles of transparency, verification and irreversibility to the treaty, and pledging to dismantle decommissioned weapons; (b) all nuclear weapon states should make a “no first use” pledge; (c) “the United States needs to de-emphasize the role of its nuclear weapons in NATO and possibly consider an end to their deployment in Western Europe;” (d) the United States and Russia should take their weapons off hair-trigger alert; (e) the United States “needs to return” to the CTBT although it is “unfortunately moving in the opposite direction”; (f) the United States should take the lead in the creation of a fissile materials treaty; (g) the ballistic missile defense program should end since “this failed experiment has broken its commitment to the Anti-Ballistic Missile Treaty without replacing it with a working substitute;” and (h) the United States should pay greater attention to “perhaps the world’s greatest proliferation threat” of Russia’s unsecured stockpiles.

Congressman **John Spratt** (Democrat from South Carolina) argued that it is in the self-interest of the United States to support the Treaty. “The NPT has enjoyed far more success than failure, and it provides some clear advantages for the United States,” he said. “First, the NPT marshals the world against nuclear weapons with a collective force that we could not muster on our own, and it provides a framework and forum for dealing with proliferation problems. The United States needs not just non-proliferation programs; we need non-proliferation partners, and the NPT helps supply that need. Second, when cheating occurs, or non-compliance is found, the NPT confers what Kofi Annan calls the ‘unique legitimacy of the United Nations’ on the steps that have to be taken. If the U.S. acts under the auspices of the NPT, the U.S. does not have to take unilateral, pre-emptive action.”

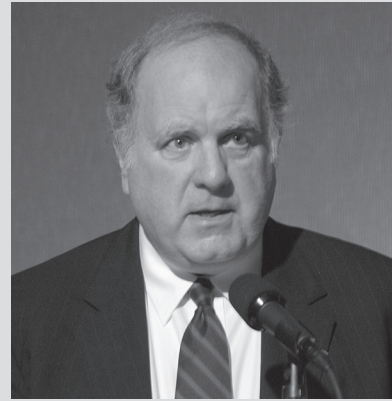
THE NUCLEAR FUEL CYCLE

One of the most obvious differences of opinion concerned how to balance rights of states party to the NPT to have nuclear technology while addressing the proliferation threat posed by the development of such technology. Rep. Spratt called the ability of a state to develop a nuclear weapons program under the guise of a civilian power program “a loophole, a flaw in the fabric of the NPT.” He argued that North

Korea and Iran—“two devious states”—have shown how “states that set out to circumvent the NPT’s ban on the production of nuclear weapons can exploit the right to build a nuclear power plant. While seeming to remain within the terms of the Treaty, they can gather the resources necessary to make nuclear weapons.”

“This ‘closed fuel cycle’ allows these states the capacity to produce the fissile materials, the *sine qua non* of nuclear weapons,” he said. “Facilities used to enrich uranium for power reactors can be used to enrich uranium for weapons, and facilities used to reprocess spent fuel can process weapons-grade plutonium.” Rep. Spratt endorsed a plan that would create a “parallel agreement” to the NPT that apparently would go further than the Additional Protocol in controlling what a country does with nuclear technology. Under this proposal, he said, “States that do sell nuclear technology or reactor fuel would agree not to sell any fuel or equipment or technology to any country that does not forgo the right to enrich and reprocess nuclear fuel. At the same time, those same countries would guarantee the reliable supply of nuclear fuel and the retrieval of spent fuel at competitive, perhaps subsidized prices, to countries consenting to this new arrangement.” Countries that would resist the agreement might “have no choice if the supplier nations form a phalanx

CONGRESSMAN JOHN SPRATT
UNITED STATES



To pick up where the last treaty review left off, and propose a quid pro quo to which the non-nuclear parties would respond [to a proposal for tighter controls on the nuclear fuel cycle], the Senate could ratify the Comprehensive Test Ban Treaty, but I seriously doubt that ratification is within the art of the possible, at least not now. Ratification for a limited

time, or ratification subject to the right to withdraw, is an alternative, but probably not a viable one in the Senate today. The tragedy of the last vote on ratification was not just that the vote was lost; but that the argument was lost as a result of pushing for a vote before being ready. It would be a mistake to push for another vote and lose it too...

The testing moratorium remains in place, and the Bush Administration insists that it has no plans at present to resume testing, but the Nuclear Posture Review leaves that door wide open...

Shortening the lead-time to testing is one of a handful of initiatives which have a “plausible military rationale,” but which result in a net negative for the United States in the world. They suggest that United States is trying to move the world in one direction, away from nuclear weapons, while we move in another.

We do not realize a net gain, for example, by repealing “Spratt-Furse”—the ban on development of low-yield nuclear weapons. The world’s greatest conventional power does not need to use nuclear weapons in a conflict for tactical purposes, and should not give credence to the notion that small nuclear weapons have tactical utility.

We do not realize a net gain by developing a new earth-penetrating nuclear warhead, designed to destroy deep-underground bunkers, even though these may be enclaves for weapons of mass destruction.

We do not realize a net gain by leaving the impression that we regard nuclear weapons as differing in degree but not in kind from conventional weapons.

We do not realize a net gain by investing in “advanced concepts,” suggesting that the U.S. is about to develop a new generation of nuclear weapons.

Having opposed all of these measures, I would say, nonetheless, that they are not as substantive as one might infer. In repealing Spratt-Furse, Congress reminded the Pentagon that funding for any low-yield nuclear weapon must be authorized before it is developed; and in 2004, Congress did just that, by refusing appropriations for the robust earth penetrator and advanced nuclear concepts. There are other pluses, such as SORT, that combine to make our current posture a net positive.

and refuse to sell non-complying countries fuel or technology,” he added.

“The fuel cycle loophole is not a recent discovery,” Rep. Spratt said. “The issue has been addressed three times in past years, but never resolved because the stakeholders have never reached consensus. But with Iranians and North Koreans both exploiting the Treaty, the issue is no longer hypothetical.”

However, Mr. Goosen warned against any moves that would hinder nations’ rights to nuclear technology as “disturb[ing] the balance of the NPT bargains.” It will be “a challenge” at the Review Conference “to guard against unacceptable inroads into the inalienable right of states party to verifiably utilize nuclear science for peaceful purposes,” he said. “There is a growing concern that demands for non-nuclear weapon states to agree to increasing restrictions on their ability to utilize nuclear science in the name of non-proliferation [are] not being balanced by a reciprocal approach towards nuclear disarmament.”

Other key actors have put forward far-reaching proposals to control the spread of uranium enrichment and plutonium reprocessing technology. IAEA Director-General Mohamed ElBaradei calls for “working towards multilateral control over the sensitive parts of the nuclear fuel cycle—enrichment, reprocessing, and the management and disposal of spent fuel.” The U.N. Secretary-General’s High-level Panel recommended a combination of voluntary action and multilateral control. It called for states to forgo for a limited period construction of enrichment and reprocessing facilities, with fissile materials supplied at current market prices, while an arrangement is negotiated for the IAEA to act as a guarantor for the supply of fissile materials for non-military use. President Bush proposed that exporting countries deny the technology to additional states. The G-8 responded to this proposal by declaring a one-year moratorium on supply to non-possessing states, but the far larger Nuclear Suppliers Group has yet to take any action.

A less sweeping but still significant proposal is that adherence to the Additional Protocol on Safeguards should become a universal standard for compliance with non-proliferation obligations and treatment as a member in good standing of the NPT with access to nuclear fuel.

As discussions at the consultation reflected, the matter is extremely sensitive. Non-nuclear weapon states regard access to such technology as their right under Article IV of the NPT, and further resent what they regard as the implication that developing countries are not to be trusted with technology possessed by some developed states. However, as the 1946 U.S.-proposed “Baruch Plan” illustrates, it was understood from the beginning of the nuclear age that the spread of nuclear technology, especially the means of producing fuel for nuclear reactors, would also provide the foundation for nuclear weapons programs. For reasons of effectiveness, legitimacy, and promotion of global norms generally, states should seriously consider proposals for multilateral controls. Elevation of the role of the Additional Protocol is also desirable. This may be a unique opportunity to establish greater levels of international cooperation in setting a higher universal norm in controlling dangerous fissile materials.

THE MIDDLE EAST

The Middle Eastern countries represented at the Consultation reminded the participants that, just as the 13 Practical Steps are still valid, so too is the 1995 decision on the Middle East. Mr. **Alaa Issa** of

the Egyptian foreign ministry stressed that the decision to extend the NPT in 1995 came in the form of a package in which the extension was agreed to in exchange for other commitments, including the resolution on the Middle East. “The decision on principles and objectives was a necessary element for the indefinite extension, and the decision on the indefinite extension in turn could not have been adopted in its final form if there had been no agreement on the resolution on the Middle East,” he said.

In a written statement read to the Consultation, Mr. Issa said, “We are in reality no closer than we were in 2000 with regard to Israel’s accession to the Treaty, extension of full-scope safeguards to Israel’s nuclear facilities, or establishment of a Nuclear Weapon Free Zone in the Middle East, all of them objectives and priorities that were pronounced in 1995 and 2000.” He added, “The most critical outstanding element that will be before the 2005 Review Conference relates to the lack of progress by Israel in acceding to the NPT and placing its nuclear facilities under comprehensive safeguards.... The margin for maneuver with regard to substance is slim while the political challenges are significant.”

Ambassador **Rajab Sukayri** of Jordan said Israel’s nuclear arsenal was forcing other countries in the Middle East to consider “indulging” in nuclear programs of their own. The danger in preserving the *status quo* was that it would help perpetuate and legitimize Israel’s nuclear stockpile, he added. President Carter said that both Iran and Israel need to be pressured to comply with non-proliferation restraints. Citing Iran’s enrichment program, he said it “remains a primary example of the need to ban highly enriched uranium for any purpose.”

