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Inquiry into Nuclear Non-proliferation and Disarmament

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Towards Nuclear Disarmament: An Australian Contribution

Nuclear weapons are held by a handful of states which insist that these weapons provide unique security benefits, and yet reserve uniquely to themselves the right to own them. This situation is highly discriminatory and thus unstable; it cannot be sustained. The possession of nuclear weapons by any state is a constant stimulus to other states to acquire them . . . a central reality is that nuclear weapons diminish the security of all states.

Report of the Canberra Commission on the Elimination of Nuclear Weapons

The twentieth century left a legacy of unfulfilled expectations. Within a decade, the promise of a world free of nuclear weapons that accompanied the end of the Cold War had largely evaporated. Yet, initial steps suggested an auspicious beginning. The United States and the Soviet Union agreed to eliminate their intermediate-range and shorter-range missiles. By the treaty's deadline of 1 June 1991, a total of 2,692 such weapons had been destroyed. In July of the same year, the two countries signed the Strategic Arms Reduction Treaty. By December 2001, the United States and the Russian Federation had successfully reduced the deployment of warheads to the START I levels of 6,000. ¹ Kazakhstan, Belarus and Ukraine had completely eliminated or removed from their territory the nuclear arsenals left over from the Soviet Union.

However, within little more than a decade the enthusiasm for disarmament had largely evaporated: the entry into force of the Comprehensive Test Ban Treaty (CTBT) became a distant prospect; the United States persisted with its efforts to test and deploy missile defence systems; the Bush Administration withdrew from the Anti-Ballistic Missile Treaty; and several of the established nuclear-weapon states (NWS) appeared intent on retaining and modernising their nuclear forces (a trend often referred to as 'vertical nuclear proliferation').

The same disappointing trend emerged with 'horizontal nuclear proliferation', that is, the widening of the nuclear weapons club. The five established nuclear powers (which also happen to be the five permanent members of the UN Security Council), were joined first by Israel, and then India, Pakistan and possibly North Korea.

Over the last ten years, international attention has been directed primarily on horizontal proliferation. Several factors have contributed to this trend:

- The prospect that so-called 'rogue states' (e.g. Iraq, Iran, North Korea) might acquire nuclear weapons – a view which the United States propounded with increasing vigour, especially during the Bush years;
- The possibility that terrorist organisations might acquire nuclear materials and the know-how to convert them into a primitive nuclear device;

¹ Arms Control Association, *U.S.-Soviet/Russian Nuclear Arms Control*, 2009 (accessed at http://www.armscontrol.org/act/2002_06/factfilejune02 on 16 February 2009), p.1.

- The wish of the established nuclear powers to deflect attention from their own failure to make significant progress in nuclear disarmament;
- The increasing difficulties experienced by the Nuclear Non-Proliferation Treaty (NPT) regime, and the possibility that what many have regarded as the single most important bulwark against nuclear proliferation might be on the verge of collapse.

Our own study of recent developments suggests that the single-minded preoccupation with the spread of nuclear weapons, legitimate though it is, has detracted from the equally important task of nuclear disarmament. On the other hand, the NPT does offer a useful focus for thinking through the precarious situation we currently face, and the concrete responses that might be open to the international community generally and to Australia in particular. The NPT review Conference scheduled for May 2010 helps to concentrate the mind by virtue of its immediacy, but also because it offers a useful starting point for connecting nuclear non-proliferation and nuclear disarmament.

Reviewing the Past

The NPT is an international instrument that was established to restrict the proliferation of nuclear weapons. It was signed on 1 July 1968 and came into force on the 5 March 1970 after it was ratified by forty countries. By the time of the 2000 NPT Review Conference 187 states were Parties to the Treaty. The NPT remains the central pillar of the international nuclear non-proliferation regime.²

In the 1960s the generally held view was that the number of states possessing nuclear weapons would increase. Such proliferation was perceived as inherently threatening to global security. The two superpowers in particular, the United States and the Soviet Union, saw nuclear proliferation as a threat to their own security, and had therefore a strong interest in establishing a consensual, political and institutional barrier to proliferation beyond the existing five acknowledged nuclear powers: the United States, the Soviet Union, France, Britain and China.

International consensus for the creation of a nuclear non-proliferation regime was reached by striking a balance between the responsibilities and obligations of nuclear weapon states (NWS)³ on the one hand and non-nuclear weapon states (NNWS) on the other. The question was: how could the 'nuclear haves' persuade the 'nuclear have-nots' to accept a state of quasi-permanent inferiority? Expressed a little differently, what incentives might non-nuclear weapon states have for permanently refraining from acquiring nuclear weapons?

The five nuclear powers, in particular the two superpowers, sought to answer this extraordinarily difficult question by offering NNWS two key concessions. First, they acknowledged the right of NNWS to develop or acquire all types of nuclear technology for

² See Lewis A. Dunn, *Containing nuclear proliferation*, *Adelphi Paper*, 263, London: Brassey's for the International Institute for Strategic Studies, 1991; George Bunn, 'The Nuclear Nonproliferation Treaty: History and Current Problems', *Arms Control Today*, December 2003 (accessed at http://www.armscontrol.org/act/2003_12/Bunn on 15 February 2008).

³ For purposes of convenience we shall use the terms 'nuclear powers' and 'nuclear weapon states' interchangeably.

civilian purposes. But this right was hedged by two closely related conditions: a) the development of nuclear capabilities had to be confined to demonstrably peaceful purposes; and b) such 'peaceful uses' of nuclear technology had to be subjected to safeguards applied by the International Atomic Energy Agency (IAEA). Secondly, the nuclear powers pledged to reduce over time the size and destructiveness of their nuclear arsenals. Both concessions have, as we shall see, proved enormously problematic for the ensuing NPT regime. Each in different ways has been caught in a series of contradictions which have yet to be adequately resolved.

The principle that all states, regardless of their nuclear-weapon capabilities, have the right of access to the peaceful applications of nuclear technology is embedded in Article IV of the NPT. But the NPT goes beyond mere acknowledgement of this right. It asserts an obligation on the part of nuclear capable states to assist others to take advantage of the peaceful uses of nuclear technology. Accordingly, Article VI.2 states that all Parties to the Treaty should facilitate the "fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy". This assistance was of particular importance to developing countries that had little prospect of developing nuclear technologies by mere reliance on their own scientific and industrial infrastructure.

To create a credible barrier between the 'military' and the 'peaceful' atom, the NPT established a safeguards framework which is outlined in Article III. It requires Parties to the treaty to declare both fissionable materials and the equipment necessary to develop such materials to the IAEA. Compliance with this requirement was to be monitored by the IAEA. Preventing the diversion of civilian nuclear materials and facilities for military purposes depended on the efficacy of the IAEA's monitoring procedures. This was a particularly daunting task given that the fuel generally used by civilian nuclear reactors, namely uranium, can, if enriched to a high enough level, have military applications. The fissile uranium in nuclear weapons usually contains 85% or more of ²³⁵U and is referred to as *weapons-grade*, but 20% enrichment may be enough to produce a crude, inefficient weapon, referred to as *weapons-usable*.

Plutonium offers a second route to weapons production. Admittedly the plutonium produced by nuclear reactors geared to the efficient generation of electricity is not ideally suited to the construction of the most efficient nuclear weapons. Nevertheless, the plutonium obtained from these reactors can still be used to manufacture a primitive nuclear device. In any case, that possibility is greatly enhanced if the spent fuel discharged from a power reactor is reprocessed. Once the plutonium is separated chemically from the irradiated fuel and reduced to metal, it is readily useable in a nuclear explosive device. These two routes to military diversion have bedevilled the NPT regime since its inception.⁴

The second concession offered by NWS has been, if anything, even more problematic. Article VI of the NPT states:

Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament under strict and effective international control.

⁴ See Joseph A. Camilleri, 'The Myth of the Peaceful Atom', *Millennium: Journal of International Studies*, 6(2), Autumn 1977, 111-27.

Though the intent of this provision is clear, its actual application has remained ambiguous. Nuclear weapon states are required to negotiate 'in good faith', but no clear direction is given as to the desired outcomes of disarmament negotiations, or the speed at which agreement should be reached. The five nuclear weapon states have used the ambiguity in the phrasing of Article VI to demand progress in nuclear non-proliferation even in the absence of any demonstrable progress towards nuclear disarmament. It is hardly surprising that non-nuclear weapon states should have grown increasingly impatient with what they have interpreted as 'bad faith' on the part of the established nuclear powers.

Several other subsidiary features of the NPT regime have contributed to its current vulnerability. The treaty's capacity to curb the proliferation of nuclear weapons depends largely on its universality. The trend, it is true, has been generally positive. The number of states that ratified the Treaty increased from 40 in 1970, to 97 in 1975 and 141 in 1990. The process had gained particular momentum with ratification by three of the six 'suspect' nuclear weapon states at the time, North Korea, South Africa and Argentina in 1985, 1991 and 1995 respectively. By 1995 only three states had failed to make legally binding commitments to nuclear non-proliferation, namely India, Pakistan and Israel. In time, both India and Pakistan joined the club of declared nuclear weapon states, while Israel has remained an undeclared nuclear weapon state for the best part of three decades.⁵

The number of ratifications at any given time is not, however, a sufficient yardstick of success. Article X of the NPT confers on any party the right to withdraw from the Treaty provided it believes that continued membership is likely to jeopardise the 'supreme interests' of the country. In that circumstance the party is able to discharge its obligations under the Treaty simply by giving three months notice of its intention to withdraw. The Democratic People's Republic of Korea (DPRK) became the first and only country thus far to withdraw from the NPT after giving notice on 10 January 2003.⁶ The possibility, let alone reality, of such withdrawal makes the NPT a less sturdy legal barrier to proliferation than is often supposed.

The duration and solidity of the NPT are affected by another key treaty provision (Article VIII.3) which stipulates that the operation of the Treaty is to be reviewed five years after coming into force. Thereafter, provision is made for Review Conferences to be held every five years. Article X.2 required the Parties would decide, after the first 25 years of the NPT's operation, whether it should 'continue indefinitely', or be 'extended for an additional fixed period or periods'.⁷ Review Conferences have been held every five years since 1975, usually preceded by a number of relatively short Preparatory Committee (PrepCom) sessions.

⁵ Israel's possession of nuclear weapons is a 'public secret' by virtue of the declassification of large numbers of formerly highly classified US government documents which show that by 1975 the United States was convinced that Israel had nuclear weapons. By the late 1990s the U.S. Intelligence Community estimated that Israel possessed between 75-130 nuclear weapons. The best available evidence suggests that Israel has produced enough plutonium for at least 100 nuclear weapons, but probably not significantly more than 200 weapons (see assessments provided by Federation of American Scientists – accessed at <http://www.fas.org/nuke/guide/israel/nuke/> on 15 January 2009).

⁶ The DPRK also gave notice on 12 March 1993, but suspended this action before it came into effect.

⁷ Article X.2.

The issues considered by Review Conference between 1975 and 1990 did not vary markedly despite the steady increase in the number of Parties. The outcomes, however, did. The 1975 and 1985 Review Conferences succeeded in producing Final Documents, whereas those of 1980 and 1990 did not. The agenda for these conferences usually centred on progress in nuclear disarmament, enhanced security assurances by NWS,⁸ non-ratification by such states as South Africa and Israel, and the perennial question of the efficacy of IAEA safeguards and export controls on nuclear materials.

The end of the Cold War in 1989 resulted in a noticeable shift in the international security and political environment, which the NPT regime had to take into account if it were to remain relevant. Another factor conferred on the 1995 Review Conference greater than usual significance. After 25 years of operation, the NPT system was up for review. The Conference can be considered a qualified success. The majority of Parties expressed support for the indefinite continuation of the Treaty. They also agreed that a set of *Principles and Objectives for Nuclear Non-Proliferation and Disarmament* should be drawn up and implemented, and that the Review Process of the Treaty should be strengthened to provide for more regular and more effective monitoring of the implementation of these *Principles and Objectives*. The intention was to create a non-proliferation regime that was permanent and more accountable. However, no consensus was reached on what, if anything should be done in relation to possible non-compliance by Iraq or North Korea.

