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# Middle Powers Initiative Briefing Paper

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## Visible Intent NATO's Responsibility to Nuclear Disarmament

Middle Powers Initiative Briefing Paper

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## **THE MIDDLE POWERS INITIATIVE**

A Program of the Global Security Institute

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

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## **ACKNOWLEDGEMENT**

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\* Global Security Institute, International Association of Lawyers Against Nuclear Weapons, International Network of Engineers and Scientists, International Peace Bureau, International Physicians for the Prevention of Nuclear War, Nuclear Age Peace Foundation, and the Women’s International League for Peace and Freedom

## **SUMMARY**

Two major tracks of opportunity are open in the 2008-2010 time period for non-nuclear weapon members of NATO to press for progress on nuclear disarmament and non-proliferation: first, the NATO summits to take place in 2008 (Bucharest, April 2-4) and 2009 on the occasion of NATO's 60th anniversary; and second, the process culminating in the 2010 NPT Review Conference.

At the NATO summits, non-nuclear weapon NATO states should work to bring NATO's nuclear weapons policy into accordance with NPT commitments and international law. NATO policy should be revised at a minimum to bar the use of nuclear weapons except in response to a confirmed nuclear detonation, and more affirmatively to envisage the non-use of nuclear weapons in all circumstances. NATO states should also stop hosting US nuclear weapons under "nuclear sharing" arrangements that enable delivery of the weapons by NATO "non-nuclear weapon states."

Also at the NATO summits, and in other settings, non-nuclear weapon NATO states should focus attention on the need to prevent the development of missile defences from undermining strategic stability and impeding the reduction and elimination of nuclear forces. As an immediate matter, a way can and must be found to meet Russian concerns about the plans for a US missile defence system based in Europe; optimally, the plan would be cancelled. More broadly, the control of both missiles and missile defences needs to be put back on the international agenda.

In the NPT review process, NATO non-nuclear weapon states should sustain and intensify their work to strengthen the non-proliferation/disarmament regime. MPI has been supportive of this work through the Article VI Forum, inaugurated following the failure of the 2005 NPT Review Conference. Thirty invited states participated in one or more of the four meetings of the Forum in New York, The Hague, Ottawa, and Vienna. Drawing on Forum consultations, MPI has identified seven priorities for action whose implementation prior to the 2010 Review Conference, or whose endorsement at the Conference, would ensure both strengthening of non-proliferation constraints and providing impetus and credibility to the fulfillment of the treaty's mandate to achieve the universal elimination of nuclear weapons. They are:

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

## **A. THE IMPERATIVE OF DEVALUING NUCLEAR WEAPONS AT THE NATO SUMMITS**

1. In the Declaration of the November 2006 NATO Riga Summit, participating heads of state and government “reiterate that the Nuclear Non-Proliferation Treaty remains the cornerstone of non-proliferation and disarmament, and call for the full compliance with it by all States Parties to the Treaty.” Yet the Declaration, concerned with new security challenges exemplified by Afghanistan and the Taliban, makes no mention of the 350 US nuclear bombs positioned for delivery under NATO auspices in five non-nuclear weapon countries and the United Kingdom. Nor does it mention that NATO nuclear weapons policy continues to be guided by the 1999 Strategic Concept. That was subsequently made clear on June 15, 2007, by NATO defence ministers meeting in Brussels. They “reaffirmed the principles of NATO nuclear policy as set out in the Alliance’s Strategic Concept” and “reaffirmed that the fundamental purpose of the nuclear forces of the Allies is political: to preserve peace and prevent coercion and any kind of war.” The ministers also stated “we continue to place great value on the nuclear forces based in Europe and committed to NATO, which provide an essential political and military link between the European and North American members of the Alliance.”

2. These policies and practices are fundamentally incompatible with NPT commitments and international law and must be revised at the upcoming NATO summits in 2008 and 2009. With each passing year, it becomes clearer that nuclear weapons are obsolete instruments of security policy. NATO’s reliance on nuclear forces indeed undermines security by proclaiming the political value of nuclear weapons, thereby encouraging their acquisition by additional states. Instead, NATO should end that reliance and commit to an overarching process for systematically and progressively negotiating nuclear disarmament in all its aspects.