THE CONFERENCE ON DISARMAMENT

Since the 2000 Review Conference gave the Conference on Disarmament (C.D.) two tasks, the failure of the Conference to make any progress was also a topic of discussion at the Consultation. Amb. Meyer said, “If the C.D. [were] a business it would have gone bankrupt long ago.... For those who are concerned with the future of the NPT let me remind you that the bankruptcy of the C.D. threatens the solvency of the NPT. The NPT Review Conference of 2000 entrusted to the C.D. two priority tasks: the initiation of negotiations on a non-discriminatory and effectively verifiable fissile materials cut-off treaty and the establishment of

DR. TADATOSHI AKIBA
MAYOR OF HIROSHIMA

It is fitting that this consultation is occurring in the United States. As diplomats you are expected to deal with the governments ‘you are dealt.’ It is considered bad form to try to go around a government and appeal directly to its people. We could debate the merits of this custom, but I would like to suggest that when one nation spends more money on so-called security than the rest of the world combined and brazenly sweeps aside decades of carefully crafted international law, it becomes politically suicidal not to take advantage of that nation’s primary saving grace: democratic debate.

Yet witness the sterility of the nuclear debate in the last presidential election. The two main candidates vied over who would do a better job of keeping nuclear weapons out of the hands of terrorists. Fine, but why did neither have anything to say about removing nuclear weapons from everyone’s hands, including those who already have them? Until such questions are asked and thoroughly debated in a U.S. presidential election, what chance is there of making sustained progress on balanced fulfillment of the NPT? We must resolve to do whatever we can outside and inside the United States to ensure that another election does not go by in which the American people do not come to grips with their profound responsibility to play a positive, if not leading role, in the achievement of a nuclear weapon-free world.

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

The imperfections in the NPT have been much discussed in recent times. A timetable for nuclear disarmament was never stipulated and no verification provisions for disarmament were included. The Treaty is not universal: some states—most notably India, Pakistan, and Israel—did not sign on to the NPT. This meant that they were not constrained by its provisions when they subsequently developed their own nuclear weapons. And there is no agreed mechanism to sanction a nation that signs against nuclear weapons but does develop them, or a nation that develops new nuclear weapons.

The disarmament provisions of the NPT are clear, despite the lack of timetable. “Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.” The intent, to which all countries agreed in 1970, is unambiguous, so why is progress towards this goal painfully slow?

The reality is that no state wants to give up its nuclear weapons. Despite all the risks, countries that possess nuclear weapons, most of which also have huge and sophisticated conventional arsenals, remain loathe to part with them. The changed security dynamic after September 11 2001 has resulted in an environment where countries do not want to be denied any potential security advantage. Unfortunately, for some countries, this has been construed as justification for the continued retention, even embellishment, of their nuclear arsenals.

However, the inescapable logical consequence of states retaining their nuclear weapons for ‘security’ is that it serves as a constant impetus to other states to acquire nuclear weapons for these same perceived security benefits. It also means that the nuclear materials and technology required for weaponry remain in a constant state of renewal and refurbishment, perpetuating proliferation risks. It is, in short, ultimately self-defeating for all of us on this planet. It is the antithesis of security.

The only reasonable approach to this problem is that disarmament measures must take place within a series of transparent, verifiable, parallel steps. This process must occur in tandem with non-proliferation measures. Nuclear weapons serve no constructive purpose in our world: we must work together to eliminate them (and the potential for their creation) for the benefit of everyone.



an appropriate subsidiary body to deal with nuclear disarmament. The C.D. has, five years later, failed completely to realize these taskings.” He said Canada would be open to alternatives to the C.D. for accomplishing those goals.

In a message read to the Consultation from Mayor **Tadatoshi Akiba** of Hiroshima, Dr. Akiba proposed that the Conference set up a subsidiary body of the NPT. “The C.D. must be given a deadline for the commencement of work on a program of action for nuclear disarmament,” he said. If the deadline passes, the review conference must set up such a body. Dr. Akiba, who is also the president of Mayors for Peace, said Mayors for Peace intends to have a delegation “one hundred strong” at the opening of the Review Conference. “The world cannot allow proliferation and disarmament to fester for another five years,” he wrote. However, he was concerned that not all parties will be coming to the conference “with the commensurate good faith.” Therefore, “if the bad faith of others dooms your best efforts, you have a political obligation, underscored by the World Court, to find another way forward. Without an alternative course of action, failure would indeed be complete.”

Amb. Bonnier sympathized with the sentiment, but disagreed with that course of action. “We are all frustrated by the slow pace of progress, in some cases even backsliding,” she said. “It might be tempting to try other avenues. But I believe that we must stubbornly stay the course. Looking for alternatives to the NPT-track will most certainly mean the end of the NPT.”

AMBASSADOR ELISABET BORSIIN BONNIER
SWEDISH AMBASSADOR TO THE UNITED NATIONS FOR DISARMAMENT

There are serious problems in all the three pillars of the NPT. Proliferation has happened. Clandestine weapons programs have been pursued. Nuclear weapons are still abundant and are still being developed and refined. And the benefits of peaceful uses of nuclear energy are often not readily available to all. Just as the three pillars were meant to reinforce one another, so do their respective problems tend to reinforce each other.

Furthermore, I believe that it is a fundamental mistake to approach the issues at hand, as we so often have done, along the lines of the traditional geo-political groupings be it east-west, north-south or otherwise. In the New Agenda Coalition we have tried to cut across this, and I believe we would all be much better off if we could rally around the NPT from a common security perspective, other differences notwithstanding. At the last General Assembly, the New Agenda made a special effort to reach out beyond various groupings. We are grateful that some NATO members and U.S. allies took our outstretched hands in spite of U.S. demarches in capitals ... The true fault lines are between those who conscientiously try to live up to their commitments, and those who don't; between those who seek to preserve or acquire nuclear weapons, and those who don't.



Amb. László Molnár and Amb. Elisabet Borsiin Bonnier

BREAKOUT SESSION REPORTS

THE CTBT AND THE TESTING MORATORIUM

The presenters at this session both stressed the fact that the entry into force of the Comprehensive Test Ban Treaty (CTBT) was fundamental to the 1995 NPT extension agreement, and thus will be central to the debate in this year's Review Conference.

Mr. **Daryl Kimball**, Executive Director of the Arms Control Association, explained that the CTBT is “the longest-sought and hardest-fought objective in the field of nuclear arms control and non-proliferation.” While it is important for delegates to the Review Conference to maintain pressure on the non-signatory countries, much more needs to be done in Washington. Mr. Kimball focused on four problems. *First*, he drew attention to the necessity of maintaining the U.S. test moratorium and explained that only the Senate—not the President—has authority to discharge the treaty from the executive calendar, and that a majority vote would be required to do so, which is unlikely. *Second*, he cited the need to block U.S. research and development on modified or new nuclear warheads. The Bush administration had only narrowly won approval for work on such warheads on the assertion that they only want to conduct research, and the last Congress funded no work on earth penetrators. *Third*, he highlighted the importance of supporting the CTBT Organization because of the CTBTO's vulnerability to possible U.S. budget cuts. *Finally*, he drew attention to the imperative of improving monitoring and transparency measures to detect clandestine testing. Additional test site transparency initiatives could address future uncertainties and clear up erroneous allegations.

Ambassador **Jaap Ramaker**, special representative for the promotion of the ratification of the CTBT, said his work will continue with planned trips to China, Indonesia, and India. It would be important to convey to states that have not signed the CTBT that others consider it to be a vital part of a comprehensive approach to global security. The CTBT has been ratified by the entire European Union (including the newer eastern European countries); all NATO members except the U.S.; and three out of five permanent members of the Security Council. The Canadian idea of holding conferences to discuss the CTBT was appropriate, especially in light of regional concerns over non-signatories such as Pakistan, India, and China.

A principal theme of the discussion was the lack of political energy and international will surrounding the CTBT ratification process. Amb. Ramaker said that since “the CTBT will never enter into force without a change in the position of the United States,” it is important to continue to strengthen the CTBT with the understanding that it will likely be done without U.S. support in the near term.

Participants also noted the importance of supporting the CTBTO. Each signatory should provide adequate financial, political, and technical support for the continued development of the CTBTO, thereby supporting the International Data Center, the International Monitoring System, and the Executive Secretariat.

DE-ALERTING

Dr. **Bruce Blair**, President of the Center for Defense Information, said that de-alerting would be one of the most powerful messages nuclear weapon states could send to the world to validate their Article VI commitment. It would also demonstrate commitment to the 13 Practical Steps. He defined de-alerting as reducing readiness of launch, a practical step that is necessary in the disarmament process.

Dr. Blair discussed the dangers and the reality of hair-trigger alert, outlining the frighteningly short time-line between receiving warning of a possible incoming nuclear missile attack and making a decision whether to retaliate. De-alerting would help alleviate risks associated with mistakes, possible coups in nuclear weapon states, false warnings, unauthorized launches, computer hacking into command and control systems, and other unforeseen circumstances—”all with apocalyptic consequences.”

Dr. Blair also said that “the Nunn-Lugar program cannot succeed unless the United States and Russia stand down their nuclear arsenals and take them off alert [since] the requirements for nuclear war fighting... inevitably keep U.S. and Russian nuclear arsenals in perpetual motion. You cannot lock them down *a la* Nunn-Lugar unless you opt out of the game of hair-trigger nuclear postures.” Furthermore, hair-trigger status increases the risk of terrorist theft or accident during transportation. He also pointed out that NATO nuclear weapons were de-alerted in the 1990s.

Mr. **Bülent Meriç** of the Turkish foreign ministry placed de-alerting in the context of the overall security environment of the Middle East. He emphasized the value of deterrence and the need for changing the security environment in the region. He voiced concern regarding security threats that have been heightened in the region, including Israeli nuclear capacity, Syrian C-systems and Iranian “improvements” to missiles.

A key strategy proposal arising from the session was that middle power governments should press the United States and Russia to implement rapid de-alerting, culminating in a global stand-down—that is, separated warheads from delivery vehicles—before the 2010 NPT Review Conference. The 2005 Review Conference should support this. Other proposals included: (a) educating the public on the reality of hair-trigger alert, the contingency planning for all-out nuclear war, and the risks posed by such planning and operational status, including terrorist risks, and (b) an appeal to be supported by MPI and to be signed by experts, parliamentarians, and Nobel Laureates, including President Carter.