The 2000 Review Conference was characterised by a willingness of the Parties, particularly the NWS, to sideline their differences so as not to hinder the successful conclusion of the talks. They were generally of a mind to preserve the NPT regime as a key pillar of global nuclear stability. For their part, the NWS gave an unequivocal undertaking to 'accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, to which all States Parties are committed under Article VI'. Agreement was reached on a programme of action for nuclear disarmament. Known as the 'Thirteen Steps', the programme encompassed a mix of unilateral, bilateral and multilateral initiatives. Several of these are worth noting:

- Additional unilateral steps by nuclear weapon states to reduce their nuclear arsenals;
- Increased transparency by the nuclear weapon states with regard to their nuclear weapons capabilities and voluntary confidence-building measures;
- Further reductions in non-strategic nuclear weapons;
- Concrete agreed measures to further reduce the operational status of nuclear weapons systems;
- A diminishing role for nuclear weapons in security policies;
- Engaging as soon as appropriate all nuclear-weapon states in the process leading to the total elimination of their nuclear weapons.⁹

What was envisaged here was a less radical and more incremental approach to nuclear disarmament than had previously been considered. The right of non-NPT states to gain

⁸ Enhanced security assurances are those given to NNWS by NWS regarding the use of nuclear weapons on their territory.

⁹ See 'NPT 2000 Review Conference Final Document', reproduced in *Arms Control Today*, June 2000 (accessed at http://www.armscontrol.org/act/2000_06/docjun on 22 February 2009).

access to nuclear technology for peaceful purposes was again the subject of much debate, as was the provision of material and technical support for these states. South Asian nuclear weapon tests were strongly criticised as were the alleged North Korean and Iraqi non-compliance. The need to enhance the effectiveness of IAEA safeguards was generally recognised, but concrete agreement on the way forward remained elusive.

Even before the conclusion of the 2000 Review Conference, it was apparent that the political climate was increasingly unfavourable to the strengthening of the non-proliferation regime. The PrepComs of 2002, 2003 and 2004 illustrated the gradual breakdown in the collaborative approach that characterised the 1995 and 2000 Review Conferences. The US Administration appeared increasingly drawn to a policy of 'counter-proliferation' as distinct from 'non-proliferation'. The issue of nuclear terrorism was raised for the first time in the 2002 PrepCom. The disarmament commitments of the United States were now the object of increasing scepticism. The lack of progress towards disarmament was voiced repeatedly at the 2003 PrepCom, but the great powers generally and the United States in particular preferred to focus on the activities of so-called rogue states. The breakdown in negotiations became glaringly obvious with the inability of the 2004 PrepCom to reach consensus on many of the procedural arrangements required for the smooth running of the 2005 conference. The discussions did not produce agreement on an agenda or even the compilation of background documents. The PrepCom was reduced to presenting only the most minimal recommendations that were needed for the Review Conference to proceed.

These unresolved procedural issues, which themselves reflected profound disagreement on substantive issues, shattered any possibility of a collaborative approach to the 2005 Conference.¹⁰ By the time a decision on the agenda was taken, the 17 sessions available to the main committees (MCI, II and III) and subsidiary bodies (SBI, II and III) under the original schedule had been reduced to six. In these sessions, no agreement could be reached on the hastily formulated reports produced by MCII/SBII and MCIII/SBIII. Although MCI/SBI produced a report on 'nuclear disarmament and negative security assurances', Egypt and Iran opposed its inclusion in the Final Document. The failure of the 2005 conference was a case of short-term state-centric interests overriding the long-term concerns of the international community.

NPT regime under stress

The nuclear non-proliferation regime is now perhaps at the most venerable point of its history. Moon has aptly described the present situation as the product of a 'persisting crisis of confidence' in the NPT.¹¹

The two core bargains which underpin the NPT have come severely strained. The failure of the nuclear weapon states to proceed in 'good faith' towards nuclear disarmament is the

¹⁰ Rebecca Johnson, 'Politics and Protection: Why the 2005 NPT Review Conference Failed', *Disarmament Diplomacy*, No.15, Autumn 2005.

¹¹UN New Centre, 'Ban Ki-moon urges NPT review meeting to address crisis on nuclear arms front', UN News Centre, 30 April 2007 (accessed at <http://www.un.org/apps/news/story.asp?NewsID=22392&Cr=nuclear&Cr1> on 22 January 2009).

subject of virtually universal condemnation. Aspiring nuclear weapon states are using this failure as justification for reviewing or at least weakening their own commitments to the objectives and procedures of the NPT regime.

At the same time, the promise of support for the development of 'peaceful' nuclear technologies is threatening to produce an expansion in the flows of nuclear materials and equipment within and across national borders, which exceeds the monitoring let alone enforcement capacities of the existing IAEA safeguards system. Issues of non-compliance and withdrawal remain unresolved.

Preparations for the 2010 Conference have run well short of expectations. The 2007 PrepCom again stalled over disagreement on an agenda. Scheduled to run from 30 April until 11 May, the PrepCom did not actually open until 8 May. The intensive debates that followed, it is true, proved sharper and more focused as Parties understood the need to capitalise on limited time. A number of the less sensitive issues were examined in working papers, which were attached, together with the Chair's factual summary, to the procedural report. But neither the 2007 nor the 2008 PrepCom meetings have managed to repair the damage of past failures. If the existing non-proliferation regime is to avoid paralysis or collapse, three major hurdles need to be overcome. First, the preparatory negotiations must yield concrete procedural and substantive results. Secondly, the 2010 Conference must reach consensus on the most critical issues. Thirdly, in the years immediately following the Conference, agreements reached will need to be honoured to the letter. Nothing would be more harmful to the legitimacy or efficacy of such agreements than for them to be ignored or reinterpreted by a handful of powerful states.

Several controversial issues threaten to derail the 2010 Review Conference, not least the deep differences over Iran's or North Korea's nuclear ambitions. But the stakes are much greater than any one of these issues. The question is whether the 2010 Review Conference can rehabilitate the NPT as a robust instrument for global security. *If the psychological and moral crisis to which the UN Secretary-General has drawn attention is not remedied, if confidence in the non-proliferation system is not restored, the likelihood is that both nuclear and non-nuclear states will seek to achieve security by unilateral means. Such unilateralism will almost certainly lead to increased reliance on nuclear weapons.*

Specifically, the 2010 review conference must:

- Re-examine the nuclear fuel cycle – especially in the event of a significant expansion of the nuclear industry – and consider how Parties can be prevented from using Article IV as a route to acquiring nuclear weapons;
- Develop a universal and greatly strengthened system of safeguards;
- Reduce the likelihood that any Party would consider withdrawal from, or diminished support, for the NPT;
- Create a powerful impetus for nuclear disarmament.

Preventing military diversion

Ten years ago the future of nuclear power was at best uncertain. In the wake of the Chernobyl and Three Mile Island accidents and growing awareness of the problems associated with nuclear waste disposal, public sentiment, especially in the Western world, was distinctly unfavourable to the expansion of nuclear power. However, in recent years the spiralling cost of fossil fuels, increased demand for energy and concerns about climate change have led to renewed interest in nuclear energy. Promoted as a relatively low-carbon form of electricity, nuclear power has been advanced by its proponents as a useful option for mitigating these problems.¹² The IAEA has reported that in the past two years 50 countries have expressed interest in introducing nuclear power, in addition to the 30 countries that currently utilise this form of power.¹³

When the NPT was originally drafted it was thought that by implementing a system of safeguards, it would be possible to avoid the diversion of nuclear materials and equipment from peaceful to military applications. With increasingly sophisticated nuclear technologies, it would seem that this 'buffer' strategy has run into considerable difficulty. Nuclear fuel cycle technologies that produce highly enriched uranium and plutonium separation for peaceful purposes can be converted to meet the requirements of a nuclear weapons programme within a relatively short space of time.

If countries possessing such capabilities were then to withdraw from the NPT they would be able to establish a nuclear weapon capacity quickly and arguably within the letter of the law. IAEA Director General, Mohammed El Baradei, has argued that 'countries that master uranium enrichment and plutonium separation become de facto nuclear weapons *capable* states.'¹⁴ It is now clear that nuclear power technologies have the potential to create a nuclear armed world in waiting. The NPT system has to demonstrate that NNWS can have access to the civilian applications of nuclear technology without contributing to the proliferation of nuclear weapons.

To this end, the EU and Russia have proposed the establishment of a multilateral nuclear fuel bank under the auspices of the IAEA. This bank would ensure the supply of low enriched uranium for peaceful purposes, while eliminating the need or incentives for national enrichment and reprocessing. To be effective, such a scheme would need to regulate with a high degree of security and transparency the dissemination of fissile materials. This anti-proliferation measure would help to reduce the risk of nuclear theft by criminal organizations. Such a system would require all existing and new enrichment and reprocessing facilities to be placed under effective multilateral control.

¹² The benefits of nuclear power have been disputed by a number of states and civil society organisations including the New Zealand Ambassador to the 2007 PrepCon who stated that 'nuclear power is not compatible with the concept of sustainable development, given the long-term costs, both financial and ecological, or nuclear waste and risk of nuclear proliferation'.

¹³ Mohammed ElBaradei, 'Statements of the Director General IAEA', *Statement to the Sixty-Third Regular Session of the United Nations General Assembly*, 28 October 2008, p.2.

¹⁴ *Ibid.*, p.3.

Universalising Safeguards

Another important step towards nuclear non-proliferation is the universalisation and strengthening of the safeguard system. A number of existing safeguard measures, including the Additional Protocol and Additional Protocol Plus, would greatly benefit from universal application. A stronger safeguards system would assist in detecting the diversion of nuclear materials and technology, and create greater accountability in the implementation of other arms control initiatives.

The safeguards required by the NPT depend on IAEA verification of declared nuclear materials. The Additional Protocol, which several states with important nuclear activities have yet to adopt, was designed to extend this safeguard system to undeclared materials. The aim is to increase confidence that no nuclear material has been diverted by clandestine means. The Additional Protocol gives the Agency broader access to sites and information and makes possible a more rigorous, country-specific mode of information gathering, storage and analysis.

While achieving the universal ratification of the Additional Protocol should be a priority of the 2010 Review Conference, other measures are also needed. The adoption of an Additional Protocol Plus that empowers the IAEA to gain access to sites and information related to nuclear material production technologies is critically important. So is the ability of the IAEA to interview individuals who may have knowledge of such facilities and activities. As a major uranium supplier, Australia is uniquely placed to press for the universal implementation of the Additional Protocol and related safeguards measures.

Addressing Issues of Non-Compliance and Withdrawal

As previously noted, the NPT framework suffers from a key institutional defect. As of now, no mechanism exists to deal directly or effectively with issues of compliance, implementation, accountability and withdrawal. Such issues have normally been dealt with through the UN Security Council, largely on an *ad hoc* basis, with the result that such deliberations are often coloured by political tensions and rivalries. The absence of such a mechanism became glaringly obvious following North Korea's announcement of its intention to withdraw from the NPT in 2003. It is far from clear whether North Korea developed a nuclear weapons programme while party to the NPT, and whether such non-compliance had effectively cancelled the right of withdrawal.

Both the NPT review cycle and the UN Security Council failed to respond to North Korea's withdrawal in effective and timely fashion, thereby creating a policy vacuum which either a great or regional power might seek to fill with potentially disastrous results. At the 2004 PrepCom, discussion of the withdrawal was avoided for the sake of procedural agreement. But such evasion holds no promise of long-term viability. The crisis, though partially defused by the relative success of the Six Party Talks, exposed a serious and lingering weakness of the NPT system, which calls for urgent attention.