### **NATO Policy on Use of Nuclear Weapons**

3. The Strategic Concept states that nuclear weapons deter “aggression,” preserving the longstanding NATO policy of maintaining the option of use of nuclear weapons in a wide range of circumstances. When viewed in the context of US doctrine identifying options for preemptive or responsive use of nuclear weapons against nuclear, biological, and chemical weapon attacks or capabilities, against overwhelming conventional attacks, and even in response to “surprising” military developments, NATO policy permits the use of nuclear weapons when deemed militarily useful in virtually any circumstance. Such a broad approach is incompatible with NPT commitments, security assurances regarding nuclear weapons, and international humanitarian law.

#### *NPT commitments*

4. In 2000, all states participating in the NPT Review Conference endorsed 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.” Yet since 2000, NATO has taken no steps whatever to reduce the role of nuclear weapons in its policy. Also in 2000, nuclear weapon states gave “an unequivocal undertaking ... to accomplish the total elimination of their nuclear arsenals.” The failure of the three NATO nuclear weapon states, and of NATO itself, to integrate this undertaking into NATO policy is apparent in the continuing adherence to a Strategic Concept which states that nuclear weapons will be retained for the “foreseeable future” and that they make a “unique contribution” to NATO’s security posture. Standing alone, these two key NPT commitments require a revision of NATO policy, at a minimum to bar the use of nuclear weapons except in response to a confirmed nuclear detonation, and more affirmatively to envisage the non-use of nuclear weapons in all circumstances – a position that even from an orthodox point of view is conceivable

for NATO, given its non-nuclear military capabilities.

#### *Negative security assurances*

5. The NPT-acknowledged nuclear weapon states (Russia, China, France, Britain, United States) have also given assurances of non-use of nuclear weapons to non-nuclear weapon states parties to the Nuclear Non-Proliferation Treaty, members of regional nuclear weapon-free zone (NWFZ) treaties, and a few individual states. The most recent NPT-based declarations regarding non-use, known as “negative security assurances,” were made shortly before the 1995 NPT Review and Extension Conference and were referred to in Security Council Resolution 984 (1995).

6. There is a strong argument that negative security assurances made in declarations by the nuclear weapon states are legally binding, especially because they were made with the intent of inducing non-nuclear weapon states to agree to the indefinite extension of the NPT. In its advisory opinion, the International Court of Justice appears to refer to assurances made in this form in its conclusion that “[a] threat or use of nuclear weapons should also be compatible ... with specific obligations under treaties and *other undertakings which expressly deal with nuclear weapons*.” (Emphasis supplied.) The European Union statement to the 2007 NPT PrepCom refers to the assurances as legally binding.

7. Nonetheless, the nuclear weapon states have not accepted that their declarations are legally binding, regarding them as only political commitments. The United States has also stated that the assurances apply only when a state is a member in good standing of relevant regimes. Clearly, when it has been authoritatively determined that a state has breached Article II of the NPT and acquired nuclear weapons, the assurances would no longer apply. But the US approach leaves considerable ambiguity about whether this is the only circumstance when the assurances would not be valid. Further, US doctrines now contemplate a nuclear response to use of a biological or chemical weapon, regardless of negative security assurances contained in NWFZ protocols or NPT declarations. France has also signaled that it may use nuclear weapons against a state that sponsored a terrorist attack.

8. In this context, it is not surprising that non-weapon states party to the NPT continue to press their longstanding demand for a legal instrument codifying negative security assurances. The logic is unassailable; countries that have foresworn nuclear weapons are entitled to reliable guarantees of non-use of the weapons against them. The failure to shore up this pillar of the non-proliferation regime undermines efforts to prevent the spread of nuclear weapons. However, efforts to negotiate an instrument have been unavailing, not least because the United States now opposes this approach. Revision of NATO doctrine to affirm that as a matter of policy NATO will not use nuclear weapons against countries not possessing the weapons would therefore be a major contribution.