FISSILE MATERIALS TREATY & NUCLEAR FUEL CYCLE

Dr. **Frank von Hippel** of Princeton University said controlling fissile materials was central to several of the commitments made at the 2000 NPT Review Conference: a fissile materials treaty, transparency in nuclear weapons capabilities, and the implication that fissile materials stocks would be disposed as part of a process of applying irreversibility to disarmament. He said the NPT already controls fissile materials production by non-nuclear weapon states, “so the question is why you cannot move that regime over to the nuclear weapon states.”

Mr. **Johan Rautenbach**, Director of the Office of Legal Affairs of the IAEA, said 90 states have signed

the Additional Protocol, with 62 states having the Protocol in force. He said “old assumptions” about fissile materials—in particular the belief that access to relevant technologies is limited and that this is an issue involving only states—have to be replaced by new policies to strengthen control of the nuclear fuel cycle. Mr. Rautenbach listed four elements for such a strategy: (a) strengthen the application of safeguards, (b) limit weapons-usable materials, (c) enhance the security of the nuclear fuel cycle, and (d) develop a proliferation resistant nuclear fuel cycle.

Both presenters supported Dr. ElBaradei’s proposal that reprocessing and enrichment work be limited to sites under multilateral control and that there be a five-year moratorium on the construction of enrichment and reprocessing facilities. There was some opposition to the idea of multilateral controls since such a move would infringe on the right to peaceful uses of nuclear energy guaranteed under the NPT. Mr. Rautenbach said such a policy was not aimed at denying states nuclear technology, but rather was “just a measure to remove some possibility of proliferation.”

Several participants discussed the July 2004 statement by the United States that it could not accept a verification provision in a fissile materials treaty because it had no confidence that verification could work. Dr. von Hippel said, “This is an absurd statement,” explaining that the declared fuel production facilities in nuclear weapon states can be inspected just as such facilities are in non-nuclear weapon states under safeguards agreement. He believed the real issue was that the U.S. fears the potential intrusiveness of inspections that might attempt to go beyond declared facilities. As a way to move the debate forward, he suggested a two-stage process in which only declared facilities would be inspected, but still “leave the door open” to applying an Additional Protocol type approach to the nuclear weapons states. However, he cautioned, “You can’t in the long term have two verification regimes.”

Several options for further actions were raised, including: (a) continuing political pressure for a commitment to begin fissile materials negotiations as agreed to in 1995 and 2000; (b) encourage the United States to withdraw its opposition to verification of a fissile materials treaty and at the same time encourage the creation of a technical advisory panel to study the validity of verification concerns; and (c) broad support for the ElBaradei proposals.

NON-PROLIFERATION AND REGIONAL ISSUES

The session focused primarily on northeast Asia and the Middle East.

Ambassador **Takeshi Nakane** of the Japanese foreign ministry said there is an urgent need for North Korea to undertake transparent disarmament and verification measures in cooperation with the IAEA. He emphasized the importance for Japan of supporting the six-party talks on North Korea. He said Japan wants to strengthen the Additional Protocol, particularly in light of the revelation of an underground nuclear network.

Ambassador **Rajab Sukayri** of Jordan emphasized that all states in the Middle East, except Israel, are in full compliance with the NPT, and that therefore a regional non-proliferation regime would necessarily fail until universality was achieved. The danger in preserving the *status quo* is that it perpetuates and legitimizes Israel’s nuclear stockpile. He said Israel’s arsenal of between 200-300 weapons is likely inciting

other countries in the Middle East to consider developing nuclear programs. While Libya's recent efforts to rid itself of its nuclear development program and accord the IAEA inspectors access are laudable, such progress needs to be considered in the regional context of Iran's controversial activities in the nuclear arena. He endorsed the creation of a Nuclear Weapon Free Zone (NWFZ) in the Middle East and of a regional non-proliferation regime that would be predicated on an as-yet-undeveloped Arab peace plan that would address Arab and Israeli concerns.

Mr. **Werner Bauwens** from Belgium's Disarmament and Arms Control Division focused on the European Union's response to Iran, emphasizing that Iran would be a key issue at the NPT Review Conference. While Iran's development of centrifuges and its investment of a significant portion of its budget in a secret nuclear program were grounds for great concern, he said the fact that Iran had recently committed to full-fledged consultations with the IAEA and talks with the European Union were reasons for optimism. The establishment of frequent workshops that engaged in intense dialogues about controversial issues, such as a NWFZ in the Middle East and the possibility of obtaining negative security assurances, meant that the European Union had helped to address the core problems surrounding Iran, and this has contributed immeasurably to the strengthening of the NPT.

Participants in the session seemed to agree that because of the subjective and politicized debates surrounding non-compliance issues, there might never be complete agreement on the basic problems underlying the NPT. In this context, an important recommendation was that the Review Conference be mutually-supportive of other processes and high-level dialogues, particularly those related to compliance management, confidence-building measures, and Iran's evolving policy, uranium enrichment, and reprocessing.

In order to avoid further erosion of the NPT, it may be necessary at some point to address divisive issues and loopholes created by the actions of some countries, such as North Korea and Iran. In the past, diplomatic considerations and the necessity of avoiding a procedural quagmire meant that some issues, like the status of North Korea, were purposely not dealt with during the NPT Preparatory Committee meetings. Yet the basic question remained: at what price do we ignore developments on the ground in favor of upholding the Treaty? Accordingly, it was discussed whether diplomats should confront these issues at the upcoming Review Conference or avoid them.

TRANSPARENCY, IRREVERSIBILITY, VERIFICATION AND COMPLIANCE

Mexican Ambassador **Luis Alfonso de Alba** suggested that there should be a focus on compliance through addressing the reporting process. In the Review process, formal reports are an acknowledgment of compliance or non-compliance. He urged that countries in compliance should "own" the Treaty and act as a model for compliance. He suggested that transparency be considered not only in referring to the nuclear materials themselves but the transparency required in being honest about Treaty commitments. He suggested that work start before the NPT Review Conference to establish a process and model for reporting by working with NGOs and think tanks, and that the U.N. Department for Disarmament Affairs be engaged in establishing such a model. He noted that states already report on human rights, chemical weapons and drugs. He argued that NGOs are needed an independent source to verify the reports. He thought the reporting model might need to be established in a parallel process because of

the difficulty in achieving consensus.

Dr. Frank von Hippel, speaking on verification, noted that the world has the technical know-how to count warheads without giving away design secrets. He also noted that “nuclear archeology” enables a physical analysis to verify and calculate the amounts of previously produced fissile materials. Past production records are also useful, although that evidence degrades over time. He reported on legal efforts to force the Bush administration to declare purportedly “sensitive” information about fissile materials. Addressing the issue of irreversibility, Dr. von Hippel said we needed to work in stages; *first* storing the materials; *second* dismantling the warheads into plutonium pits and triggers; and *third* converting the pits into reactor fuel by blending down weapons grade materials. Neither Russia nor the United States have the conversion facilities needed to accomplish the down-blending. Russia is currently keeping warheads in “secure storage” at Mayak, according to Dr. von Hippel; the United States stores warheads in Texas. He suggested establishing an International Panel of NGO Experts to address issues of verification and irreversibility, similar to the one set up by the Climate Change Initiative.

During the discussion, it was noted by some that popular support could be galvanized on the issue of reporting. It would be important to strengthen compliance by querying U.S. and Russian officials on a regular basis about their progress toward transparency under the Moscow Treaty. Many discussants emphasized the problems surrounding relatively modest levels of formal reporting and the need for a marked increase in participation to ensure acceptable levels of accountability and ownership.

NUCLEAR TERRORISM AND SECURITY COUNCIL RESOLUTION 1540

U.N. Security Council Resolution 1540, unanimously passed on April 28, 2004, requires, *inter alia*, that all countries prohibit terrorist and other non-state actors from acquiring nuclear, chemical, or biological weapons and missiles for their delivery. It also requires the establishment of export controls and other measures to prevent proliferation and requires that states report back on the implementation of the Resolution.

Ambassador **Lászlo Mólnár** of Hungary noted that a continuous common effort by all U.N. member states and relevant bodies is needed to counter the threat of non-state actors acquiring the capacity to use weapons of mass destruction. Amb. Mólnár disputed assertions that 1540 is a “bad resolution” or “a quick fix,” arguing that it does indeed fill a gap and is a signal in favor of multilateralism. He emphasized that 1540 would not change the non-proliferation regime, but rather would complement it. He also asserted that openness and transparency is crucial, and that the Security Council must remain the final arbiter of compliance with non-proliferation.

Mr. **Alyn Ware** of the International Lawyers Against Nuclear Arms—after pointing out the shortcomings of the Resolution in emphasizing nonproliferation over disarmament and imposing on states obligations better negotiated through treaties—highlighted opportunities that the Resolution presents for the strengthening of norms against nuclear weapons, as well as the opportunity to promote actions to further non-proliferation and disarmament goals. To this end, he advocated a “*jujitsu*” approach—using the momentum from these non-proliferation goals to further disarmament.

Thus, in implementing 1540, Mr. Ware's approach would include encouraging individual states to: (a) make good faith efforts to implement material controls and other measures to prevent proliferation as required under operational paragraph 3 of the Resolution; (b) in the case of non-nuclear weapons states, adopt legislation prohibiting the acquisition, use or threat of use of nuclear weapons by both state and non-state actors, and prohibiting nuclear weapons from their territory; (c) extend such criminal legislation to apply to citizens extra-territorially and to embrace universal jurisdiction over any such acts regardless of nationality or location of the act; (d) include the internal waters, territorial waters and airspace in the territory from which nuclear weapons are prohibited; and (e) in their reports to the Security Council 1540 Committee, emphasize the requirement of all states to implement both non-proliferation and disarmament aspects of the Resolution.

Inadequacies in the Resolution were highlighted during the discussion. Concerns included: taking non-proliferation outside of the existing treaties, thus undermining the disarmament norms of the treaties; the engagement of the Security Council in dictating national and even local legislation; and the vagueness of standards in the Resolution such as its calls for "appropriate" legislation and measures. Such vagueness leaves room for *ad hoc* interpretation and enforcement. Moreover, Resolution 1540 fails to reinforce the condemnation of nuclear weapons *per se* and focuses on individuals who might possess them. Additionally, the resolution fails to address the very real dangers posed by vulnerability of nuclear power plants.