To allow states to withdraw from the NPT with relative impunity is to undermine the credibility of the NPT. The 2010 Review Conference must therefore clarify the conditions under which a Party may withdraw from the NPT. Most Parties agree that the right to withdraw should be

maintained so as not to place NPT members at a disadvantage to non-members. Nevertheless, the Treaty's withdrawal mechanism should be exercised only as a last resort action when national security is jeopardised and when such a judgment can withstand the critical scrutiny of an independent international agency.

Moreover, nuclear materials, equipment and technology acquired by a NPT state for peaceful purposes must remain subject to stringent IAEA safeguards regardless of any decision to withdraw. While the international response to non-compliance or withdrawal must take account of specific circumstances, it should be possible to devise a range of measures which can be differentially applied depending on the circumstances.

South Korea, Ireland and Canada, *inter alia*, have advocated enhanced NPT powers of enforcement through the mechanism of 'emergency' meetings. Canada has argued that the NPT needs a rapid reaction capacity, including the 'ability to come together and take necessary action in cases of extraordinary circumstances involving threats to the Treaty, its norms and its authority, such as an announcement of withdrawal'.¹⁵ This body, with the accompanying involvement of the UN Security Council, should convene immediately once notice for withdrawal has been given. This body would be authorised to consider the impact of withdrawal on international peace and security, mandate IAEA procedures to verify the absence of undeclared nuclear facilities, and place all existing nuclear materials and facilities under IAEA safeguards.

Advancing nuclear disarmament

The future stability of the NPT system ultimately depends on meaningful progress in nuclear disarmament. Such progress is important in its own right because it is the most effective way of reducing the likelihood that nuclear weapons will actually be used, or that more states will decide to acquire nuclear weapons. Nuclear disarmament remains the single most important precondition to sustainable non-proliferation.

In the past decade the strategic importance attached to nuclear weapons has, if anything, increased. NWS appear to be signalling that, contrary to earlier commitments, nuclear weapons are here to stay. The task for the international community generally and for the coming NPT Review Conference in particular is to reverse this trend. Several recent developments, of which the most important is probably the change of administration in the United States, suggests a unique window of opportunity.

Before proceeding to a detailed discussion of possible steps – how these steps might be pursued, by whom, through what strategies, and how Australia might play a constructive role, it may be useful to remind ourselves of the road travelled thus far. In examining possible options for the future, it pays to revisit attempts made over the last twenty to thirty years, and the principal obstacles that have stood in the way.

¹⁵ Rebecca Johnson, 'Politics and Protection: Why the 2005 NPT Review Conference Failed', *Disarmament Diplomacy*, No.15, Autumn 2005, p.11.

Recent history of disarmament

Since the NPT came into force in 1970 we have witnessed a number of important nuclear disarmament and arms control negotiations and agreements. The bulk of these have involved direct bilateral agreements between the United States and the Soviet Union (later the Russian Federation). However, several other initiatives have significantly contributed to the disarmament agenda. Some have been *unilateral*, others have been the result of agreement between two states (*bilateral*), or a cluster of states with parallel or converging interests (*plurilateral*), or by an entire region (*regional*), or by the international community as a whole (*global*).

Several unilateral initiatives are worth noting. South Africa decided to abandon its nuclear weapons programme in 1993, thereby signalling to the rest of the world that it did not deem the possession of nuclear weapons advantageous to its security. Following the collapse of the Soviet Union, Belarus, Kazakhstan and Ukraine also relinquished their nuclear weapons. Even major nuclear powers – the United States, Russia, Britain and France – have at different times chosen to place unilateral limits on the size, structure or doctrinal posture of their nuclear arsenals.

Bilateral initiatives involving the two superpowers have to date been the single most effective method of nuclear disarmament and arms controls, for the simple reason that it is they which account for some 95 per cent of the world's nuclear weapon stockpiles. During the Cold War years the Soviet Union and the United States often found that it was in their mutual interest to work bilaterally to reduce their nuclear arsenals. Negotiations between the two superpowers led in 1972 to the Strategic Arms Limitations Treaty (SALT I) which limited certain types of nuclear weapons. The 1972 Anti-Ballistic Missile Treaty (ABM) limited ballistic missile defence systems. Agreements were reached restricting nuclear weapon test explosions (the Threshold Test-Ban Treaty of 1974 and the Peaceful Nuclear Explosions Treaty of 1976). Negotiations for a further treaty limiting strategic offensive arms (SALT II) were successfully concluded in 1979. These were followed by the 1987 Treaty on the Elimination of Intermediate-Range and Shorter-Range Missiles (INF Treaty) to which reference has already been made.¹⁶

The end of the Cold War saw a surge in US-Russian disarmament and arms control negotiations. The 1991 the Strategic Arms Reduction Treaty (START I) was designed to reduce and limit strategic offensive nuclear weapons. It resulted in the destruction of approximately 80 per cent of the strategic nuclear weapons stockpiles then in existence.¹⁷ The second Strategic Arms Reduction Treaty (START II in 1993) extended bilateral disarmament by prohibiting the deployment of multiple independently targetable re-entry vehicles (MIRVs) on inter-continental ballistic missiles (ICBMs).

While START II was ratified by the United States in 1996 and by Russia in 2000, Russia announced in June 2002 that it would no longer be bound by its START II commitments,

¹⁶ Arms Control Association, *U.S.-Soviet/Russian Nuclear Arms Control*, 2009 (accessed at http://www.armscontrol.org/act/2002_06/factfilejune02 on 16 February 2009), p.1.

¹⁷ Ibid.

ending almost a decade of US-Russian efforts to bring the 1993 treaty into force.¹⁸ Moscow's statement followed the US decision to withdraw from the Anti-Ballistic Missile (ABM) Treaty, and the earlier conclusion of the Strategic Offensive Reductions Treaty (SORT), which requires the United States and Russia to reduce their deployed strategic arsenals to 1,700-2,200 warheads apiece by December 2012. SORT effectively superseded START II's requirement for each country to deploy no more than 3,000-3,500 warheads by December 2007, but other provisions, in particular the prohibition of MIRV deployment, lapsed. The cooperative approach to disarmament that characterised US-Russian relations in the wake of the Cold War had effectively broken down.

With the exception of the Comprehensive Test Ban Treaty, the only other promising negotiations or agreements were those impacting primarily on the policies of small and middle powers, some plurilateral, others regional in scope. A few are worth noting:

Global:

- The Comprehensive Test Ban Treaty (CTBT) signed in 1996, which bans all nuclear explosions in all environments, is a crucially important element of a credible disarmament regime. To date the CTBT has yet to come into force because nine of the 44 states listed in Annex 2 of the Treaty have yet to ratify the CTBT. Nine Annex 2 states have not ratified the treaty: China, Egypt, India, Indonesia, Iran, Israel, North Korea, Pakistan, and the United States.

Plurilateral:

- The Six Party Talks between North Korea, China, Japan, South Korea, Russia and the US were instrumental in containing North Korea's nuclear weapons programme, and encouraging the country's return to the NPT system;
- France, Germany and the UK (with EU support) have been engaged in periodic discussions with Iran in response to the latter's plans to expand its uranium enrichment capacity.

Regional:

- Consolidation of existing Nuclear Weapon Free Zones (NWFZs) and establishment of new ones continues to gather pace. NWFZs, now covering the entire southern hemisphere, are a useful regional mechanism which addresses important security needs of member countries and limits the reach of nuclear weapon states. Regions that have been declared NWFZs include:
 - Latin America and the Caribbean (Treaty of Tlatelolco 1976)
 - South Pacific (Treaty of Rarotonga 1985)

¹⁸ Federation of American Scientists, 'START II and Its Extension Protocol at a Glance', *Federation of American Scientists Strategic Arms Control and Policy Fact Sheet*, January 2003 (accessed at <http://www.armscontrol.org/factsheets/start2> on 20 February 2009).

- Southeast Asia (Treaty of Bangkok 1995)
- Central Asia (2008)
- Africa (the Pelindaba Treaty 1996 requires two more ratifications before it enters into force)

States that are Parties to NWFZs commit themselves not to manufacture, acquire, test or possess nuclear weapons. Each NWFZ treaty includes a protocol to be signed and ratified by NWS, in which they pledge to respect the nuclear weapon free status of the zone. The effectiveness of NWFZs, which in part depends on the strength of NWS commitments, differs markedly from zone to zone.

Notwithstanding these helpful developments, for well over a decade progress in nuclear disarmament and arms control has been extremely disappointing:

- CTBT has yet to come into force.
- Little headway with proposals to ban the production of fissile material for nuclear weapons or other nuclear explosive devices.
- The George W. Bush Administration submitted to Congress in December 2001 the Nuclear Posture Review (NPR) – a strategic planning document that integrates nuclear weapons into broader aspects of U.S. defense planning, including possible development of new weapons (robust deep earth penetrates and low-yield nuclear devices) – all of which suggests that the rationale for nuclear weapons may be shifting from deterrence to use.
- In its secret September 2002 National Security Presidential Directive-17, the US Administration stated explicitly that US retaliation options for any type of weapon of mass destruction (not just nuclear but chemical and biological) attack against the United States includes the use of nuclear weapons.
- The Conference on Disarmament (CD), established in 1978 to conduct multilateral negotiations on issues relating to all aspects of disarmament, has failed to commit to serious discussions on any potential treaty negotiations since it concluded the text of the Comprehensive Test Ban Treaty (CTBT), which opened for signature in 1996.¹⁹
- As of February 2009, the total US inventory nuclear weapons stood at 9,400. The Russian inventory included 14,000 nuclear weapons, many of them on high alert.

On January 17, 2007, the Bulletin of the Atomic Scientists moved the minute hand of the Doomsday Clock two minutes closer to midnight. It was now five minutes to midnight. The Bulletin statement explained:

¹⁹ The Acronym Institute, 'The Conference on Disarmament in 2008: Still in Denial', *Disarmament Diplomacy*, Issue No. 88, Summer 2008 (accessed at <http://www.acronym.org.uk/dd/dd88/88news02.htm> on 15 February 2009).

*We stand at the brink of a second nuclear age. Not since the first atomic bombs were dropped on Hiroshima and Nagasaki has the world faced such perilous choices. North Korea's recent test of a nuclear weapon, Iran's nuclear ambitions, a renewed emphasis on the military utility of nuclear weapons, the failure to adequately secure nuclear materials, and the continued presence of some 26,000 nuclear weapons in the United States and Russia are symptomatic of a failure to solve the problems posed by the most destructive technology on Earth.*²⁰

Key Obstacles to disarmament

The question arises: why has it been so difficult to make headway? Why has the euphoria generated by the demise of the Cold War dissipated with so little to show for it? There is, of course, no simple or single answer to this question. The obstacles are numerous, complex and variable. Here we confine ourselves to a few critical observations.

The first and most obvious obstacle centres on the logic of deterrence, which has underpinned the nuclear age virtually since its inception.²¹ Nuclear weapons, it is argued, offer the ultimate guarantee of protection by deterring external aggression against the state. In the context of conflict involving two or more nuclear armed states, the traditional deterrence rationale which held sway during much of the Cold War period was that a nuclear attack would provoke a nuclear response. Confronted with the prospect of mutually assured destruction (MAD), the protagonists would choose to act rationally and refrain from initiating the kind of hostilities that would result in virtual suicide.

Over the last half century, deterrence theory has been subjected to withering criticism by strategic analysts, international relations experts, ethicists and public intellectuals.²² The comforting reassurance offered by deterrence dissolves the moment one introduces the complexities and uncertainties of domestic politics and global geopolitics. Equally unpredictable are the mental and emotional conditions that apply to decision-making in periods of acute stress, not to mention the dire possibilities associated with the unauthorised, inadvertent or accidental use of nuclear weapons. However, regardless of the logic of such arguments, it is arguable that deterrence continues to hold considerable sway over both policy planning and public sentiment in many countries. It is worth noting in this regard that deterrence thinking can accommodate reductions in nuclear stockpiles, even deep cuts, but is clearly hostile to any notion of complete nuclear disarmament.