#### *International humanitarian law*

9. In its advisory opinion, the International Court of Justice found that threat or use of nuclear weapons is generally contrary to international law, but did not reach a conclusion one way or the other regarding an extreme circumstance of self-defence involving the very survival of a state. The Court’s failure to address all circumstances has perhaps contributed to non-nuclear weapon NATO states’ avoidance of the question of the lawfulness of NATO’s policy regarding use. However, that is not a justifiable course of action for states that in other contexts – support for the International Criminal Court, negotiation of an instrument on cluster munitions, etc. – rightly insist on compliance with humanitarian and other international law governing the

conduct of warfare. It is time for law-abiding states squarely to face this question and to insist on NATO bringing its use policy into compliance with the law.

10. Here the statement of the Committee on International Security and Arms Control of the US National Academy of Sciences must be considered. In a 1997 book, the Committee observed that the International Court of Justice “unanimously agreed that the threat or use of nuclear weapons is strictly limited by generally accepted laws and humanitarian principles that restrict the use of force.” The Committee continued: “Accordingly, any threat or use of nuclear weapons must be limited to, and necessary for, self defence; it must not be targeted at civilians, and be capable of distinguishing between civilian and military targets; and it must not cause unnecessary suffering to combatants, or harm greater than that unavoidable to achieve military objectives. In the Committee’s view, the inherent destructiveness of nuclear weapons, combined with the unavoidable risk that even the most restricted use of such weapons would escalate to broader attacks, makes it extremely unlikely that any contemplated threat or use of nuclear weapons would meet these criteria.” In the view of the Middle Powers Initiative, a serious NATO examination of the question should result at a minimum in a commitment to no first use of the weapons on the way to a policy of non-use.

### **NATO “nuclear sharing” arrangements**

11. “Nuclear sharing” refers to deployment of US nuclear bombs in several NATO countries on the basis of possible NATO-directed and US-authorized use *by non-US personnel and aircraft* from the cooperating states as well as by US aircraft and personnel. Five non-nuclear weapon states, Belgium, Germany, Italy, the Netherlands, and Turkey, are involved in NATO nuclear cooperation programs conducted pursuant to agreements between each of those states and the United States. Early this decade, Greece withdrew from participation, and it also appears that the number of nuclear bases in Germany has been reduced to one. The programs include maintenance of dual capable aircraft prepared for the conduct of nuclear missions and training in nuclear weapons use. According to a recent estimate by Hans Kristensen of the Federation of American Scientists, 350 nuclear bombs are deployed in the five states and the United Kingdom, a number comparable to the size of the French nuclear arsenal and larger than the estimated Chinese arsenal.

12. NATO nuclear sharing is arguably contrary to the terms of Articles I and II of the NPT because the United States is *transferring* to non-nuclear weapon states *control* over nuclear weapons *directly or indirectly*. While the arrangement was in place at the time of negotiation of the NPT, it is nowhere acknowledged in the treaty, unlike the acknowledgement (Article IX(3)) of possession of nuclear weapons, subject to the disarmament obligation, by the five states which had tested prior to 1968. When the US Senate was considering whether to approve ratification of the NPT, the US State Department argued that the NPT would not be valid in time of a “general” war and nuclear sharing is therefore permissible. The NPT does not provide that it becomes ineffective in time of war, and states parties to the NPT appear to have repudiated, at least implicitly, this suggestion in Review Conference final documents, referring to the need for compliance with the treaty “under any circumstances.” Nor is there a solid basis in international law for maintaining that the NPT would become ineffective in time of “general” war.

13. A primary objective of the NPT is to prevent the acquisition of nuclear weapons by states other than those states having possessed and tested them by 1968. Elimination of NATO nuclear sharing would contribute to fulfillment of that objective and bring the United States and cooperating NATO states into full compliance with Articles I and II. NATO nuclear sharing now serves as a terrible precedent for other nuclear-armed states to deploy nuclear weapons outside their territory and to share them with non-nuclear

weapon possessing states. Hypothetically, for example, Pakistan could cite NATO nuclear sharing in support of providing its nuclear weapons to a state in the Middle East. More broadly, ending nuclear sharing would decrease the likelihood of use of nuclear weapons and provide a much needed boost to the non-proliferation regime. As it is now, the practice gives some operational reality to the continued NATO insistence that nuclear weapons are useful instruments of military and foreign policy. This is inconsistent with good faith negotiation of elimination of nuclear weapons and undermines efforts to prevent their spread, for example making it more difficult for the European Union to negotiate credibly with Iran on limiting its nuclear program.