SPACE WEAPONIZATION AND OTHER HURDLES TO PROGRESS

Mr. **Detlev Wolter** of the Permanent Mission of Germany to the United Nations laid out a framework for a comprehensive multilateral treaty on Common Security in Outer Space (CSOS). His proposal would complement the NPT and help fill the void left by the now abandoned Anti-Ballistic Missile Treaty. Principles of the proposed CSOS Treaty include a foundation of common security in outer space, transparency, confidence-building measures, and the principle of equality. A CSOS Treaty would allow for limited missile defenses, i.e. land and sea-based missile defenses, to be controlled either by the Security Council or an International Space Agency. Existing military applications in space would be acceptable, such as communications and surveillance satellites. Space weapons would be banned; the ban would be buttressed through non-offensive force configurations.

Mr. Wolter argued that a ban on development and production of space weapons may be too ambitious right now, but a ban on their deployment would slow, if not stop, the development of space weapons. Some discussants objected to the proposal to establish an international missile defense, arguing that it would be preferable to support a verifiable missile ban treaty.

At the moment, a CSOS Treaty seems difficult to negotiate in a consensus-based manner at the C.D. or in the NPT framework. Instead, the possibility of a group of states, perhaps middle powers, to start negotiating such a treaty should be considered. Once the very large majority of states join such negotiations, other states that might still be reluctant will follow.

Ms. **Rose Gottemoeller** of the Carnegie Endowment for International Peace, focused on hurdles posed by the United States that are preventing progress on disarmament. She acknowledged that in the United

States, “disarmament has slipped so far down on the agenda,” a result of “a purposeful strategy of the current U.S. administration to de-emphasize...disarmament... to enhance strategic flexibility.” This has been a successful strategy, she added. The current slow, opaque arms control underway is a result of “distaste of certain actors within the administration [for] international treaties and legal regimes.” Therefore, she asserted, this is not an insurmountable problem.

Ms. Gottemoeller noted U.S. reductions in strategic weapons are taking place under the SORT agreement with Russia, with “a 50 percent reduction in all U.S. nuclear warheads” to be achieved by 2012. Attaining transparency and irreversibility remains the problem, making it difficult to push the Russians to make more reductions on their side. On the other hand, she said, there is a real opportunity to get the Bush administration to open up their stockpile plan to some scrutiny, to be used as a tool to push the Russians to further reductions. Some players in Washington are very keen to do this, especially prior to the Review Conference.

The following recommendations were discussed: (a) international discussions, perhaps initiated by middle power countries, to begin negotiations on a Common Security in Outer Space Treaty; (b) all missile defense programs should be placed under international control, to ensure that they are solely for defensive uses; and (c) in the absence of a program of work in the C.D., the Review Conference should recommend an intergovernmental conference to discuss concurrent measures on a fissile materials treaty, the Prevention of an Arms Race in Outer Space (PAROS), and nuclear disarmament.

APPENDIX

AGENDA

WEDNESDAY, JANUARY 26, 2005

- 5:00 – 7:00 pm** **Reception and Dinner** **Rotunda**
WORDS OF WELCOME
Mr. Matthew Hodes, The Carter Center
Hon. Douglas Roche, O.C., Middle Powers Initiative
Mr. Aaron Tovish, delivering a message from *Tadatoshi Akiba*, Mayor of Hiroshima
- 7:30 – 9:00 pm** **Opening Plenary** **Cyprus Room**
MODERATOR: *Jonathan Granoff*, Global Security Institute
WORDS OF WELCOME: *Mr. Matthew Hodes*, The Carter Center
KEYNOTES:
Dr. Jane Goodall, D.B.E., United Nations Messenger for Peace
Hon. Marian Hobbs, Minister for Disarmament, New Zealand

THURSDAY, JANUARY 27, 2005

- 9:00 am – 10:30 am** **Morning Plenary I** **Cecil B. Day Chapel**
THEME: “Effectively Addressing the Current Crisis”
MODERATOR: *Hon. Douglas Roche, O.C.*
KEYNOTE: *President Jimmy Carter*
RESPONDENTS:
H.E. Ms. Elisabet Borsiin Bonnier, Sweden
H.E. Mr. Paul Meyer, Canada
- 10:45 am – 12:15 pm** **Morning Plenary II** **Cecil B. Day Chapel**
THEME: “The Core NPT Challenges Flowing From 1995 and 2000”
MODERATOR: *Amb. Robert T. Grey, Jr.*, United States
PRESENTERS:
Mr. Peter Goosen, South Africa
Dr. David Krieger, delivering the prepared remarks of *Mr. Alaa Issa*, Egypt (in absentia)
- 12:30 pm – 1:45 pm** **Lunch and Presentation** **Cyprus Room**
MODERATOR: *Dr. Ron McCoy*, IPPNW
WELCOME: *Ms. Claire McLeveighn*, on behalf of *Shirley Franklin*, Mayor of Atlanta
KEYNOTE: *Under-Secretary-General Nobuyasu Abe*, United Nations
- 2:00 pm – 3:15 pm** **Breakout Session I**
- A: Nonproliferation and Regional Issues** **Zaban Room**
MODERATOR: *Dr. David Krieger*, Nuclear Age Peace Foundation
PRESENTERS:
Mr. Werner Bauwens, Belgium
Mr. Takeshi Nakane, Japan
Amb. Rajab Sukayri, Jordan
- B: Space Weaponization
& Other Hurdles to Progress** **Lower Ivan Allen III Pavilion Foyer**
MODERATOR: *Dr. Karel Koster*, Project on European Nuclear Nonproliferation
PRESENTERS:
Mr. Detlev Wolter, Germany
Ms. Rose Gottemoeller, Carnegie Endowment for International Peace

C: FMCT & Fuel Cycle

MODERATOR: *Mr. Ernie Regehr*, Project Ploughshares

PRESENTERS:

Dr. Frank von Hippel, Princeton University

Mr. Johan Rautenbach, IAEA

Cecil B. Day Chapel

3:45 pm – 5:15 pm

Breakout Session II

A: The CTBT and the Testing Moratorium

MODERATOR: *Amb. Miguel Marín-Bosch*, Mexico

PRESENTERS:

Amb. Jaap Ramaker, Special Representative for the CTBT

Mr. Daryl Kimball, Arms Control Association

Cecil B. Day Chapel

B: Nuclear Terrorism and Security Council Res. 1540

MODERATOR: *Mr. Jean du Preez*, Monterey Institute, Center for Nonproliferation Studies

PRESENTERS:

H.E. Mr. László Molnár, Hungary

Mr. Alyn Ware, Parliamentary Network for Nuclear Disarmament

Zaban Room

6:30 pm – 9:00 pm

Dinner and Presentation

MODERATOR: *Jonathan Granoff*, Global Security Institute

KEYNOTE: *Congressman John Spratt*, United States House of Representatives

Cyprus Room

FRIDAY, JANUARY 28, 2005

9:00 am – 10:30 am

Breakout Session III

A: De-Alerting

MODERATOR: *Mr. Michael Christ*, IPPNW

PRESENTERS:

Dr. Bruce Blair, Center for Defense Information

Mr. Bülent Meriç, Turkey

Zaban Room

B: Transparency, Irreversibility, Verification and Compliance

MODERATOR: *Ms. Alice Slater*, Global Resource Action Center for the Environment

PRESENTERS:

H.E. Mr. Luis Alfonso de Alba, Mexico

Dr. Frank von Hippel, Princeton

Cecil B. Day Chapel

10:45 am – 12:15

Plenary: Reporting Back from Breakout Sessions

MODERATOR: *Hon. Douglas Roche*, O.C., Middle Powers Initiative

REPORT I A: *Amb. Jaap Ramaker*

REPORT I B: *Dr. Karel Koster*

REPORT I C: *Mr. Ernie Regehr*

REPORT II A: *Dr. David Krieger*

REPORT II B: *Mr. Jean du Preez*

REPORT III A: *Mr. Michael Christ*

REPORT III B: *Ms. Alice Slater*

Cecil B. Day Chapel

12:30 pm – 2:00 pm

Buffet Lunch and Closing Presentation

MODERATOR: *Hon. Douglas Roche*, O.C.

KEYNOTE: *Amb. Sergio de Queiroz Duarte*, Brazil

President-Designate of the 2005 NPT Review Conference

CLOSING REMARKS:

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

Rotunda

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Building A Nuclear Weapons-Free Future

Briefing Paper for
Atlanta Consultation II: On the Future of the NPT
The Carter Center
January 26-28, 2005

January 2005

This briefing paper was written by Dr. John Burroughs for the Middle Powers Initiative.
The Middle Powers Initiative is solely responsible for the content of the paper.

Dr. Burroughs is Executive Director of the New York-based Lawyers' Committee on Nuclear Policy,
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EXECUTIVE SUMMARY

The global bargain underlying the Nuclear Non-Proliferation Treaty (NPT) is the renunciation of nuclear weapons, now undertaken by over 180 countries, in return for the promise of disarmament and the guarantee of access to peaceful uses of nuclear technology. The challenge is to make good on that bargain, on both sides of the table.

One critical element is to prevent the spread of nuclear technology from assisting the spread of nuclear weapons. A second is to induce compliance with arms control/disarmament commitments. Those commitments are now well specified in the final documents of the 1995 NPT Review and Extension Conference and the 2000 Review Conference. They are also set forth in the 2004 and other UN General Assembly resolutions sponsored by the New Agenda Coalition of Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa, and Sweden.

Undeniably, the challenge of making the NPT bargain work has become more acute. Indeed, the recent Report of the UN Secretary-General's High-Level Panel on Threats, Challenges and Change starkly warned: "We are approaching a point at which the erosion of the non-proliferation regime could become irreversible and result in a cascade of proliferation." On the one hand, the know-how and technology for production of weapons have become more widespread, and a handful of the 189 states parties have violated in major or minor ways their non-proliferation obligations under the NPT and associated safeguards agreements. On the other hand, the United States, a leader in the construction of the post-World War II international legal order, including the NPT, has become distinctly cold toward verified, universally applied international agreements that would regulate its actions like those of other states.