There is, of course, a second and closely related factor which feeds the deterrence crutch, namely the actual or perceived threats, especially those that revolve around the world's most intractable conflicts. Israel's acquisition of nuclear weapons is a classic example of the phenomenon. Faced with what it considers to be a sharply hostile environment, Israeli

²⁰ Bulletin of the Atomic Scientists, 'It is 5 Minutes to Midnight', *Bulletin of the Atomic Scientists*, 17 January 2007. (accessed at <http://www.thebulletin.org/content/doomsday-clock/overview> on 22 February 2009).

²¹ See Robert Powell, *Nuclear Deterrence Theory: The Search for Credibility*, Cambridge: Cambridge University Press, 1990; also Lewis A. Dunn, 'Deterrence Today: Roles, Challenges and Responses', *IFRI Security Studies Centre*, Summer 2007 (accessed at http://www.ifri.org/files/Securite_defense/Deterrence_Today_Dunn_2007.pdf on 22 January 2009).

²² See Cori Elizabeth Dauber, *Cold War Analytical Structures and the Post Post-War World: A Critique of Deterrence Theory*, Westport, CT: Praeger, 1993.

governments have committed themselves to nuclear security in the event that their present conventional superiority *vis-à-vis* their Arab neighbours is challenged in the medium or longer term. Similarly, Pakistan's nuclear armoury, though probably less potent than India's, is seen as offering ultimate protection against India's conventional superiority. Recent statements by Putin and other Russian leaders again suggest that maintenance and expansion of nuclear forces are seen as a necessary response to the threat posed by the perceived superiority of US and NATO conventional forces and the proposed deployment of US ballistic missile defence systems in Eastern Europe.²³

As a general proposition, it would seem that disarmament talks are less likely to succeed in conditions of acute tension, mistrust and suspicion, hence the importance of confidence building measures. Whether it is the US-Russian, Arab-Israeli, India-Pakistan or China-Taiwan disputes, the probability of success in denuclearisation initiatives will to a substantial degree depend in each case on improving the prevailing political and psychological climate.²⁴

One other consideration is relevant here, especially in the light of recent US strategic thinking. The George W. Bush administration openly pursued a policy of unchallengeable nuclear superiority. In a sense, deterrence was abandoned in pursuit of a new strategic posture which sought to make use of America's technological superiority to entrench its global military dominance. The development and proposed deployment of missile defence systems, and withdrawal from the Anti-Ballistic Missile Treaty (ABM) appear to fit into this wider strategic mindset. These steps clearly militated against a proactive US role in disarmament negotiations. It may well be that this mindset is now under challenge, and that, given recent statements by leading practising and retired US policy-makers and in particular the stated positions of the new Obama Administration,²⁵ a new window of opportunity may have opened.

It remains to say a word about the domestic pressures that strongly influence the policy direction of any state that has already acquired or is on the verge of acquiring nuclear weapons. Decisions about research and development programmes, the size and structure of nuclear forces, and nuclear doctrine are not made in a political vacuum. More often than not, such decisions rest less on strategic or doctrinal considerations than on the day-to-day pressures to which policy-making is subjected. Considerable influence is invariably exerted by powerful lobbies, which include arms manufacturers and their suppliers, scientists and technical experts with a direct stake in the development of a nuclear weapons and nuclear power capability,²⁶ trade unions concerned about jobs for their members, and a range of think tanks and media outlets with particular financial or ideological attachments. It is estimated that in 1999 and 2000 companies with a major stake in missile defence and

²³ Russian Permanent Representative Anatoly Antonov, Statement to the 2007 PrepCom, 30 April 2007 (accessed at <http://www.reachingcriticalwill.org/legal/npt/prepcom07/statements/30aprilRussia.pdf> on 20 February 2009).

²⁴ Nikolai N Sokov, 'Prospects for Changing Strategic Doctrines', in *Nuclear Challenges and Policy Options for the Next U.S. Administration*, Monterey Institute of International Studies, 2008, p.75.

²⁵ See the positions articulated on nuclear weapons on the Obama website: http://origin.barackobama.com/issues/foreign_policy/#nuclear [accessed on 18 February 2009].

²⁶ . Paul Robinson, *White Paper on the Role of U.S. Nuclear Weapons in the 21st Century*, 2001 (accessed at www.sandia.gov on 15 February 2009).

nuclear weapons contracts spent more than US\$58.9 million on lobbying.²⁷ In circumstances of heightened international tension, public sentiment itself may be a significant factor in the decision-making process.

This all too brief discussion of the obstacles to nuclear disarmament indicates the critically important role of factors other than strategic argument or esoteric debates about defence and deterrence. Invariably, the influences that decisively shape nuclear disarmament negotiations and outcomes have to do with the psychology of the situation both within and between countries. It follows that governments and political parties with an interest in taking forward the nuclear non-proliferation and nuclear disarmament agenda must individually and collectively do all in their power to create a favourable climate of opinion. This they can do through their public pronouncements and their policies. But governments cannot do this alone; they need the support and active collaboration of the wider public and key elements of civil society, including media, educational institutions, professional and other expert bodies, as well as a range of community organisations.

Reshaping the disarmament agenda

Inevitably we have to ask the question: What is to be done? The answer is both easy and difficult. It is easy in the sense that over the last twenty or more years numerous inquiries, commissions and expert bodies have considered the question in depth and have offered detailed proposals on almost every conceivable element of the nuclear disarmament and arms control agenda. To name a few of the more important contributions:

- In 1982, a commission headed by Prime Minister Olof Palme of Sweden submitted an influential report entitled *Common Security*.
- In 1996, there appeared the Australian Government-sponsored *Report of the Canberra Commission on the Elimination of Nuclear Weapons*.
- In August 1998, just months after Pakistan's and India's nuclear tests, the Government of Japan organized the independent Tokyo Forum for Nuclear Non-Proliferation and Disarmament. Its final report, issued a year later, presented an 'Action Plan' dealing with nuclear disarmament, non-proliferation and terrorism.
- In 2003 the Swedish government sponsored and funded the independent Weapons of Mass Destruction Commission chaired by Hans Blix. Its final report, *Weapons of Terror: Freeing the World of Nuclear, Biological, and Chemical Arms*, was published in June 2006.

²⁷ William D. Hartung and Jonathon Reingold, 'About Face: The Role of the Arms Lobby in the Bush Administration's Radical Reversal of Two Decades of US Nuclear Policy', *A World Policy Institute Special Report*, 2002 (accessed at <http://www.worldpolicy.newschool.edu/projects/arms/reports/reportaboutface.html#II> on 23 February 2009).

To these reports should be added the studies, papers and conferences sponsored by international organisations, in particular the UN Department for Disarmament Affairs (DDA), the UN Institute for Disarmament Research (UNIDIR), and the International Atomic Energy Agency (IAEA). Important contributions have also been made by non-governmental bodies:

- Acronym Institute for Disarmament Diplomacy
- Arms Control Association
- Carnegie Endowment for International Peace
- Federation of American Scientists
- Lawyers' Committee on Nuclear Policy
- Middle Powers Initiative
- Monterey Institute of International Studies – Center for Nonproliferation Studies
- Mountbatten Centre for International Studies
- Nuclear Threat Initiative
- The Simons Centre for Peace and Disarmament Studies
- Sipri – Stockholm International Peace Research Institute
- The Henry L. Stimson Center
- VERTIC - The Verification Research, Training and Information Centre
- International Physicians for the Prevention of Nuclear War
- Pugwash
- Reaching Critical Will

There is no lack of expert knowledge and understanding of the issues and remarkable agreement on the most promising avenues to be pursued. The difficulty in answering the question 'what is to be done?' arises from the lack of political will and political know-how as to the most effective way forward. The remainder of this submission focuses on this aspect of the question.

As a first step we offer a list of some of the more promising ideas, proposals and recommendations to have emerged over the last fifteen years. Though not an exhaustive list, it captures the key elements of what might constitute a coherent and comprehensive nuclear disarmament programme. In order to highlight the varying degrees of difficulty associated with implementation, we have placed each proposal in one of three categories of ascending difficulty. We notionally suggest that the proposals under consideration could be fully implemented within one of the following three time frames (depending on degree of difficulty): 5 years, 15 years and 30 years. Some of these initiatives can be taken unilaterally, that is individual governments can commit themselves to a particular course of action regardless of whether or not others follow suit. Other initiatives can be the subject of bilateral or multilateral agreements. Multilateral agreements can be of three kinds: plurilateral, regional or global as previously defined (see p. 10).

Projected initiatives for period 2009-2015

Unilateral:

1. Nuclear weapon states (NWS) recommit themselves to nuclear disarmament and to the eventual goal of a world without nuclear weapons – a position now held by leading political personalities in the United States and elsewhere.²⁸ The commitment should be made at the highest political level.

As the Canberra Commission report put it, ‘the first requirement is for the five nuclear weapon states to commit themselves unequivocally to the elimination of nuclear weapons and agree to start work immediately on the practical steps and negotiations for its achievement’.²⁹

2. In line with the above commitment, NWS undertake:
 - a) not to develop or produce new nuclear weapons;³⁰
 - b) not to deploy new nuclear weapons on foreign soil (including allies).³¹
3. Non Nuclear weapon states (NNWS) commit themselves to working with NWS for the complete elimination of all nuclear weapons. This commitment should also be made at the highest possible level. The ‘renewed grand bargain’ advocated by the Blix Commission calls on all states to ‘accept the principle that nuclear weapons should be outlawed, as are biological and chemical weapons, and explore the political, legal, technical and procedural options for achieving this within a reasonable time.’³²
4. Governments work collaboratively with civil society and the media to press for nuclear disarmament, especially through their respective educational systems.³³
5. NNWS withdraw their participation in and support for missile defence systems either on their soil or on the soil of other countries.³⁴
6. The United States and other Annex 2 countries that have yet to do so proceed to ratify the Comprehensive Test Ban Treaty.

²⁸ Kissinger, Shultz, Perry and Nunn, ‘Call for a World Free of Nuclear Weapons’, *The Wall Street Journal*, 4 January 2007; Canberra Commission, Executive Summary; *Report prepared by an Independent Commission at the request of the Director General of the IAEA*, May 2008, p. viii; Weapons of Mass Destruction Commission, *Weapons of Terror: Freeing the World of Nuclear, Biological and Chemical Arms*, Stockholm: EO Grafiska, 2006, p.19.

²⁹ Canberra Commission, ‘Executive Summary’, *The Canberra Commission on the Elimination of Nuclear Weapons* (accessed at <http://www.dfat.gov.au/cc/index.html> on 15 February 2009).

³⁰ WMDC, *Weapons of Terror*, p.99.

³¹ *Ibid.*, p.98.

³² *Ibid.*, p.19.

³³ *Ibid.*, pp.161, 162.

³⁴ International Campaign to Abolish Nuclear Weapons, *Nuclear Weapons abolition and Nuclear Power*, (accessed at <http://www.icanw.org/> on 20 February 2009), p.1.

Bilateral:

7. The United States and Russia negotiate a number of nuclear confidence building measures,³⁵ thereby creating a receptive international climate for negotiations on global reductions of nuclear arms.³⁶ US-Russian nuclear confidence building might then be extended to the other nuclear weapon states and new measures developed which involve them.³⁷
8. A renewal of the START verification procedures is an important part of restarting bilateral cooperation as well as laying the ground work for future arms reductions.³⁸ The START I treaty is scheduled to expire on 5 December 2009. Key provisions of this treaty, in particular their essential monitoring and verification requirements, should be extended.³⁹
9. The United States and Russia continue the highly successful Cooperative Threat Reduction (CTR) whereby funding is made available to Russia to help secure materials that might be used in nuclear or chemical weapons and dismantle weapons of mass destruction.
10. The United States and Russia reactivate the Trilateral Initiative aimed at developing a verification system under which they can submit classified forms of weapons-origin fissile material to IAEA verification and monitoring in a irreversible manner and for an indefinite period of time.⁴⁰
11. India and Pakistan enter into discussions with a view to negotiating further nuclear confidence building measures.⁴¹

Plurilateral:

12. NWS agree to take their nuclear weapons off hair-trigger alert.⁴² The warning and decision times for the launch of all nuclear-armed ballistic missiles must be increased if the risks of accidental or unauthorised attacks are to be reduced. Developments in cyber-warfare pose new threats that could have disastrous

³⁵ Canberra Commission, Executive Summary.