14. Nuclear sharing also impedes efforts to negotiate with Russia regarding reductions of non-strategic weapons. Further, terminating the practice would be a confidence-building measure assuaging Russian resentment concerning the failure of the United States and NATO to reciprocate the far-reaching steps Russia took in dissolving the Warsaw Pact and ending the Cold War.

15. NATO's insistence that deployment of US bombs in Europe provides a political link with European members of NATO implies a shared valuing of nuclear weapons. The military value of the deployments, even assuming reliance on nuclear weapons for military purposes generally, is next to nil given US capabilities to deliver nuclear weapons all over the globe absent the European bases. Surely there are more salutary values that these countries share – among them the rule of law, which weighs heavily against continued reliance on nuclear weapons. European publics and parliaments do not accept the political link argument. Parliamentary resolutions and motions in Belgium and Germany and vigorous campaigning in those countries and Italy and Turkey have opposed the European deployments. In a 2006 Greenpeace International commissioned public opinion survey, more than two-thirds of respondents living in the nuclear sharing countries desired a Europe free of nuclear weapons.

## **B. THE IMPERATIVE OF PUTTING CONTROL OF MISSILES AND MISSILE DEFENCES BACK ON THE INTERNATIONAL AGENDA**

16. The Riga Summit Declaration notes (para. 24) “the signature of the first major contract for a NATO Active Layered Theatre Ballistic Missile Defence system which is a major step towards improving the protection of deployed NATO forces.” It also welcomes (para. 25) the completion of a “Missile Defence Feasibility Study” and “tasked continued work on the political and military implications of missile defence for the Alliance”. Several NATO member states, and European companies, are developing missile defence systems in cooperation with the United States, as are non-NATO states including the Republic of Korea, Japan, and Australia. Generally there is an intensified drive to develop and deploy missile defence systems, in Europe and elsewhere.

17. This is a trend that deserves the closest attention because of its potentially negative impacts on the reduction and elimination of nuclear forces. That potential has been dramatically illustrated by the controversy over the US plan, not formally through NATO, to deploy a missile defence system, ostensibly to counter an emerging Iranian capability, in Poland (interceptors) and the Czech Republic (radar installation). Russia has objected strenuously to the plan. It contends that the system could be used against its ICBMs and thus would undermine strategic stability. The concern is that it could make a preemptive strike theoretically more possible because it would be backed by missile defences. The United States denies the Russian contention, but the contention has been supported by well-regarded non-governmental analysts. In August 2007, former US Senator Sam Nunn, co-chair of the Nuclear Threat Initiative, said that the United States and Russia need to “pause” and “take a deep breath.” He stated that it is possible that “we could stumble to

the precipice of strategic danger if we and our Russian friends play a foolish zero-sum game with missile defence.” Russia has proposed alternative approaches, including basing the system further south where it would have no capability against its ICBMs. The controversy contributed to Russia’s decision to “suspend” implementation of the Conventional Forces in Europe Treaty, and has occasioned belligerent statements by Russian officials, e.g. that Russia would target the missile defence sites.

18. The Thirteen Practical Steps for disarmament adopted at the 2000 NPT Review Conference provide for the preservation and strengthening of the ABM Treaty. Nonetheless, the United States subsequently withdrew from the treaty. The negative consequences of that step are now beginning to be felt. In NATO, the NPT review process, and other settings, it is now crucial that renewed attention be devoted to the question of missiles and missile defences. As an immediate matter, at a minimum a way can and must be found to meet Russian concerns about the plans for a US missile defence system based in Europe; optimally, the plan would be cancelled. More broadly, the basic premise of the ABM Treaty remains valid. Given ongoing reliance on nuclear forces, missile defences can undermine stability and prevent reduction and elimination of the forces. The real defence against nuclear-armed missiles is to eliminate them where they exist and to prevent their installation in additional countries, Iran and others.

19. Thus the control of missiles as well as missile defences, in US-Russian, regional, and global settings, needs to be put back on the international agenda. In a world where nuclear weapons are eliminated and missiles controlled or eliminated, missile defences may have a place, but they must not be allowed to thwart progress in achieving that world. At the next meeting of the Article VI Forum, to be held in Dublin in March 2008, these issues will be examined in depth.