The Middle Powers Initiative (MPI) is an international civil society coalition that works to support the efforts of New Agenda and other middle power states to press for fulfillment of the NPT disarmament obligation. MPI believes that under present circumstances, the right course is to hold firm to the obligations and commitments of non-proliferation and disarmament assumed by the parties to the NPT at its commencement and reinforced and elaborated at the 1995 and 2000 Review Conferences.

MPI makes the following recommendations to middle power countries. They concern points contained in the 2004 New Agenda General Assembly resolution and other matters MPI believes deserve priority attention.

Recommendations

- 1) **Standing down nuclear forces:** *Middle power countries should press the United States and Russia, and other nuclear-armed states, to implement the commitment to decreasing operational readiness of nuclear weapons systems by planning and implementing a program to stand down their nuclear forces, culminating in a global stand-down by the 2010 NPT Review Conference.*
- 2) **Verified, transparent, irreversible reductions:** *Middle power countries should press the United States and Russia to apply the principles of irreversibility, transparency, and verification to strategic reductions under the Moscow Treaty, and to negotiate further deep, verified, and irreversible cuts in their total arsenals, encompassing both warheads and delivery systems.*

- 3) **Non-strategic reductions:** *Middle power countries should press for the United States to withdraw unilaterally its bombs deployed under NATO auspices in Europe; for a wider process of control of U.S. and Russian non-strategic weapons, through formalization and verification of the 1991-1992 initiatives, transparency steps, and security measures; and for commencement of negotiations regarding further reduction/elimination of non-strategic weapons.*
- 4) **Control of fissile materials and nuclear fuel production technology:** *Middle power countries should press for action on several fronts related to fissile materials: 1) negotiations on an effectively verifiable fissile materials treaty as agreed in 1995 and 2000, with the understanding that the negotiations can and should address a range of issues, including dealing with existing military materials; 2) development of a global inventory of weapons-usable fissile materials and warheads; and 3) accelerated progress in placing U.S., Russian, and other nuclear weapons state “excess” military fissile materials under international verification. Middle power countries should also seriously consider proposals for banning production of all weapons-usable fissile material, whether “civil” or military, and for establishment of multilateral controls on the spread of uranium enrichment and plutonium reprocessing technology and a moratorium on its supply and acquisition in the meantime.*
- 5) **Ending nuclear testing:** *Middle power countries should support a continued moratorium on nuclear testing, continued work by and funding for the Preparatory Commission for the Comprehensive Test Ban Treaty Organization, and early entry into force of the Comprehensive Test Ban Treaty.*
- 6) **Stopping vertical proliferation:** *Middle power countries should demand compliance with the commitment to a diminishing role for nuclear weapons in security policies instead of vertical proliferation in nuclear weapons-related doctrines and capabilities, and a full accounting of how that commitment is being met. They should also press for negotiation of a legally binding instrument on non-use of nuclear weapons against non-nuclear weapons state parties to the NPT.*
- 7) **Complete nuclear disarmament:** *Middle power countries should press for agreement on a program of work in the Conference on Disarmament that includes establishment of a subsidiary body dealing with nuclear disarmament.*

INTRODUCTION: STOPPING “A CASCADE OF PROLIFERATION”

The global bargain underlying the Nuclear Non-Proliferation Treaty (NPT) is the renunciation of nuclear weapons, now undertaken by over 180 countries, in return for the promise of disarmament and the guarantee of access to peaceful uses of nuclear technology. The challenge is to make good on that bargain, on both sides of the table. One critical element is to prevent the spread of nuclear technology from assisting the spread of nuclear weapons. A second is to induce compliance with now well-specified disarmament commitments.

Undeniably, the challenge of making the NPT bargain work has become more acute. Indeed, the recent Report of the UN Secretary-General’s High-Level Panel on Threats, Challenges and Change starkly warned: “We are approaching a point at which the erosion of the non-proliferation regime could become irreversible and result in a cascade of proliferation.” On the one hand, the know-how and technology for production of weapons have become more widespread, and a handful of the 189 states parties have violated in major or minor ways their non-proliferation obligations under the NPT and associated safeguards agreements. On the other hand, the United States, a leader in the construction of the post-World War II international legal order, including the NPT, has become distinctly cold toward verified, universally applied international agreements that would regulate its actions like those of other states.

The Middle Powers Initiative believes that under these circumstances, the right course is to hold firm to the obligations and commitments of non-proliferation and disarmament assumed by the parties to the NPT at its commencement and reinforced and elaborated at the 1995 and 2000 Review Conferences.

When the NPT was negotiated in the 1960s, the United States and Soviet Union rebuffed efforts to include commitments to specific arms control/disarmament measures in the operational provisions, agreeing only to the general obligation set forth in Article VI to negotiate in good faith effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament. Significantly, though, immediately after the NPT was opened for signature on July 1, 1968, the two superpowers placed specific measures before the predecessor to today’s Conference on Disarmament. Under a heading taken from Article VI, they proposed an agenda including “the cessation of testing, the non-use of nuclear weapons, the cessation of production of fissionable materials for weapons use, the cessation of manufacture of weapons and reduction and subsequent elimination of nuclear stockpiles....”

Some 36 years later, the world is still wrestling with those measures. Indeed, none has been definitively achieved. While there has been reduction of nuclear stockpiles, it is mostly from astronomical levels that were attained *after* the NPT entered into force in 1970. One thing is different: commitments to arms control/disarmament measures have now been more closely integrated into the NPT process, because they were approved by states participating in the 1995 Review and Extension Conference and the 2000 Review Conference as the means for implementation of the Article VI obligation. The “practical steps for the systematic and progressive efforts to implement Article VI” adopted in 2000 are attached as Appendix One.

A key player in articulation of the program of practical steps has been the New Agenda Coalition formed by Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa, and Sweden. Most recently, in the 2004 session of the United Nations General Assembly, New Agenda offered a resolution entitled

“Accelerating the implementation of nuclear disarmament commitments” (Appendix Two). The intent was to identify consensus-based steps to obtain the widest possible support heading into the 2005 Review Conference, and in particular to build a bridge to NATO states. The resolution also sought to highlight areas in which the nuclear weapons states could begin action prior to the Conference, laying the foundation for a constructive outcome.

The New Agenda Coalition succeeded in attracting wide support, notably from key NATO countries. The General Assembly adopted the resolution by a vote of 151 to six, with 24 abstentions. Eight NATO member states voted for the resolution, Belgium, Canada, Germany, Luxembourg, The Netherlands, Norway, Lithuania and Turkey. In 2002 and 2003, Canada had been the lone NATO supporter. Also significant was that key U.S. allies Japan and South Korea voted affirmatively for the first time since 2000. The resolution has thus formed a potential basis for a working partnership of states within and without nuclear alliances to exert leverage on the nuclear weapons states to take steps to resuscitate the faltering non-proliferation regime. Negative votes came from the three Western nuclear weapons states, the United States, Britain, and France, joined by Israel, Latvia, and Palau.

In its preambular paragraphs, the resolution expresses concern over the lack of implementation of binding disarmament obligations, reaffirms that non-proliferation and disarmament processes are mutually reinforcing, and recalls the unequivocal undertaking to eliminate nuclear arsenals given in 2000 (practical step 6). In its operative paragraphs, the resolution calls for full compliance with disarmament and non-proliferation commitments; universal adherence to the NPT and early entry into force of the Comprehensive Test Ban Treaty; accelerated implementation of the practical disarmament steps agreed at the 2000 NPT Review Conference; further steps to reduce non-strategic arsenals and non-development of new types of nuclear weapons; and establishment of a subsidiary body within the Conference on Disarmament to address nuclear disarmament. It also agrees to resumption of negotiations in the Conference on Disarmament on an effectively verifiable Fissile Materials Cutoff Treaty and to completion of arrangements for nuclear weapons states to place excess military fissile material under international verification. Finally, it underlines the principles of irreversibility and transparency and the development of verification capabilities.

The Middle Powers Initiative (MPI) is an international civil society coalition that works to support the efforts of New Agenda and other middle power states to press for fulfillment of the NPT disarmament obligation. Taking as its reference point the 2000 “practical steps for the systematic and progressive efforts to implement Article VI,” this briefing paper focuses on measures highlighted in the New Agenda resolution and certain other matters MPI regards as priorities, standing down nuclear forces, deep cuts, and controlling the spread of technology for production of nuclear fuel.

1) STANDING DOWN NUCLEAR FORCES

Concrete agreed measures to further reduce the operational status of nuclear weapons systems (practical step 9d)

This commitment goes to the core of the nuclear dilemma. So long as the United States and Russia maintain many hundreds of nuclear warheads ready for immediate use and contend that this posture is essential to their security, implementation of the entire nuclear arms control/disarmament program is fraught with difficulty.

It is sometimes said that problems are solved when they are no longer problems. In that vein, massive nuclear arsenals will not be reduced and eliminated until the nuclear weapons states stop relying on them in an operational sense, in accordance with their commitment (step 9e) to a “diminishing role for nuclear weapons in security policies.”

Other negative aspects of continued hair-trigger deployment are the heightened risk of accidental or unauthorized use, the danger and reinforced tension should serious conflict arise, and the moral debilitation inherent in maintenance of an implied threat of societal annihilation as a basis for national security. A less well understood risk, highlighted by Bruce Blair of the Center for Defense Information, is increased vulnerability to diversion of warheads to terrorists in Russia due to the shipment of large numbers of warheads between a remanufacturing facility and dispersed military bases.

Since 2000 there has been little progress in this area. One could argue that the 2002 Strategic Offensive Reductions Treaty (Moscow Treaty) between Russia and the United States commits those states to reduction of operational status. It requires the removal of thousands of strategic warheads from operational deployment in 2012 while permitting the two states to retain the warheads in storage, ready for redeployment. The United States has reduced deployed strategic warheads to about 4500, below the START I permitted level of about 6000. Russia has about the same number of operational strategic warheads. However, implementation of reductions prior to 2012 is not required by the treaty. Further, the achievement of levels of 1700 to 2200 deployed strategic warheads in or before 2012 will not fundamentally alter the preparedness of each state to initiate immediately a large-scale nuclear attack.