³⁶ Ibid.

³⁷ Ibid.

³⁸ Joseph Biden, *Speech to the 45th Annual Munich Security Conference, 07/02/2008* (accessed at <http://www.securityconference.de> on 12 February 2009).

³⁹ Kissinger, Nunn, Perry and Schultz, 'Renewed Call from Kissinger, Nunn, Perry and Shultz for Nuclear-Free World', *Wall Street Journal*, 15 January 2008, p.2.

⁴⁰ Step 8, '13 Steps Principles and Objectives for Nuclear Non-Proliferation and Disarmament', Article VI.15, NPT/CONF.2000/28; WMDC, *Weapons of Terror*, p.49. For more detail on the initiative, see Thomas E. Shea, 'The Trilateral Initiative: A Model For The Future?', *Arms Control Today*, May 2008, (accessed at http://www.armscontrol.org/act/2008_05/PersboShea.asp%2523Sidebar1 on 11 February 2009).

⁴¹ WMDC, *Weapons of Terror*, p.83.

⁴² Kissinger, Shultz, Perry and Nunn, 'Call for a World Free of Nuclear Weapons', *The Wall Street Journal*, 4 January 2007; Kissinger, Nunn, Perry and Schultz, 'Renewed Call from Kissinger, Nunn, Perry and Shultz for Nuclear-Free World', *Wall Street Journal*, 15 January 2008; Canberra Commission, Executive Summary'; WMDC, *Weapons of Terror*, p. 18.

consequences if the command-and-control systems of any nuclear-weapons state were compromised by mischievous or hostile hackers.⁴³

13. The five nuclear powers agree pledge not to be the first to resume nuclear testing pending the CTBT coming into force.⁴⁴
14. NWS enter into negotiation to further reduce the size of their nuclear arsenals.⁴⁵
15. All Countries with nuclear research or nuclear power programmes agree to a moratorium on the production of fissile materials for nuclear weapons pending completion and entry into force of a Fissile Materials Cut-off Treaty (FMCT).⁴⁶
16. As proposed by the 2000 NPT review Conference, arrangements are made by nuclear-weapon states to place fissile material no longer required for military purposes under IAEA supervision or other relevant international verification.

Global:

17. The 2010 NPT Review conference agrees on a transparent and enhanced system of IAEA safeguards obligations, going beyond those currently administered by the IAEA. This would increase confidence that verification arrangements can detect promptly any attempt to cheat the disarmament process whether through retention or acquisition of clandestine weapons, weapons components, means of weapons production or undeclared stocks of fissile materials. Formal legal undertakings should be accompanied by corresponding legal arrangements for verification.⁴⁷
18. Steps are taken to institutionalise cooperation between NWFZs.⁴⁸ To this end one state offers to host an international conference of all NWFZ member states.⁴⁹
19. A Fourth Special Session of the UN General Assembly is convened to consider future steps to advance the programme of nuclear disarmament and arms control.⁵⁰

⁴³ Kissinger, Nunn, Perry and Schultz, 'Renewed Call from Kissinger, Nunn, Perry and Shultz for Nuclear-Free World', Wall Street Journal, 15 January 2008, p.2

⁴⁴ Einhorn, 'Building P-5 Cooperation on Non-Proliferation', p. 40

⁴⁵ Kissinger, Nunn, Perry and Schultz, 'Renewed Call from Kissinger, Nunn, Perry and Shultz for Nuclear-Free World', Wall Street Journal, 15 January 2008

⁴⁶ Einhorn, 'Building P-5 Cooperation on Non-Proliferation', p. 41; WMDC, *Weapons of Terror*, p.74

⁴⁷ Canberra Commission, Executive Summary.

⁴⁸ International Campaign to Abolish Nuclear Weapons, *Nuclear Weapons Abolition and Nuclear Power*, , p.8

⁴⁹ Devon Chaffe, Herbert Scoville and Jim Wurst, 'Strengthening Existing Nuclear Weapon Free Zones', *Prepared for the Uppsala, Sweden Seminar on NWFZs*, September 2000.

⁵⁰ John Langmore, 'Note on the Possibility and Potential Value of Holding a Forth Special Session of the UN General Assembly on Disarmament', *International Commission on Nuclear Non-Proliferation and Disarmament*, (accessed at <http://www.icnnd.org/> on 20 February 2009).

Projected initiatives for period 2015-2025

Unilateral:

20. NWS discard any existing plans – largely a legacy of the Cold War years – for massive attacks.⁵¹
21. NWS undertake full transparency regarding the size, structure and deployment of their nuclear weapon arsenals.⁵²
22. NWS remove from their nuclear forces non-strategic nuclear weapons.⁵³
23. NWS that have not already done so, make a commitment to no-first use of nuclear weapons.⁵⁴
24. NWS significantly diminish the role of nuclear weapons in their national security policies and undertake a major review of their nuclear disarmament programmes, with a view to strengthening their disarmament initiatives, institutional arrangements and public awareness.⁵⁵
25. All existing non-strategic nuclear weapons and other nuclear weapons related facilities are withdrawn from deployed sites on foreign soil to a limited number of secure national storage facilities.⁵⁶

Bilateral:

26. Nuclear weapons reductions outlined in SORT are fully implemented.⁵⁷
27. The United States and Russia take the lead in agreeing to further reductions of their arsenals, beginning with a legally binding, verifiable follow to previous START agreements.⁵⁸ A feasible objective would be to reduce existing deployments by half.⁵⁹

⁵¹ Kissinger, Nunn, Perry and Schultz, 'Renewed Call from Kissinger, Nunn, Perry and Shultz for Nuclear-Free World', *Wall Street Journal*, 15 January 2008, p.3.

⁵² WMDC, *Weapons of Terror*, pp.94, 95.

⁵³ Canberra Commission, Executive Summary.

⁵⁴ Italy, Working Paper on Security Assurances, 2007 PrepCom, NPT/CONF2010/PC.1/7 (accessed at <http://www.reachingcriticalwill.org/legal/npt/prepcom07/papers.html> on 20 February 2009); China, Working Paper on Security Assurances, 2007 PrepCom, NPT/CONF2010/PC.1/WP.43, 2007 (accessed at <http://www.reachingcriticalwill.org/legal/npt/prepcom07/papers.html> on 17 February 2009)

⁵⁵ China, Working Paper on Security Assurances, 2007

⁵⁶ WMDC, *Weapons of Terror*, p. 98.

⁵⁷ Kissinger, Nunn, Perry and Schultz, 'Renewed Call from Kissinger, Nunn, Perry and Shultz for Nuclear-Free World', *Wall Street Journal*, 15 January 2008, p. 2

⁵⁸ Einhorn, 'Building P-5 Cooperation on Non-Proliferation', p.40; Vice President Joseph Biden, 45th Annual Munich Security Conference; Kissinger, Nunn, Perry and Schultz, 'Renewed Call from Kissinger, Nunn, Perry and Shultz for Nuclear-Free World', *Wall Street Journal*, 15 January 2008; Canberra Commission, 'Executive Summary'.

⁵⁹ WMDC, *Weapons of Terror*, p. 93.

Plurilateral:

28. Expanding on the success of the Cooperative Threat Reduction programme, a Global Threat Reduction Initiative (GTRI) is negotiated with a view to extending nuclear weapon and nuclear material securing and dismantlement activities to states outside the former Soviet Union.⁶⁰
29. NWS reach agreement on the staged removal of warheads from delivery vehicles.⁶¹

Regional:

30. NWS ratify all existing NWFZs.⁶²

Global

31. The CTBT achieves universal ratification.⁶³
32. Preparations commence for a World Summit to consider the drafting of a Nuclear Weapons Convention.⁶⁴ "A model Nuclear Weapons Convention already exists as an official UN document. No doubt it will undergo many adjustments over time. It need not take the form of a single treaty, but 'a framework of separate, mutually reinforcing agreements which together are comprehensive'.⁶⁵
33. International agreement is reached on all key transparency principles and safeguard mechanisms to enable effective verification of disarmament.⁶⁶
34. A Fissile Materials Cut-off Treaty is successfully negotiated.⁶⁷ Such a treaty that precludes nations from producing nuclear materials for weapons would contribute to a more rigorous system of accounting and security for nuclear material.⁶⁸

⁶⁰ Rose Gottemoeller, Centre for Strategic and International Studies and the Massachusetts Institute of Technology, 'Cooperation Threat Reduction beyond Russia', *Washington Quarterly*, 28(2), pp. 145-158.

⁶¹ Canberra Commission, Executive Summary.

⁶² Nabil Fahmy, 'Cooperative Security: the Importance of Regional and Other Security Arrangements-Pointers for a New Administration', *Nuclear Challenges and Policy Options for the Next US Administration*, Monterey Institute of International Studies, 2008, p.85; Uppsala Declaration on NWFZs, Conference hosted by the Dag Hammarskjöld Foundation, Uppsala Sweden, 4 September 2000.

⁶³ Statements by the New Agenda Coalition: Delivered by Ireland, Statement to the 2007 PrepCom, 2007 (accessed at <http://www.reachingcriticalwill.org/legal/npt/prepcom07/statements/8mayNAC.pdf> on 20 February 2009); Kissinger, Shultz, Perry and Nunn, "Call for a World Free of Nuclear Weapons", *The Wall Street Journal*, 4 January 2007, p. 3; WMDC, *Weapons of Terror*, pp. 15, 61.

⁶⁴ WMDC, *Weapons of Terror*, p. 18.

⁶⁵ International Campaign to Abolish Nuclear Weapons, *Nuclear Weapons Abolition and Nuclear Power*, p. 1.

⁶⁶ Canberra Commission, Executive Summary.

⁶⁷ Kissinger, Nunn, Perry and Schultz, 'Renewed Call from Kissinger, Nunn, Perry and Shultz for Nuclear-Free World', *Wall Street Journal*, 15 January 2008; WMDC, *Weapons of Terror*, pp. 15, 18, 49.

35. A legally binding agreement is concluded banning all nuclear sharing activities relating to technology and equipment transfer for the manufacture and deployment of nuclear warheads and their delivery systems.⁶⁹
36. A universal treaty is concluded committing all Parties to the no-first use of nuclear weapons.⁷⁰
37. Agreement is reached on an internationally legally binding instrument extending negative security assurances to all NNWS party to the NPT.⁷¹
38. A multilateral nuclear fuel bank is established under IAEA auspices.⁷²

Projected initiatives for period 2026-2040

Plurilateral:

39. Agreement is reached on further drastic reductions to nuclear armed forces of all NWS.⁷³

Regional

40. NWFZs are established in the Middle East and Northeast Asia.⁷⁴

Global

41. An internationally legally binding Nuclear Weapons Convention for the Permanent and Complete Elimination of Nuclear Weapons comes into force.

⁶⁸ Kissinger, Nunn, Perry and Schultz, 'Renewed Call from Kissinger, Nunn, Perry and Shultz for Nuclear-Free World', *Wall Street Journal*, 15 January 2008, p. 2.

⁶⁹ Cuban Ambassador Norma Goicochea Estenez, Statement to the 2007 PrepCom, 01/05/2007 (accessed at <http://www.reachingcriticalwill.org/legal/npt/prepcom07/statements/1mayCuba.pdf> on 17 February 2009).

⁷⁰ China, Working Paper on Security Assurances, 2007 PrepCom, NPT/CONF2010/PC.1/WP.43, 2007 (accessed at <http://www.reachingcriticalwill.org/legal/npt/prepcom07/papers.html> on 17 February 2009).