### **C. THE NPT REVIEW PROCESS: SEVEN PRIORITIES FOR ACTION**

20. Through the Article VI Forum, the Middle Powers Initiative has identified seven priorities for progress on a consensus basis in the context of the NPT review process culminating in the 2010 Conference. The next step is the 2008 PrepCom, to be held April 28 to May 9 in Geneva. Leadership by middle power states is essential in forging the consensus. The threat-reducing, security-enhancing aspects of that consensus should be compelling to security policy planners in nuclear weapon states. The priorities are:

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

21. MPI is aware that there are other important tasks, for example: ensuring that nuclear trade is not permitted with India unless and until a CTBT and a verified FMCT have entered into force; taking steps towards implementation of the 1995 NPT resolution calling for a zone free of WMD in the Middle East; finding ways to institutionalize planning for security without nuclear weapons at the national and international levels; deliberations on the framework for a nuclear weapon-free world; and negotiating an instrument on space security that would, among other things, provide a more conducive environment for elimination of nuclear arsenals. The seven priorities, however, are ones that MPI believes are sufficiently mature and general to be usefully emphasized now within the NPT review process. They are generally

consistent with the positions of non-nuclear weapon members of NATO, as illustrated by the European Union statement delivered by Germany at the 2007 NPT PrepCom; by their support for the UN General Assembly resolution, “Renewed Determination Toward the Total Elimination of Nuclear Weapons”; and by the November 11, 2006 op-ed by the foreign ministers of Germany and Norway.

**22. Verified reduction of nuclear forces.** More than fifteen years after the collapse of the Soviet Union, the United States and Russia remain locked in a Cold War-style nuclear balance of terror characterized by large arsenals and high alert rates. That relationship must be dramatically changed in order to break through to a new stage in reducing and eliminating arsenals globally. Between them, the United States and Russia have about 95% of the world’s 10,000-plus operational warheads and of the total world stockpile of over 25,000. The 2002 Strategic Offensive Reductions Treaty (SORT) commitment for each side to deploy no more than 2200 strategic warheads expires upon its coming into effect at the end of 2012, and SORT does not require verified dismantlement of delivery systems or withdrawn warheads. Key steps are:

- negotiation of a new US-Russian strategic reduction treaty applying the principles of verification, transparency, and irreversibility that would include a requirement of dismantlement of weapons withdrawn under SORT;
- unless superseded by a new treaty, extension of the Strategic Arms Reduction Treaty (START), which expires in 2009 and provides limits on multiple-warhead missiles and some monitoring mechanisms for SORT;
- negotiation of reductions of US and Russian non-strategic nuclear weapons, either together with reductions of strategic nuclear weapons or separately.

23. Similarly, in their November 11, 2006 op-ed, the foreign ministers of Germany and Norway, Frank-Walter Steinmeier and Jonas Gahr-Støre, encouraged “the nuclear weapon states, in particular Russia and the United States, to exercise leadership and commit to further negotiations on strategic nuclear weapons. We believe such negotiations could result in a follow-on agreement replacing [START], which expires in 2009. And we believe that it is time for an incremental arms control approach to non-strategic nuclear weapons, a category of nuclear weapons which are not yet the subject of any arms control or disarmament agreement.”

24. The United States and Russia are discussing a post-START arrangement. At the 2007 NPT PrepCom, Russia said that “President Putin has repeatedly expressed our country’s willingness to reduce our nuclear arsenal to a much lower level [than SORT] that would fit into the notion of minimum sufficiency.” However, so far as is publicly known, due to the current US position a post-START arrangement likely would encompass only “confidence-building measures” on transparency and monitoring, not a new agreement on verified strategic reductions. Nor is there any known discussion taking place regarding non-strategic reductions.