Non-governmental expert analysis of the mechanics of a stand-down of nuclear forces, often referred to as “de-alerting,” is ongoing. There are two dimensions: increasing assurance that no attack is underway; and decreasing the capability to immediately launch an attack. Possible steps are illustrated by a recent Rand Corporation study, *Beyond the Nuclear Shadow*, supported by the Nuclear Threat Initiative: assistance to Russia for its early-warning radars or satellites; creation of a U.S.-Russian early-warning system using sensors placed outside missile silos; standing down nuclear forces to be reduced under the Moscow Treaty; restrictions on the operating area of nuclear-armed submarines; removal of counterforce capable warheads (e.g., Trident W-88 warheads); reduction of launch readiness of ICBMs; reduction of launch readiness of all nuclear forces; installation of destruct-after-launch mechanisms on ballistic missiles; and elimination of doctrines of launch on warning and rapid counterforce strikes.

Recommendation: Middle power countries should press the United States and Russia, and other nuclear-armed states, to implement the commitment to decreasing operational readiness of nuclear weapons systems by planning and implementing a program to stand down their nuclear forces, culminating in a global stand-down by the 2010 NPT Review Conference.

2) VERIFIED, TRANSPARENT, IRREVERSIBLE REDUCTIONS

Adherence to the principles of irreversibility, transparency, and verification; deep cuts (practical steps 5, 6, 7, 9b, 13)

The practical steps embody principles of irreversibility, transparency, and verification. In addition

to agreeing to further development of verification capabilities, the 2000 agenda endorsed START II and III, U.S.-Russian reduction agreements that envisaged extensive verified dismantlement of both delivery systems and, innovatively in START III, warheads. It was a signal achievement to embed the principles in the practical steps. They are essential to states' participation in reduction of nuclear forces to low levels and certainly to their elimination. More generally, they undergird trust and accountability, preconditions for cooperative security.

In perhaps the most important instance of backsliding on the practical steps since 2000, the United States, with Russia's acquiescence, has emphatically rejected the principles, premising policy instead on retention of flexibility to reconfigure nuclear forces. The 2002 Moscow Treaty applies the policy of flexibility. It requires Russia and the United States each to deploy no more than 2200 long-range strategic nuclear warheads by the year 2012. But unlike existing agreements (e.g., INF Treaty, START I), the abandoned START II, and the projected START III, it contains no provisions for verification, transparency, and irreversible dismantlement in relation to the warheads and delivery systems removed from deployment. Monitoring mechanisms under START I may provide a means of verification, though they would not fulfill the principle of irreversibility. However, START I expires in 2009. U.S. intelligence reportedly has advised the Bush administration that absent extension of START I, reliable verification of Russian reductions will not be possible.

The practical steps also are premised on deep cuts in U.S.-Russian arsenals. Practical step 6 sets forth the unequivocal undertaking to elimination of nuclear arsenals. Step 7, in calling for the preservation of the now defunct ABM Treaty, refers to "further reductions of strategic offensive weapons" beyond those planned for START III. Step 9f calls for the engagement as soon as appropriate of all the nuclear weapons states in the process leading to total elimination of their nuclear weapons. The position taken by China and other states is that this will be "appropriate" when U.S. and Russian arsenals have reached much lower levels. Looking forward, progress toward elimination of nuclear arsenals will require verified and irreversible reduction of the U.S. and Russian arsenals far below presently projected levels. A glance at the current and projected status of nuclear arsenals as estimated by the Natural Resources Defense Council confirms this:

- Today the United States has over 10,000 warheads, with about 4,500 deployed strategic and 800 deployed non-strategic warheads.
- By 2012, after implementation of the 2002 Moscow Treaty, the United States will still have about 6,000 warheads. That includes 2,200 deployed strategic warheads with well more than 2,000 in reserve, and hundreds of deployed and reserve non-strategic warheads.
- Russia presently has perhaps 17,000 warheads, with about 4,400 operational strategic and 3,400 operational non-strategic warheads, plus many thousands in reserve, storage, or awaiting disassembly. In 2012, under the Moscow Treaty, Russia, like the United States, can have up to 2,200 deployed strategic warheads, plus reserve and non-strategic warheads in unlimited numbers.
- China, France, Britain, Israel, India, and Pakistan all have arsenals in the low hundreds or less. None has made any specific commitment to reduce its arsenal.
- The total world count of intact nuclear warheads is in the range of 28,000. Including plutonium

cores from disassembled warheads, the total is over 36,000, according to the Stockholm International Peace Research Institute.

Despite the clear need to set in motion cuts to total warhead arsenals going well below the Moscow Treaty levels for deployed strategic warheads, there are no publicly known plans for U.S.-Russian negotiations regarding further strategic reductions or reductions of non-strategic weapons. Nor are other nuclear-armed states engaged in any negotiations regarding reduction of nuclear forces. A positive development is that, as it has reported to NPT PrepComs, Britain is exploring technologies that could be used for multilateral verification of warhead dismantlement.

Recommendation: *Middle power countries should press the United States and Russia to apply the principles of irreversibility, transparency, and verification to strategic reductions under the Moscow Treaty, and to negotiate further deep, verified, and irreversible cuts in their total arsenals, encompassing both warheads and delivery systems.*

3) NON-STRATEGIC REDUCTIONS

Further reduction of non-strategic nuclear weapons, based on unilateral initiatives and as an integral part of the nuclear arms reduction and disarmament process (practical step 9c)

There has been no publicly reported progress on non-strategic reductions since 2000. Indeed, the 1991 Bush-Gorbachev parallel unilateral withdrawals of non-strategic arms from deployment have yet to be subjected to the requirements of the “reduction and disarmament process”; that is, they are not transparent, they are not irreversible, they have not been verified, and they have not been codified in legally binding form.

No official figures are available on tactical arsenals of the United States and Russia. Russia has 3400 or more operational tactical warheads, with thousands more in reserve or in storage, and the United States has 800 operational tactical warheads, with hundreds more in reserve or storage. China’s non-strategic arsenal is estimated to consist of between 100 and 300 warheads.

The United States is the only country to deploy non-strategic or any warheads on the territory of other states. According to a recent Natural Resources Defense Council estimate revising upward its earlier figure, 480 U.S. bombs for delivery by aircraft are deployed under NATO auspices in five “non-nuclear weapons state” European NATO countries (Belgium, Germany, Italy, The Netherlands, Turkey), as well as in Britain. This impedes efforts to negotiate with Russia regarding reductions of non-strategic weapons, appears to violate Articles I and II of the NPT, and perpetuates a terrible precedent for other nuclear powers to deploy nuclear weapons outside their territory and to share them with non-nuclear weapons states.

In a working paper for the 2002 NPT PrepCom, Germany called for formalization and verification of implementation of the 1991-1992 Bush-Gorbachev initiatives, reciprocal exchange of information between NATO and Russia, and commencement of U.S.-Russian negotiations on reduction of non-strategic nuclear weapons. Resolutions addressing non-strategic nuclear weapons offered by the New Agenda Coalition in 2002 and 2003 were to similar effect. Motivated in part by concerns regarding the status of Russian warheads, the resolutions called for security measures including placement of warheads

in central storage sites with a view to their removal and elimination.

There are multiple important reasons, noted above, for U.S. withdrawal of non-strategic bombs from Europe. It is also important to increase transparency, especially regarding Russian stocks, and to draw non-strategic weapons into bilateral and multilateral negotiations. It should also be recognized, though, that “non-strategic” weapons may need to be addressed in connection with “strategic” weapons. They are not always easily distinguishable categories, whether based on yield, mission, or even range of delivery.

Recommendation: *Middle power countries should press for the United States to withdraw unilaterally its bombs deployed under NATO auspices in Europe; for a wider process of control of U.S. and Russian non-strategic weapons, through formalization and verification of the 1991-1992 initiatives, transparency steps, and security measures; and for commencement of negotiations regarding further reduction/elimination of non-strategic weapons.*

4) CONTROL OF FISSILE MATERIALS

Negotiations on a non-discriminatory, multilateral and international and effectively verifiable treaty banning the production of fissile material for nuclear weapons (practical step 3); placement of “excess” military fissile materials under international verification (steps 8, 10)

Fissile materials treaty: Negotiation of a fissile materials treaty repeats one of the two principal specific commitments made in connection with the 1995 indefinite extension of the NPT (the other was to completion of a Comprehensive Test Ban Treaty). As laid down in practical step 3 (see Appendix One for full text), the commitment was robust.

First, step 3 incorporates the 1995 Shannon mandate for the negotiations. Canada’s Ambassador Shannon reported in 1995 that “it has been agreed by delegations that the mandate ... does not preclude any delegation from raising for consideration” issues including but not limited to past production of fissile materials and management of fissile materials. Second, step 3 also refers to “taking into consideration both nuclear disarmament and nuclear non-proliferation objectives,” further suggesting that the scope of negotiations is not limited to a ban on future production of military fissile materials. Third, step 3 contains a time component, urging the Conference on Disarmament to agree on a program of work “which includes the immediate commencement of negotiations on such a treaty *with a view to their conclusion within five years.*” (Emphasis added.)

Despite the clarity of the 1995 and 2000 commitments, they were not fulfilled. This was primarily due to the insistence of China and a handful of other states that negotiations also commence in the consensus-governed Conference on Disarmament on prevention of weaponization of outer space and on nuclear disarmament. In 2003, China moved to break the years-long deadlock by accepting a widely agreed proposal to *negotiate* a fissile materials treaty (FMT) while only *discussing* nuclear disarmament and prevention of space weaponization.