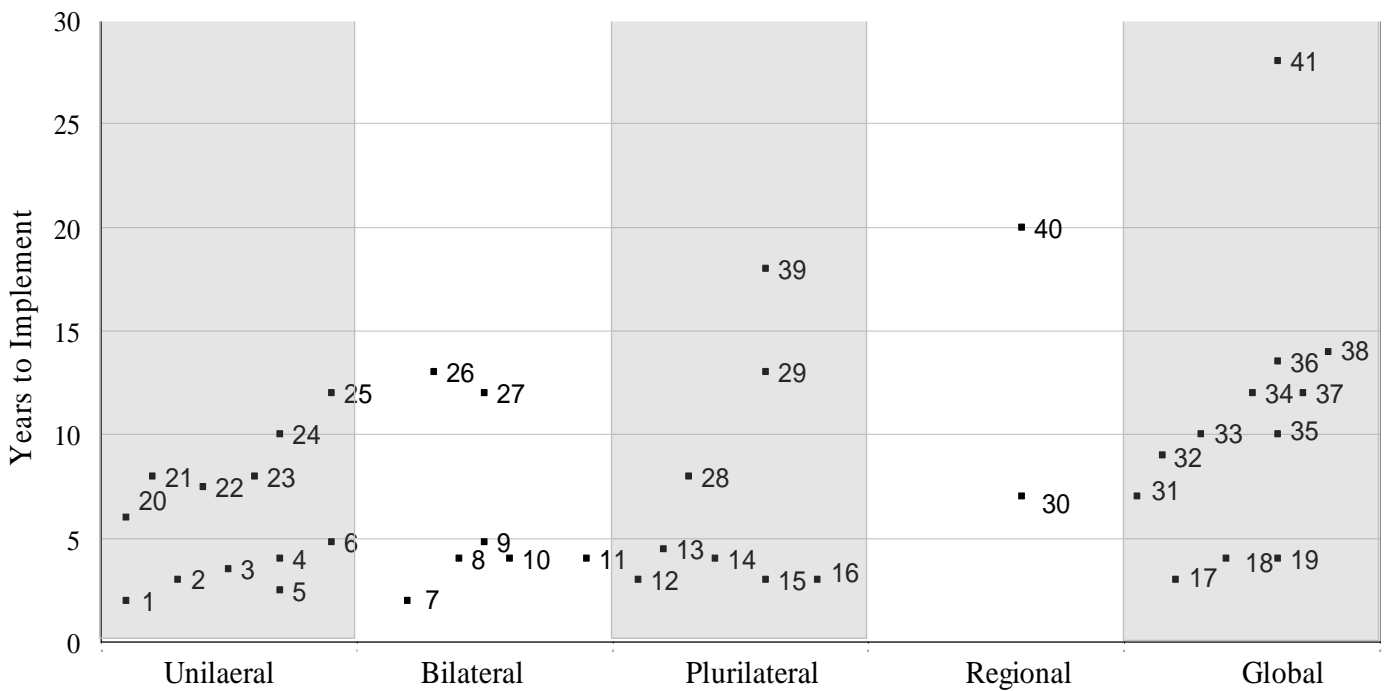
⁷¹ WMDC, *Weapons of Terror*, p.73; Italy, Working Paper on Security Assurances, 2007 PrepCom, NPT/CONF2010/PC.1/7 (accessed at <http://www.reachingcriticalwill.org/legal/npt/prepcom07/papers.html> on 20 February 2009).

⁷² Statement by Austrian Federal Minister for European and International Affairs, Ursula Plassnik, Statement to the 2007 PrepCom, 30 April 2007 (accessed at <http://www.reachingcriticalwill.org/legal/npt/prepcom07/statements/30aprilAustria.pdf> on 20 February 2009); Mohammed El Baradei, 'Statements of the Director General IAEA', *Statement to the Sixty-Third Regular Session of the United Nations General Assembly*, 28 October 2008, p.3.

⁷³ Kissinger, Nunn, Perry and Schultz, 'Renewed Call from Kissinger, Nunn, Perry and Shultz for Nuclear-Free World', *Wall Street Journal*, 15 January 2008.

⁷⁴ Fahmy, 'Cooperative Security', p. 85; WMDC, *Weapons of Terror*, pp. 19, 47, 70.

Nuclear Disarmament Initiatives



An Australian ‘Plan of Action’

Australia has periodically made a noteworthy contribution to nuclear disarmament and arms control initiatives. As a middle power with close relations with the United States, with increasingly important ties with Asia, and with an acknowledged record of regional and global multilateral engagement, Australia is well placed to play once again a leading role over the next several years.

For Australian efforts to be effective it is necessary to fashion a clearly conceived and carefully executed strategy. The present parliamentary inquiry and the International Commission on Nuclear Non-Proliferation and Disarmament initiated by the Rudd Government provide a unique opportunity to fashion a bold, imaginative and comprehensive ‘Plan of Action’. In developing and executing such a plan, the Federal Government will need to act in concert with others. It will need to collaborate closely with civil society on the one hand and with other governments and international organisations on the other. Strategies and initiatives are called for which allow for the energies, resources, expertise and influence of like-minded stakeholders to be brought to bear on the critical task ahead.

The first strategic step, which provides the overarching framework for the ‘Plan of Action’ is for the Australian Government and Australian Parliament to commit themselves to the long-term elimination of nuclear weapons. Such a commitment should begin with a clearly articulated statement that so long as any nuclear weapons remain, there is a risk that they will one day be used, by design or accident, and any such use would be ruinous for both regional and global security, hence for Australia’s security. The Statement should go on to

commit Australia to the eventual universal adoption of a legally binding convention outlawing all nuclear weapons. This fundamental objective should be articulated in a formal resolution of Parliament, at the UN General Assembly and at all available formal and informal international, regional and global gatherings, and with particular vigour at the 2010 NPT Review Conference.

A formal and public commitment of the kind envisaged here may at first sight appear utopian. There is, indeed, a real danger that mere words will condemn such a policy to 'utopian' irrelevance, which is why the policy needs to be translated into a series of incremental steps of ascending scope and difficulty, pursued collaboratively with others. There is also much to be gained from a close analysis of past efforts both in the area of non-proliferation and disarmament, and in comparable multilateral initiatives, where a multifaceted and sustained programme of action resulted in the adoption of an international, legally binding convention.

For reasons of space we limit ourselves to a brief examination of three examples. Two are drawn from the field of conventional disarmament (the outlawing of land mines and cluster munitions) and the other from the field of international criminal justice (the establishment of an international criminal court). All three offer significant insights as to how the international community and individual governments (Australia in this case) might effectively move towards an international nuclear weapons convention.

Key features of these three extraordinary initiatives are captured in the three skeleton chronologies provided below. Each in its own way suggests what can be achieved when the necessary momentum develops as a result of concerted action. Taken together the three initiatives graphically illustrate how relative inaction and prolonged stalemate can, provided certain conditions are met, be followed by impressive results in a relatively short space of time.

Landmines Convention Timeline

- 1980** *Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to have Indiscriminate Effects* (CCW) enters into force. Protocol II of the CCW restricts the use of mines, booby-traps and other devices.
- 1992** Representatives from six NGOs meet to issue a *Joint Call to Ban Anti-Personnel Landmines* and to establish the International Campaign to Ban Landmines (ICBL).
- 1993** First international conference of the ICBL.
- The Parties to the CCW adopt a new protocol – Protocol V – to address ‘*the serious post-conflict humanitarian problems caused by explosive remnants of war*’.
- Following pressure from Handicap International (France), the French Government formally submits a request to the UN Secretary General to convene a CCW review conference.
- The UN General Assembly urges the establishment of a group of governmental experts to prepare for a conference to consider strengthening restrictions on the use of anti-personnel mines; the establishment of a verification system; and study opportunities for broadening the scope of this Protocol to civil conflicts.
- Review Conference of the CCW is held in Vienna in September. The Parties to the conference fail to reach consensus on an amendment to Protocol II.
- 1996**
- January The Canadian government announces an immediate moratorium on the use, production, sale or export of any anti-personnel mines.
- May Follow on session to the Review Conference is held in Geneva. Parties to the CCW adopt an amended protocol II, which was subsequently criticised as ‘woefully inadequate’ by the ICRC.
- May Canada announces that it will host an international conference in order to plan a ban on landmines
- October 50 participating states and 24 observer states, together with a strong representation of NGOs, assemble for the *International Strategy Conference: Towards a Global Ban on Anti-Personnel Mines* in Ottawa.
- Canadian Minister for Foreign Affairs, Lloyd Axworthy, ‘challenge[s] the international community to negotiate and sign a treaty to ban anti-personnel landmines by December 1997’.
- November US Special Representative to the UN introduces a draft resolution into the General Assembly, with 84 co-sponsors, calling for the negotiation of a total prohibition on landmines
- December UN General Assembly adopts the proposed text as 51/45S which urged states to pursue a ‘*legally binding international agreement to ban the use, stockpiling and transfer of anti-personnel landmines with a view to completing the negotiation as soon as possible*’
- 1997**
- February 111 states meet in Vienna to discuss the first draft of the treaty.
- June States sign the Brussels Declaration which agrees to on a ban anti-personnel mines by December 1997.
- September Governments negotiate the Convention at the *Diplomatic Conference on an International Total Ban on Anti-Personnel Land Mines* in Oslo over three weeks with NGOs playing an unprecedented role in the process.
- December *Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction* is signed by 122 countries in Ottawa.
- 1999**
- March With the ratification by 40 states, the Convention enters into force.

International Criminal Court Timeline

- 1948** Members of the UN General Assembly adopt the *Convention on the Prevention and Punishment of the Crime of Genocide*. Members also ask the International Law Commission (ILC) to examine the possibility of establishing an international criminal court (ICC)
- The UN General Assembly adopts the *Universal Declaration of Human Rights*
- 1949-54** The ILC drafts statutes for the creation of an ICC. Opposition from both sides of the Cold War obstruct the effort and the General Assembly abandons the effort. Little will happen for the best part of four decades
- 1989** The UN General Assembly calls on the ILC to prepare a new draft statute.
- 1993** The UN Security Council establishes an *ad hoc* criminal tribunal under Chapter VII of the UN Charter to examine war crimes and human rights violations that constitute international crimes in the Former Yugoslavia.
- 1994** A second *International Criminal Tribunal* is established with the task of investigating the crimes committed in Rwanda in 1994 and bringing the perpetrators to justice.
- The ILC submits a draft statute for an ICC to the UN General Assembly which establishes a committee to review the draft.
- A coalition of NGOs (CICC) is formed to campaign for the creation of an ICC, and hold two 2-week meetings at UN headquarters.
- The UN General Assembly establishes a three-year Preparatory Committee (PrepCom) to finalise the text of the ICC statute to be presented in 1998.
- 1998**
- June The Italian government hosts the *UN Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court* in Rome, attended by 160 governments.
- CICC actively participates in the Rome Conference – monitoring the negotiations, producing daily information for worldwide distribution and facilitating the participation and parallel activities of the more than 200 NGOs attending the Conference. CICC is credited with influencing some of the most important provisions of the Rome Statute
- July UN member states vote overwhelmingly in favour of the Rome Statute of the ICC, thereby establishing the first permanent international court able to try individuals accused of war crimes, genocide and crimes against humanity.
- 1999**
- May The NGO Coalition for the ICC launches a campaign from The Hague calling for the wide ratification of the Rome Statute.
- 2000**
- June The PrepCom adopts a draft for the rules of procedure and Evidence and the Elements of Crimes as mandated by the Final Act of the Rome Conference.
- September UN Secretary General, Kofi Annan, calls on all states to ratify the Rome Statute
- December Deadline for signature to the ICC; US, Israel and Iran add their signatures.
- 2002**
- April The Rome Statute is ratified by 60 states,
- July The Rome Statute comes into force, despite the strong opposition of the US Administration.
- September The Assembly of States Parties to the ICC holds its first meeting.