**25. Standing down nuclear forces (de-alerting).** Large numbers of US and Russian warheads remain ready for nearly instantaneous launch. According to a recent estimate by Bruce Blair, the world’s foremost independent expert on this subject, the two countries together have 2654 warheads deployed in this posture. It is an absolute scandal that, every moment of every day, the two countries remain locked in a Cold War-style nuclear standoff. Experts have explained that the standoff can be defused through measures that lengthen the time required for a nuclear launch, from days to weeks to months. Warheads can be removed from missiles; strategic submarines kept in port; and nuclear bombs and air-launched cruise missiles stored separately from air fields. An accompanying step is the elimination of the launch-on-warning option that requires nuclear forces to be on hair-trigger alert. A US-Russian joint commission could facilitate

implementation of such measures and the necessary monitoring/verification. While most urgent with respect to Russia and the United States, it is also vital that other weapon states, which to various degrees already maintain their forces in a de facto de-alerted condition, adopt and affirm de-alerting as an entrenched, declared policy and practice. De-alerting would help alleviate risks associated with mistakes, coups, attacks on nuclear weapons facilities, false warnings, unauthorized launches, and hacking into command and control systems. The importance of de-alerting was highlighted in a 2007 General Assembly resolution, "Decreasing the operational readiness of nuclear weapons systems," adopted by a vote of 139 to three, with 36 abstentions. It had substantial support from NATO non-nuclear weapon states, including Germany, Norway, and Spain.

**26. Negotiation of a Fissile Materials Cut-off Treaty.** Achievement of an FMCT would restrain arms racing involving India, China, and Pakistan, cap Israel's arsenal, and establish ceilings on other arsenals as well. A verified FMCT also would help build a stable framework for reduction and elimination of warheads and fissile material stocks; help prevent acquisition of fissile materials by terrorists; meet a key NPT commitment; and institutionalize one of the basic pillars of a nuclear weapon-free world. Verification is imperative and feasible, as the International Panel on Fissile Materials has demonstrated. A verification system could initially focus on declared enrichment and reprocessing facilities in the weapons-possessing states. They could be monitored just as the same kinds of facilities are monitored through IAEA safeguards in non-weapon countries. Later stages of verification could focus on the more difficult task of confirming the absence of clandestine activities. An FMCT should also bar the conversion of the existing large stocks of civilian materials to weapons use and provide that existing military materials declared "excess" to "military" needs would be subject to a verified ban on weapons use. Especially given the complexities involved in a thorough-going FMCT, a two-pronged approach may be warranted: formalizing, by joint declaration or agreement, a moratorium on production by all weapons-possessing countries; and negotiating a fissile materials treaty that provides tools for achieving disarmament as well as halting further production.

27. In 2007, the Conference on Disarmament came close to reaching agreement on a program of work that would have permitted negotiations on an FMCT to begin. It is important, at high levels of government, to persuade the few countries preventing agreement, notably Pakistan, that it is in their security interests to proceed with negotiations.

**28. Bringing the Comprehensive Nuclear-Test-Ban Treaty into force.** The DPRK's nuclear test explosion conducted on October 9, 2006 put the importance of the CTBT into sharp relief. The CTBT would help to check the spread of nuclear arms, constrain refinement of advanced arsenals, and protect the environment. Like the FMCT, it would be an indispensable part of the architecture of a nuclear weapon-free world. The Preparatory Commission for the CTBT Organization has made great strides in developing the International Monitoring System. It successfully detected the DPRK explosion and confirmed that it was nuclear. In a 2002 study, the US National Academy of Sciences concluded that with a fully functioning monitoring system, clandestine nuclear explosions with a yield of more than one to two kilotons are detectable by technical means alone, and further found that any undetected low-yield explosions are not likely to significantly advance weapon development. Bringing the CTBT into force therefore remains a very high priority. Although 141 states have ratified the treaty, ten of the 44 states whose ratification is required for entry into force have yet to do so. Of the ten, three weapons-possessing states, the United States, China, and Israel, have signed but not ratified the treaty; three other weapons-possessing states, India, Pakistan, and North Korea, have not signed or ratified. Other key states yet to ratify include Iran, Egypt, and Indonesia.

29. There is now at least majority support in the US Congress for ratification (however, two-thirds of the

Senate is required), and the next administration may support ratification. Accordingly, intensified efforts to persuade the United States to proceed with ratification are warranted. If the United States does ratify, there are reasonable prospects for gaining the additional ratifications needed to bring the treaty into force.