However, the other key party, the United States, has yet to state a position on the proposal. Further, it now favors, as stated in the General Assembly in fall 2004, negotiation of an FMT “without verification

provisions.” The United States and Palau cast the only negative votes against a Canada-sponsored resolution in the 2004 General Assembly urging the Conference on Disarmament to agree on a program of work and commence negotiations on an “effectively verifiable” FMT in accordance with the Shannon mandate. Britain and Israel abstained, raising further questions about prospects for negotiations under the Shannon mandate.

The United States ignored Canada’s explanation “that the existing mandate permits any CD member to raise any issue or concern about the envisaged treaty during the course of negotiations.” The United States also argued that negotiation of a non-verified FMT would shorten the time it takes to bring a ban into force that would stop the growth of military stockpiles. If that is truly the concern, it can be met by interim measures like a formalized moratorium applying to all nuclear weapons-possessing states. However, such interim measures must not be seen as a substitute for a universal, verified FMT.

In looking ahead to negotiations on an FMT, and to a Review Conference agreement on such negotiations, there are several important considerations.

- a) A ban on future production of military fissile materials is needed because it would stop the ongoing growth of such stocks in India, Pakistan, and Israel, and make permanent the existing halt to such production by the NPT-acknowledged nuclear weapons states.
- b) However, a ban on future production is insufficient. To lay a foundation for progress in reduction and elimination of nuclear arsenals and nuclear weapons capabilities, an FMT should also address existing fissile materials in stocks and warheads held by nuclear-armed states. South Africa has proposed that an FMT would verify the control and disposition of fissile materials declared “excess” to military needs, thus tying it to a process of reducing stocks and warheads. Another possible approach is that an FMT could serve as a framework convention. It would both establish a ban on future military production and create a process for negotiation regarding reduction of existing materials.
- c) A ban on production of highly enriched uranium (HEU) and plutonium for any purpose - weapons, ship propulsion, and civilian reactor operation - should also be seriously considered. Since such material is usable for weapons, its production and circulation inherently pose risks of diversion to weapons, including by terrorists. Such a ban has recently been urged by the Carnegie Endowment for International Peace Study, *Universal Compliance*. Similarly but less sweepingly, the Secretary-General’s High-level Panel recommended a ban on the production of HEU for any purpose.
- d) Development of a global inventory of all weapons-usable fissile materials and nuclear warheads, proposed by Germany, is needed. It could be pursued as part of an FMT or separately. Global stocks of plutonium and HEU, both “civil” (but usable in weapons) and military continue to rise, with more than 3,700 metric tons in about 60 countries at the end of 2003.

“Excess” military fissile materials: Practical steps 8 and 10 concern arrangements by the nuclear weapons states to place “excess” military fissile materials under international verification, including through completion of the Trilateral Initiative among Russia, the United States, and the IAEA. While preparatory work continues, the United States and Russia have yet to finalize any legally binding agreement with the IAEA, nor has any other nuclear weapons state. The United States and Russia are engaged in bilateral

initiatives aimed at control and disposition of “excess” HEU and plutonium, through the 1993 HEU Purchase Agreement, the 2000 Plutonium Management and Disposition Agreement, and the 2002 Accelerated Materials Disposition Initiative.

Nuclear fuel production technology: In the wake of revelations about the Khan nuclear proliferation network, the North Korean denial of IAEA monitoring of its fissile materials production capabilities, and concerns that Iran may be seeking nuclear weapons capability, proposals have emerged to control the spread of uranium enrichment and plutonium reprocessing technology. A dozen or so countries now have such technology.

One proposed course of action is for exporting countries to deny the technology to additional states, as called for by President Bush. The G-8 responded to President Bush’s call by declaring a one-year moratorium on supply to non-possessing states, but the far larger Nuclear Suppliers Group has yet to take any action.

A second course is indicated by IAEA Director-General Mohamed ElBaradei’s call for “working towards multilateral control over the sensitive parts of the nuclear fuel cycle - enrichment, reprocessing, and the management and disposal of spent fuel.” An expert group established by the IAEA is scheduled to report in March 2005.

The High-level Panel recommended a combination of voluntary action and multilateral control. It called for states to forgo for a limited period construction of enrichment and reprocessing facilities, with fissile materials supplied at current market prices, while an arrangement is negotiated for the IAEA to act as a guarantor for the supply of fissile materials for non-military use.

The matter is extremely sensitive. Non-nuclear weapons countries regard access to such technology as their right under Article IV of the NPT, and further resent what they regard as the implication that developing countries are not to be trusted with technology possessed by some developed states. The controversy casts a bitter light upon the history of the Atoms for Peace program, the IAEA, and the nuclear-power promoting NPT. As the 1946 U.S.-proposed Baruch plan illustrates, it was understood from the beginning of the nuclear age that the spread of nuclear technology, especially the means of producing fuel for nuclear reactors, would also provide the foundation for nuclear weapons programs.

The United States, the proponent of Atoms for Peace, is correct in returning to its initial view reflected in the Baruch plan that it is too dangerous to spread fuel-production technology around the world. For reasons of effectiveness, legitimacy, and promotion of global norms generally, multilateral control as favored by Mr. ElBaradei and the High-level Panel is the proper goal.

Recommendation: Middle power countries should press for action on several fronts related to fissile materials: 1) negotiations on an effectively verifiable fissile materials treaty as agreed in 1995 and 2000, with the understanding that the negotiations can and should address a range of issues, including dealing with existing military materials; 2) development of a global inventory of weapons-usable fissile materials and warheads; and 3) accelerated progress in placing U.S., Russian, and other nuclear weapons state “excess” military fissile materials under international verification. Middle power countries should also seriously consider proposals for banning production of all weapons-usable fissile material, whether “civil” or military, and for establishment of multilateral controls on the spread of uranium enrichment and plutonium reprocessing technology and a moratorium on its supply and acquisition in the meantime.

5) ENDING NUCLEAR TESTING

Early entry into force of the Comprehensive Test Ban Treaty and a moratorium on nuclear test explosions pending its entry into force (practical steps 1 and 2)

Establishment of a Comprehensive Test Ban Treaty (CTBT) has long been regarded as central to compliance with Article VI. The CTBT is referred to in the NPT preamble, and completion of its negotiation was specified as a principal commitment in connection with the 1995 indefinite extension of the NPT. At the present time, a moratorium on testing continues to hold, but entry into force is nowhere in sight. The Bush administration opposes U.S. ratification of the treaty, and China, apparently watching the United States, has yet to ratify. India and Pakistan have yet to sign.

The moratorium may be at some risk during the second Bush administration. The Bush administration's 2005 budget request refers, for the first time, to production of a "list of possible test scenarios." Fortunately, the U.S. Congress seems resistant to moves toward resumption of testing, recently refusing to approve the objective of reducing the time needed to prepare for tests, currently said to be two years.

The Preparatory Commission for the Comprehensive Test Ban Treaty Organization is making great progress on finalizing the already functioning International Monitoring System. Most countries, including the United States, are paying their shares of its budget.

Recommendation: *Middle power countries should support a continued moratorium on nuclear testing, continued work by and funding for the Preparatory Commission for the Comprehensive Test Ban Treaty Organization, and early entry into force of the Comprehensive Test Ban Treaty.*

6) STOPPING VERTICAL PROLIFERATION

A diminishing role for nuclear weapons in security policies to minimize the risk that these weapons ever be used and to facilitate the process of their total elimination (practical step 9e)

This step, building upon the Article VI obligation of negotiations on cessation of the nuclear arms race at an early date, can be considered the anti-vertical proliferation commitment, encompassing both doctrines and capabilities.

Doctrines: As is well known, the trends have been negative regarding doctrines. The United States continues to plan, as it has for decades, for a massive retaliatory or preemptive "counterforce" attack in response to an actual or imminent nuclear attack, and for first use of nuclear weapons against an overwhelming conventional attack. In addition, the 2001 U.S. Nuclear Posture Review plans for an enlarged range of circumstances under which nuclear weapons could be used, notably against non-nuclear attacks or threats. It states that nuclear weapons "could be employed against targets able to withstand nonnuclear attack, (for example, deep underground bunkers or bio-weapon facilities)," and contemplates their use in response to a biological or chemical attack. It also refers to nuclear use in response to "surprising military developments" and "unexpected contingencies." Those new catch-all categories, inspired by the September 11 terrorist attacks, are virtually without limit. In December 2002, the U.S. National Security Strategy to Combat Weapons of Mass Destruction made clear that

“overwhelming force” – a reference to a nuclear option – would be used against chemical and biological attacks. It also referred to preemptive attacks, and did not rule out nuclear use in such attacks.

In the late 1990s, Germany and Canada sought revision of NATO doctrine to rule out use of nuclear weapons against non-nuclear weapons states and to adopt a general no-first-use stance. The initiative was bluntly rejected by the Clinton administration, and NATO doctrine continues to highlight the role of nuclear weapons. Meeting in Washington, DC, in April 1999, the North Atlantic Council stated that the “supreme guarantee of the security of the allies is provided by the strategic nuclear forces of the Alliance.” Yet NATO also claims to be committed to implementing the conclusions of the 2000 NPT Review Conference, as stated in the June 2002 communiqué of the NATO defense and nuclear planning ministerial meeting. Like and following the United States, NATO is accordingly mired in policy incoherence, despite the efforts of Canada, Germany, and other members.

The United States has not been alone in its continued doctrinal emphasis on possible use of nuclear weapons. In 1993, Russia abandoned its policy of renouncing the first use of nuclear arms, and its January 2000 Security Concept stated that they could be used “to repulse armed aggression, if all other means of resolving the crisis have been exhausted.” Britain and France continue to retain the option of first use to defend “vital interests.” Pakistan expressly holds out the option of first use against conventional attack, and, imitating the United States, India announced possible first nuclear use in response to chemical or biological attacks.

Capabilities: Here too the trends have been negative, not only with regard to warheads, but also in relation to delivery systems and command and control. Russia recently announced, with some fanfare, that it is developing a superior new nuclear weapons system, apparently providing reentry vehicles a maneuvering capability. Britain is planning a replacement for its nuclear-armed Trident submarine. France is developing and fielding new missiles equipped with new warheads. China is modernizing its missile force.