Cluster Munitions Convention Timeline

- 1980** Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to have Indiscriminate Effects (CCW) enters into force. Occasional reference is made to problems associated with the use of cluster bombs.
- 2006** Belgium is the first country to ban the use, transportation, export, stockpiling, trade and production of cluster munitions.
- 2007**
- February Norway convenes the Oslo Conference on Cluster Munitions. This is the start of the 'Oslo process' which aims to solidify the political will to ban cluster munitions. States pledge to conclude a legally binding instrument to 'prohibit the use, production, transfer and stockpiling of cluster munitions that cause unacceptable harm to civilians' by 2008.
- March South-East Asian Regional Forum Taking Action on Cluster Munitions is held in Phnom Penh, Cambodia.
- April ICRC Expert Meeting in Montreux, Switzerland explores the Humanitarian, Military, Technical and Legal Challenges of Cluster Munitions (CCM).
- May 67 states attend the Lima Conference on the CCM in Peru. Broad consensus is reached on key elements of the treaty. Peru announces plans for a Latin American Cluster Munitions Free Zone.
- October The Belgrade Conference of States Affected by Cluster Munitions brings these states together for the first time
- December 138 states and civil society organisations from over 50 countries attend Vienna Conference on the CCM. Strong coordinated action by civil society highlights international support for a Convention
- 2008**
- February Fourth international conference is held in New Zealand as part of the Oslo process. The work of the Cluster Munitions Coalition (CMC) is publicly acknowledged. Despite misgivings and resistance in some quarters, momentum is maintained. All proposals are compiled in a separate 'Compendium' document.
- March At the Livingstone Conference on the CCM, Zambia, the all-African participating states adopted the Livingstone Declaration, which commits African states to negotiate an international ban on cluster munitions at the Dublin Diplomatic Conference.
- May At the Dublin Diplomatic CCM, Ireland 107 States adopt a new treaty comprehensively prohibiting production and use of cluster munitions.
- September Sofia Regional Conference is the first of a series of regional meetings designed to increase awareness about cluster munitions and promote the CCM.
The Kampala African Conference on the CCM agrees to an Action Plan that calls for the earliest possible signature and ratification.
- October At The Safe Path: South East Asia Regional Conference (Laos), Australia and other states announce their intention to sign the Oslo CCM.
Global Week of Action to Ban Cluster Bombs is active in 74 states.
The *Faith Leaders Conference on Cluster Munitions* (Bosnia-Herzegovina) adopts Statement of Commitment A Total Ban on Cluster Munitions – A Moral Responsibility.
- November At the Latin American Regional Conference on the CCM (Quito), 20 states announce that they will sign the Oslo CCM.
At Beirut Regional Conference, Lebanon announces strong support for convention.
- December At the CCM Signing Conference in Oslo, 94 states including users, producers, stockpilers and affected countries sign the convention.

These key features may be described as follows:

1. Action was taken by a number of parties in the wake of a steadily deteriorating situation (rapidly increased use of certain weapons in two cases, and instances of large-scale war atrocities and crimes against humanity in the other).
2. In each of the three cases, four types of actors played a critical role at particular times, often in close cooperation with each other:
 - Individual national governments (which gave the necessary impetus at critical moments)
 - Clusters of governments and/or regional organisations (which contributed the necessary muscle for the initiative to be sustained in the face of opposition)
 - Civil society organisations (which conducted intensive advocacy campaigns)
 - International organisations (which provided the necessary authority, forums and public visibility).
3. At key moments individual governments were prepared to take unilateral initiatives. These were usually the governments of small or middle powers (e.g. Belgium, Canada, Italy, Norway). The nature of these initiatives varied with circumstances. They were generally of four types:
 - Policy decisions committing the government to a certain course of action that was of practical importance but also of considerable symbolic value (e.g. Canada's decision to impose an immediate moratorium on the use, production, sale or export of any anti-personnel mines);
 - Announcements that the government would host a major international conference (either in preparation for the proposed convention or with a view to its adoption);
 - Sustained action involving close cooperation with international organisations on the one hand and civil society (both in the home country and internationally) on the other;
 - Offer of resources (financial and in-kind) which were essential to the holding of conferences, public awareness programmes, and provision of physical infrastructure.
4. Civil society organisations with the support of a number of governments and international organisations formed large international coalitions which played a critical role in advocacy (advice to governments, including review of draft legal documents), public education, and liaison with national and international media.
5. The process inevitably encountered difficulties along the way, the most significant of which was the strong resistance of one or more powerful states,

often the United States. Such resistance was evident at various stages in the lead-up to the Convention, and in some instances after the signing of the Convention. While many feared or predicted that such resistance would in the end scuttle the project, these fears proved unfounded. Sooner or later many of the great powers either became signatories themselves or at least put an end to their overt opposition.

How might these insights be translated into an Australian 'Plan of Action'? Here we do no more than list certain key initiatives which might be taken over the next three to five years (corresponding to the first phase outlined above), but each pursued with the clear intention of supporting the long-term objective – the adoption of a nuclear weapons convention. For this purpose we use as headings the categories described in earlier sections.

Unilateral:

- Commitment to a nuclear weapons convention as the ultimate objective;
- In line with that objective, advocacy of a package of proposals and measures of the kind outlined in the three-phased programme above (pp. 17-22); such advocacy should form the basis of a major Prime Ministerial Statement to the Parliament, and a series of speeches delivered by the Prime Minister, Foreign Minister and other senior Ministers at the United Nations and other appropriate international forums;
- Enactment of a more rigorous nuclear safeguards programme (in line with the proposals advocated in this submission) with the added provisions that continued export of uranium to any country would be subject to a rigorous bilateral safeguards agreement (existing agreements may need to be reviewed), and that no uranium or other nuclear materials would be made available to any country which is not a signatory to the NPT, or to any nuclear weapons country which has not committed itself to a transparent and comprehensive nuclear non-proliferation and disarmament policy;
- Offer to host an international Conference designed to strengthen existing NWFZs and encourage the establishment of new ones;
- Offer to host at an appropriate time (once the necessary groundwork has been done) an international conference that would set in motion the drafting of an International Convention for the Elimination of Nuclear Weapons;
- Initiate, in close consultation with media, educational bodies and civil society organisations, a national public awareness and education programme on all issues pertaining to nuclear non-proliferation and disarmament;
- Establishment of an on-going consultative mechanism involving relevant civil society organisations in Australia and internationally.

Bilateral:

- A sustained dialogue with the United States, with a view to encouraging the new Administration and Congress to support and, where appropriate, initiate some or all of the steps proposed in this submission;
- A similar dialogue to be attempted (within the constraints imposed by Australia's limited reach and influence) with other major nuclear powers (in particular China) with a view to exploring possible areas of collaboration;
- A review of the Australian-US military relationship to establish whether any aspects of this relationship run counter to the proposed nuclear non-proliferation and disarmament programme outlined in this submission, and, where necessary, to determine what appropriate remedial action should be taken (terminating any support for or involvement in anti-ballistic missile defence projects might be one such example);
- A sustained dialogue with Australia's Asian neighbours (in particular Japan, Indonesia and Malaysia) which have had a longstanding interest in nuclear disarmament with a view to determining what bilateral or multilateral initiatives might be taken.

Plurilateral:

- Convening of a meeting of the Parties to the South Pacific NWFZ Treaty with a view to strengthening its provisions and their application;
- Consideration to be given to either joining an existing informal coalition of like-minded middle powers (e.g. New Agenda Coalition) or forming a new one provided that such a step does not lead to the wasteful or competitive duplication of efforts;

Regional:

- Consideration to be given to ways in which existing regional forums in the Asia-Pacific region (e.g. ASEAN Regional forum, East Asian Summit) could develop a coherent nuclear non-proliferation and disarmament action plan, taking on board at least some of the key proposals outlined in this submission (such an initiative should be taken in concert with one or more Asian members of these forums);
- Nuclear non-proliferation and disarmament to be included as a major issue in current discussions about the possible establishment of an Asia-Pacific Community (as recently proposed by the Australian Prime Minister).

Global:

- In line with the above proposals, and in collaboration with as many other stakeholders as possible, a concerted diplomatic effort to ensure the success of the NPT 2010 Review Conference; to this end, the Australian Government will need to:
 - Articulate the key principle linking nuclear non-proliferation and nuclear disarmament;
 - Promote (in collaboration with others) a set of concrete proposals in line with key elements of this submission (see pp. 8-10).
- In the aftermath of the NPT Review Conference (especially if it does not achieve the desired outcomes), formulation of a strategy (to be developed in consultation with other like-minded states) with a view to placing the issues before the General Assembly, preferably at a Special Session, and before the Security Council (making the issue of nuclear non-proliferation and disarmament a high priority in Australia's current endeavours to secure a seat on the Security Council).

To give effect to this 'Action Plan' Australia will need to devote energy, enthusiasm, skill and resources. Such a plan cannot come to fruition without the necessary commitment of human and financial resources. Put simply, the commitment to nuclear non-proliferation and disarmament must be appropriately funded. To this end two measures seem advisable:

- a) the formation of a high-level inter-department committee coordinated by the Office of Prime Minister and Cabinet which would have overall responsibility for the formulation and execution of the 'Action Plan';
- b) the establishment within relevant departments, and especially within the Department of Foreign Affairs and Trade, of a sufficiently large team of experienced and knowledgeable personnel who can contribute to the framing of policy, its presentation in diplomatic forums, its implementation, and the complex processes of negotiation, consultation and collaboration – in this respect the unit created to service the International Commission for Nuclear Non-Proliferation and Disarmament should be seen as providing the foundation for the creation of a progressively larger team;
- c) the appointment of an eminent and highly experienced personality as Australia's Ambassador for Disarmament who would report directly to both Prime Minister and Foreign Minister.

The ideas and proposals contained in this submission may at first sight seem unduly ambitious. On close reflection, however, they are highly practical steps that are within Australia's reach. We are a middle power whose history, geography and political culture make us uniquely placed to contribute to the cooperative effort needed to create a world free of nuclear weapons.

Bibliography

Arms Control Association, *U.S.-Soviet/Russian Nuclear Arms Control*, 2009 (accessed at http://www.armscontrol.org/act/2002_06/factfilejune02 on 16 February 2009).

Austria, *Food-for-Thought Paper on Multi-lateralisation of the Nuclear Fuel Cycle*, 2007 PrepCom, NPT/CONF.2010/PC.1/7, (accessed at <http://www.reachingcriticalwill.org/legal/npt/prepcom07/papers.html> on 17 February 2009).

Austrian Federal Minister for European and International Affairs, Ursula Plassnik, Statement to the 2007 PrepCom, 30 April 2007 (accessed at <http://www.reachingcriticalwill.org/legal/npt/prepcom07/statements/30aprilAustria.pdf> on 20 February 2009).

Biden, Joseph, *Speech to the 45th Annual Munich Security Conference*, 07 February 2008 (accessed at <http://www.securityconference.de> on 12 February 2009).

Brooks, Linton F., 'Taking Disarmament Seriously: Prospects for Changing Strategic Doctrines', in *Nuclear Challenges and Policy Options for the Next U.S. Administration*, Southampton: Monterey Institute of International Studies, 2008.

Bulletin of the Atomic Scientists, 'It is 5 Minutes to Midnight', *Bulletin of the Atomic Scientists*, 17 January 2007 (accessed at <http://www.thebulletin.org/content/doomsday-clock/overview> on 22 February 2009).

Bunn, George, 'The Nuclear Nonproliferation Treaty: History and Current Problems', *Arms Control Today*, December 2003 (accessed at http://www.armscontrol.org/act/2003_12/Bunn on 15 February 2008).

Camilleri, Joseph A., 'The Myth of the Peaceful Atom', *Millennium: Journal of International Studies*, 6(2), Autumn 1977.

Canberra Commission, 'Executive Summary', *The Canberra Commission on the Elimination of Nuclear Weapons*, 1996 (accessed at <http://www.dfat.gov.au/cc/index.html> on 15 February 2009).