**30. Strengthened negative security assurances.** As discussed above in connection with NATO policy, guarantees of non-use of the weapons against non-nuclear weapon states are essential to the viability of the non-proliferation regime. Accordingly, in addition to a revision of NATO policy affirming the existing declarations of nuclear weapon states providing such assurances, the legally binding character of those assurances should be confirmed through a new instrument.

**31. Regulation of nuclear fuel production and supply.** Already 14 countries possess uranium enrichment or plutonium reprocessing facilities, including five non-weapon states (Brazil, Germany, Japan, Netherlands, and Iran). Uranium enrichment projects are being pursued or are under consideration in numerous additional countries. Regardless of where nationally-controlled enrichment and reprocessing facilities are located, they bring with them the potential of nuclear weapons production and represent a formidable roadblock on the path to elimination of the weapons. Recognizing this reality, the IAEA is developing a proposal for a multilateral approach to fuel assurance and supply, which may be considered this year by its Board of Governors. While development of an appropriate multilateral system is desirable, MPI also urges decreased reliance on nuclear power for generation of electricity and establishment of an international sustainable energy agency to assist countries to meet energy needs without using nuclear power. Interim steps would be for states to relinquish the right to construct new reprocessing facilities and to institute a moratorium on the construction of enrichment facilities. The aim should be to end the spread of nationally-controlled facilities, and to phase out or bring under multinational control existing facilities, including in the weapon-possessing states.

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

**33. Disarmament as the compass point.** The above outlined measures are valuable in and of themselves. They decrease risks of use, diminish the access of terrorists to catastrophic weapons and materials to build them, raise barriers to acquisition by additional states, and generate support for strengthening the regime and resolving regional crises. Moreover, the measures pass key tests: they do not diminish the security of any state; they reinforce the NPT and enhance the rule of law; they make the world safer now; they move the world towards elimination of nuclear weapons. They enjoy very broad public support around the world, as indeed does complete nuclear disarmament. For example, a recent WorldPublicOpinion.org poll found that large majorities of Americans and Russians favor taking nuclear weapons off high alert, sharply cutting

their numbers, banning the production of weapons-grade nuclear material, and, once advanced methods of verification are established, undertaking their complete elimination.

34. Achievement of the measures is difficult, however, in the context of an unstable, two-tier world in which nuclear weapons seem to have a permanent place. Some weapon states will hesitate to reduce flexibility by agreeing to the CTBT, the FMCT, intrusive verification of reductions and de-alerting, and strengthened security assurances. Similarly, some non-weapon states will be reluctant to agree to further steps to ensure peaceful use of nuclear energy such as the Additional Protocol and multilateral regulation of nuclear fuel production and supply. Accordingly, implementation or commitment to implementation of the measures should take place in the context of a visible intent to achieve a nuclear weapon-free world and deliberations on how to do so. Serious consideration should be given to the creation of global forums in addition to the 2010 NPT Review Conference for this purpose, for example a World Summit of Heads of State, a Fourth Special Session on Disarmament, a World Citizens Summit, or simply a conference to negotiate an agreement on global elimination of nuclear forces. Such forums could complement the NPT review process by involving crucial non-NPT states India, Pakistan, and Israel; upgrading and highlighting the role of civil society; and, perhaps, placing nuclear disarmament and non-proliferation in the larger context of building human and environmental security.

#### **D. CONCLUSION**

35. The Middle Powers Initiative believes that a crucial route to achieving global security is middle power leadership. Middle power countries can exercise such leadership through individual initiatives, such as Norway's work with the United Kingdom on verification of nuclear disarmament, and Canada's establishment of the Centre for Treaty Compliance. But it also must be exercised collectively, by bringing joint middle power influence to bear in NATO, NPT, and UN contexts. An opportunity is at hand, in the 2008 and 2009 NATO summits, to bring NATO nuclear weapons policy into compliance with NPT commitments and international law. Similarly, developments since the failed 2005 NPT Review Conference, among them the constructive tone of discussions at the 2007 NPT PrepCom and the renewed attention to nuclear disarmament by opinion leaders, including presidential candidates, in the United States, signal that the 2010 Review Conference will provide an opening to set the world on a course to the global elimination of nuclear weapons. Middle powers must seize these opportunities.