As non-governmental analysts at Western States Legal Foundation and Natural Resources Defense Council have reported, U.S. projects include plans for a new ICBM to be deployed in 2018, some of which could be conventionally armed; plans for a new Trident submarine and for intermediate-range missiles to be based on submarines; work on improved accuracy for Trident missiles; extensive upgrades in computer software and hardware used to plan and execute nuclear strikes; development of new military communications satellites designed to allow survival during a nuclear war; development of theater and national missile defenses; and deployment of limited ground-based national missile defenses.

Some of the U.S. projects would improve capabilities for both nuclear and non-nuclear warfighting. While the United States contends that this demonstrates decreased reliance on nuclear forces, the effects nonetheless can be counterproductive in the nuclear sphere. Use of conventionally-armed missiles would run the risk of causing other states to believe they are under nuclear attack. More generally, other major states likely will be reluctant to agree to nuclear arms control/disarmament measures if they view their nuclear forces as a necessary deterrent to dramatically improved U.S. non-nuclear capabilities. That is all the more true should the United States eventually execute schemes for placing weapons in space.

So far as warheads are concerned, the U.S. Congress recently declined all requested funding for the nuclear earth penetrator, a modification of existing high yield weapons types, and for research on “advanced” concepts. While a positive development, not too much should be made of this. The U.S.

nuclear establishment will seek funding for these programs again. Moreover, Congress added \$400 million to the \$6 billion plus spent last year on the nuclear weapons complex, and allocated \$40 million to Los Alamos laboratory for a facility to build the plutonium cores for warheads. When spending on delivery systems and command and control is added, U.S. appropriations for nuclear forces are on the order of \$40 billion annually. Work continues on maintaining and upgrading every weapons type in the U.S. arsenal. For example, money slated for “advanced” concepts will instead be spent on a “reliable replacement warhead” program.

Vertical proliferation in doctrines and capabilities, even as nuclear arsenals are reduced in size, points to the need to find ways to close the yawning gap between commitments made in the NPT forums and actual policies and practices. Fuller accounting by the nuclear weapons states, and aggressive and informed questioning of that accounting, could make a contribution.

Also worth pressing is negotiation of legally binding obligations of non-use of nuclear weapons against non-nuclear weapons states parties to the NPT, codifying and extending “negative security assurances” thus far made in declarations. In connection with the 1995 decision indefinitely extending the NPT, the Review and Extension Conference stated: “[F]urther steps should be considered to assure non-nuclear weapons States party to the Treaty against the use or threat or use of nuclear weapons. These steps could take the form of an internationally legally binding instrument.” Non-use commitments flow logically from non-nuclear weapons states’ renunciation of the weapons and those states very much want to see them legally codified. Such a legally binding instrument could be negotiated as a protocol to the NPT.

Recommendation: *Middle power countries should demand compliance with the commitment to a diminishing role for nuclear weapons in security policies instead of vertical proliferation in nuclear weapons-related doctrines and capabilities, and a full accounting of how that commitment is being met. They should also press for negotiation of a legally binding instrument on non-use of nuclear weapons against non-nuclear weapons state parties to the NPT.*

7) COMPLETE NUCLEAR DISARMAMENT

Establishment in the Conference on Disarmament of an appropriate subsidiary body with a mandate to deal with nuclear disarmament (practical step 4)

Implementation of this commitment was stymied by the same problem that prevented commencement of negotiations on a fissile materials treaty, inability to agree on a program of work in the Conference on Disarmament (CD). Given China’s agreement to discuss nuclear disarmament and prevention of space weaponization while negotiating on fissile materials, prospects are better for a breakthrough here. The United States and other states which have yet to agree to the proposed program should be pressed hard to do so, preferably prior to the Review Conference to enhance the chances of a cooperative outcome. Should this not occur, at the Review Conference states should not paper over the problem of reaching a consensus on a CD program of work. Otherwise, any purported agreement on addressing nuclear disarmament in the CD, or negotiating regarding fissile materials, could turn out to be hollow, as occurred with the 2000 commitments. If such a consensus cannot be reached, other options for negotiations on nuclear disarmament and an FMT should be seriously considered.

A CD body dealing with nuclear disarmament could be a useful forum, not least because it includes nuclear-armed states outside the NPT, Israel, Pakistan, and India. It could seek to ensure that the various existing and proposed unilateral, plurilateral, and multilateral initiatives and negotiations proceed in a complementary fashion in the direction of a nuclear weapon-free world. It could also grapple with the truth affirmed by the New Agenda General Assembly resolution of 2000, that “a nuclear weapon-free world will ultimately require the underpinnings of a universal and multilaterally negotiated legally binding instrument or a framework encompassing a mutually reinforcing set of instruments.” A CD body could commence work on that legal and institutional framework, thereby facilitating compliance with the unanimous 1996 holding of the International Court of Justice that “there exists an obligation to pursue in good faith and bring to a conclusion negotiations on nuclear disarmament in all its aspects under strict and effective international control.”

Recommendation: *Middle power countries should press for agreement on a program of work in the Conference on Disarmament that includes establishment of a subsidiary body dealing with nuclear disarmament.*

CONCLUSION: PRESSING FOR ACCOUNTABILITY

“Moving to a world of radically fewer nuclear weapons is less an issue of aspiration than an issue of perspiration”
- Stephen J. Hadley, U.S. national security advisor elect, writing in 1997

A world free of nuclear weapons, not just with radically fewer weapons, is the objective legally required by the NPT and the most appropriate to safeguarding human security. That said, the Middle Powers Initiative appreciates Mr. Hadley’s sentiment that progress requires hard work and practical measures. In that spirit, and as the 2004 New Agenda General Assembly resolution contemplates, MPI observes that prior to the 2005 Review Conference, it is quite feasible for the nuclear weapons states to take steps that will greatly increase the prospects for a positive outcome.

Agreement is within reach on a program of work in the Conference on Disarmament, encompassing among other things commencement of negotiations on a fissile materials treaty and establishment of a body to deal with nuclear disarmament.

It is also eminently feasible for the United States and Russia to begin work within established mechanisms on transparency, verification, and irreversibility measures as to reductions under the Moscow Treaty.

It is also possible for states to commit to the creation of multilateral control on the spread of uranium enrichment and plutonium reprocessing technology, and to a moratorium on its supply and acquisition pending agreement on such control.

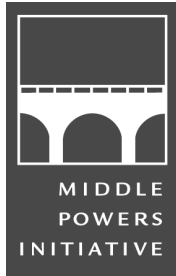
The middle power countries should exert every effort to press for the above steps to be taken. Further, it is practicable for the nuclear weapons states to start movement in the near future toward meeting every commitment discussed in this briefing paper. The Review Conference should in a serious and substantive way hold them accountable for meeting those and other commitments.

13 PRACTICAL STEPS

EXCERPTED FROM THE FINAL DOCUMENT OF THE NPT 2000 REVIEW CONFERENCE

The Conference agrees on the following practical steps for the systematic and progressive efforts to implement Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraphs 3 and 4 (c) of the 1995 Decision on “Principles and Objectives for Nuclear Non-Proliferation and Disarmament”:

1. The importance and urgency of signatures and ratifications, without delay and without conditions and in accordance with constitutional processes, to achieve the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty.
2. A moratorium on nuclear-weapon-test explosions or any other nuclear explosions pending entry into force of that Treaty.
3. The necessity of negotiations in the Conference on Disarmament on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices in accordance with the statement of the Special Coordinator in 1995 and the mandate contained therein, taking into consideration both nuclear disarmament and nuclear non-proliferation objectives. The Conference on Disarmament is urged to agree on a programme of work which includes the immediate commencement of negotiations on such a treaty with a view to their conclusion within five years.
4. The necessity of establishing in the Conference on Disarmament an appropriate subsidiary body with a mandate to deal with nuclear disarmament. The Conference on Disarmament is urged to agree on a programme of work which includes the immediate establishment of such a body.
5. The principle of irreversibility to apply to nuclear disarmament, nuclear and other related arms control and reduction measures.
6. An unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament to which all States parties are committed under Article VI.
7. The early entry into force and full implementation of START II and the conclusion of START III as soon as possible while preserving and strengthening the ABM Treaty as a cornerstone of strategic stability and as a basis for further reductions of strategic offensive weapons, in accordance with its provisions.
8. The completion and implementation of the Trilateral Initiative between the United States of America, the Russian Federation and the International Atomic Energy Agency.
9. Steps by all the nuclear-weapon States leading to nuclear disarmament in a way that promotes international stability, and based on the principle of undiminished security for all:
 - * Further efforts by the nuclear-weapon States to reduce their nuclear arsenals unilaterally.
 - * Increased transparency by the nuclear-weapon States with regard to the nuclear weapons capabilities and the implementation of agreements pursuant to Article VI and as a voluntary confidence-building measure to support further progress on nuclear disarmament.
 - * The further reduction of non-strategic nuclear weapons, based on unilateral initiatives and as an integral part of the nuclear arms reduction and disarmament process.
 - * Concrete agreed measures to further reduce the operational status of nuclear weapons systems.
 - * A diminishing role for nuclear weapons in security policies to minimize the risk that these weapons ever be used and to facilitate the process of their total elimination.
 - * The engagement as soon as appropriate of all the nuclear-weapon States in the process leading to the total elimination of their nuclear weapons.
10. Arrangements by all nuclear-weapon States to place, as soon as practicable, fissile material designated by each of them as no longer required for military purposes under IAEA or other relevant international verification and arrangements for the disposition of such material for peaceful purposes, to ensure that such material remains permanently outside of military programmes.
11. Reaffirmation that the ultimate objective of the efforts of States in the disarmament process is general and complete disarmament under effective international control.
12. Regular reports, within the framework of the NPT strengthened review process, by all States parties on the implementation of Article VI and paragraph 4 (c) of the 1995 Decision on “Principles and Objectives for Nuclear Non-Proliferation and Disarmament”, and recalling the Advisory Opinion of the International Court of Justice of 8 July 1996.
13. The further development of the verification capabilities that will be required to provide assurance of compliance with nuclear disarmament agreements for the achievement and maintenance of a nuclear-weapon-free world.



MIDDLE POWERS INITIATIVE

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



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