Chaffe, Devon, Herbert Scoville and Jim Wurst, 'Strengthening Existing Nuclear Weapon Free Zones', *Prepared for the Uppsala, Sweden Seminar on NWFZs*, September 2000

China, Working Paper on Security Assurances, 2007 PrepCom, NPT/CONF2010/PC.1/WP.43, 2007 (accessed at <http://www.reachingcriticalwill.org/legal/npt/prepcom07/papers.html> on 17 February 2009).

Coalition for the International Criminal Court, *The Road to Rome and Beyond: Key Moments in the Establishment and Work of the International Criminal Court*, 2008 (accessed at <http://www.iccnw.org> on 17 February 2009).

Costa Rican Ambassador Ana Teresa Denga Benavidos, Statement to the 2007 PrepCom, 30 April 2007 (accessed at <http://www.reachingcriticalwill.org/legal/npt/prepcom07/statements/30aprilCostaRica.pdf> on 20 February 2009).

Cuban Ambassador Norma Goicochea Estenoz, Statement to the 2007 PrepCom, 01 May 2007 (accessed at <http://www.reachingcriticalwill.org/legal/npt/prepcom07/statements/1mayCuba.pdf> on 17 February 2009).

Daalder, Ivo and Jan Lodal, 'The Logic of Zero: Toward a World Without Nuclear Weapons', *Foreign Affairs*, 87: 6, November/December 2008

Dauber, Cori Elizabeth, *Cold War Analytical Structures and the Post Post-War World: A Critique of Deterrence Theory*, Westport, CT: Praeger, 1993.

Dunn, Lewis A. 'Deterrence Today: Roles, Challenges and Responses', *IFRI Security Studies Centre*, Summer 2007 (accessed at http://www.ifri.org/files/Securite_defense/Deterrence_Today_Dunn_2007.pdf on 22 January 2009).

Einhorn, Robert, 'Building P-5 Cooperation on Non-Proliferation', in *Nuclear Challenges and Policy Options for the Next U.S. Administration*, Southampton: Monterey Institute of International Studies, 2008

ElBaradei, Mohammed, 'Statements of the Director General IAEA', *Statement to the Sixty-Third Regular Session of the United Nations General Assembly*, 28 October 2008

Fahmy, Nabil, 'Cooperative Security: the Importance of Regional and Other Security Arrangements- Pointers for a New Administration', in *Nuclear Challenges and Policy Options for the Next US Administration*, Southampton: Monterey Institute of International Studies, 2008

Federation of American Scientists, 'START II and Its Extension Protocol at a Glance', *Federation of American Scientists Strategic Arms Control and Policy Fact Sheet*, January 2003 (accessed at <http://www.armscontrol.org/factsheets/start2> on 20 February 2009).

Foreign Affairs and International Trade Canada, *The Creation of the International Campaign to Ban Landmines*, 2009 (accessed at http://www.international.gc.ca/mines/campaign-inter-campagne/creation.aspx?menu_id=29&menu=R on 17 February 2009).

Geneva International Centre for Humanitarian Demining, *Guide to Mine Action and the Unexploded Remnants of War*, Geneva: GICHD, 2007

Gottemoeller, Rose, Centre for Strategic and International Studies and the Massachusetts Institute of Technology, 'Cooperation Threat Reduction beyond Russia', *Washington Quarterly*, 28:2, 2005

Hartung, William D., and Jonathon Reingold, 'About Face: The Role of the Arms Lobby in the Bush Administration's Radical Reversal of Two Decades of US Nuclear Policy', *A World Policy Institute Special Report*, 2002 (accessed at <http://www.worldpolicy.newschool.edu/projects/arms/reports/reportaboutface.html#II> on 23 February 2009).

International Campaign to Abolish Nuclear Weapons, *Nuclear Weapons Abolition and Nuclear Power*, (accessed at <http://www.icanw.org/> on 20 February 2009).

Independent Commission of the IAEA, *Reinforcing the Global Nuclear Order for Peace and Prosperity: The Role of the IAEA to 2020 and Beyond*, Geneva: IAEA, May 2008

Italy, Working Paper on Security Assurances, 2007 PrepCom, NPT/CONF2010/PC.1/7 2007, (accessed at <http://www.reachingcriticalwill.org/legal/npt/prepcom07/papers.html> on 20 February 2009).

Johnson, Rebecca, 'Is the NPT being Overtaken by Events?', *Disarmament Diplomacy*, No.87, Spring 2008.

Johnson, Rebecca, 'Looking Towards 2010: What does the Non-Proliferation Regime Need?', *Disarmament Diplomacy*, No.84, Spring 2007.

Johnson, Rebecca, 'Politics and Protection: Why the 2005 NPT Review Conference Failed', *Disarmament Diplomacy*, No.15, Autumn 2005.

Kimball, Daryl G., 'Reassessing the Role of Nuclear Weapons', *Arms Control Today*, 39:1, January 2009.

Kissinger, Henry, George Shultz, William Perry and Sam Nunn, 'Call for a World Free of Nuclear Weapons', *The Wall Street Journal*, 4 January 2007.

Kissinger, Henry, George Shultz, William Perry and Sam Nunn, 'Renewed Call from Kissinger, Nunn, Perry and Shultz for Nuclear-Free World', *Wall Street Journal*, 15 January 2008.

Langmore, John, 'Note on the Possibility and Potential Value of Holding a Forth Special Session of the UN General Assembly on Disarmament', *International Commission on Nuclear Non-Proliferation and Disarmament*, (accessed at <http://www.icnnd.org/> on 20 February 2009).

Mountbatten Centre for International Studies, 'Toward the 2010 Review Conference', *NPT Briefing Book 2008*, 2008 (accessed at <http://www.mcis.soton.ac.uk/publications/briefingbook2008.html> on 16 February 2009).

Muller, Harald, 'Progressive and Systemic Steps: Short- and Medium-Term Goals', in *Nuclear Challenges and Policy Options for the Next U.S. Administration*, Southampton: Monterey Institute of International Studies, 2008.

New Agenda Coalition: Delivered by Ireland, Statement to the 2007 PrepCom, 2007 (accessed at <http://www.reachingcriticalwill.org/legal/npt/prepcom07/statements/8mayNAC.pdf> on 20 February 2009).

Nielson, Jenny, 'Engaging India, Israel and Pakistan in the Nuclear Non-Proliferation Regime', *Disarmament Diplomacy*, No.86, Autumn 2007

Non-Aligned Movement: Delivered by Indonesia, Statement to the 2007 PrepCom, 2007 (accessed at <http://www.reachingcriticalwill.org/legal/npt/prepcom07/statements/8mayNAM.pdf> on 20 February 2009).

'NPT 2000 Review Conference Final Document', reproduced in *Arms Control Today*, June 2000 (accessed at http://www.armscontrol.org/act/2000_06/docjun on 22 February 2009).

Nuremburg Human Rights Centre, *From Nuremburg to the Hague: The Road to the International Criminal Court*, (accessed at http://www.nachfolgeprozesse.nuernberg.de/download/International_Criminal_Court.pdf on 17 February 2009).

Obama Website, *Foreign Policy*, 2009 (accessed at http://origin.barackobama.com/issues/foreign_policy/#nuclear on 18 February 2009).

Perkovich, George, and James Acton, 'Abolishing Nuclear Weapons', *Adelphi Papers*, London: Routledge, 1 March 2008.

Powell, Robert, *Nuclear Deterrence Theory: The Search for Credibility*, Cambridge: Cambridge University Press, 1990.

Preez, Jean du, 'The NPT Strengthened Review Process: Avoiding a Perfect Storm Fifteen Years Later', in *Nuclear Challenges and Policy Options for the Next U.S. Administration*, Southampton: Monterey Institute of International Studies, 2008.

Robinson, Paul, *White Paper on the Role of U.S. Nuclear Weapons in the 21st Century*, 2001 (accessed at www.sandia.gov on 15 February 2009).

Russian Permanent Representative Anatoly Antonov, Statement to the 2007 PrepCom, 30 April 2007 (accessed at <http://www.reachingcriticalwill.org/legal/npt/prepcom07/statements/30aprilRussia.pdf> on 20 February 2009).

Shea, Thomas E., 'The Trilateral Initiative: A Model For The Future?', *Arms Control Today*, May 2008, (accessed at http://www.armscontrol.org/act/2008_05/PersboShea.asp%2523Sidebar1 on 11 February 2009).

Sokov, Nikolai N., 'Prospects for Changing Strategic Doctrines', in *Nuclear Challenges and Policy Options for the Next U.S. Administration*, Southampton: Monterey Institute of International Studies, 2008.

The Acronym Institute, 'The Conference on Disarmament in 2008: Still in Denial', *Disarmament Diplomacy*, Issue No. 88, Summer 2008 (accessed at <http://www.acronym.org.uk/dd/dd88/88news02.htm> on 15 February 2009).

The Whitehouse, *The Agenda: Foreign Policy*, 2008 (accessed at http://www.whitehouse.gov/agenda/foreign_policy/ on 16 February 2009).

Thirteen Steps: Principles and Objectives for Nuclear Non-Proliferation and Disarmament, Article VI.15, NPT/CONF.2000/28, 2000.

UN News Centre, ' Ban Ki-moon urges NPT review meeting to address crisis on nuclear arms front', *UN News Centre*, 30 April 2007 (accessed at <http://www.un.org/apps/news/story.asp?NewsID=22392&Cr=nuclear&Cr1> on 22 January 2009).

UN Secretary General, 'A More Secure World: Our Shared Responsibility', *Report of the Secretary-General's High-level Panel on Threats, Challenges and Change*, New York: United Nations, 2004.

Weapons of Mass Destruction Commission, *Weapons of Terror: Freeing the World of Nuclear, Biological and Chemical Arms*, Stockholm: EO Grafiska, 2006

Disarmament and arms control

Nuclear issues - New Agenda Coalition

New Zealand works on nuclear disarmament issues with the New Agenda Coalition (NAC) - New Zealand, Brazil, Egypt, Ireland, Mexico, South Africa, and Sweden. The New Agenda Coalition was established in 1998, concerned by the lack of progress in nuclear disarmament efforts in the aftermath of the Nuclear Non proliferation Treaty's indefinite extension and at the implications of India's and Pakistan's nuclear tests, the group sought to inject fresh thinking and a new momentum into multilateral consideration of the issues. The "new agenda" draws from a range of sources including the 1996 **Canberra Commission for the Elimination of Nuclear Weapons** established in 1995 by the Australian Government to propose practical steps towards a nuclear weapon free world, and the 1996 unanimous **International Court of Justice** opinion that there exists an obligation on the nuclear weapon states to "pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control".

In the past, the New Agenda Coalition has played a bridging role, covering the middle ground between the nuclear weapon states and the non-aligned movement. Recent instability in the international security environment has produced new challenges for the NAC as international attention has increasingly shifted to the non-proliferation pillar of the NPT, given new threats including rogue states and non-state actors. While the NAC acknowledges the importance of such work, the group maintains that non-proliferation efforts must not be at the expense of attention to longer-term nuclear disarmament, through the multilateral, treaty-based system. It is the only group focussing, at governmental level, on the nuclear disarmament pillar of the NPT, and pushing the nuclear weapon states to live up to the commitments that they have made.

Recent Statements

- [UNGA 63: First Committee: Statement by the New Agenda Coalition \(delivered by South Africa\)](#), 6 October 2008 (PDF 86KB)
- [New Agenda Coalition Statement to the Second Preparatory Committee for the 2010 NPT Review Conference](#), 28 April - 9 May 2008 (PDF 88KB)
- [New Agenda Coalition Cluster 1 Statement \(nuclear disarmament\) to the Second Preparatory Committee for the 2010 NPT Review Conference](#), 28 April - 9 May 2008 (PDF 102KB)
- [New Agenda Coalition working paper submitted to the Second Preparatory Committee for the 2010 NPT Review Conference](#), 28 April - 9 May 2008 (PDF 275KB)

See New Zealand Ministry of Foreign Affairs:

<http://www.mfat.govt.nz/Foreign-Relations/1-Global-Issues/Disarmament/0--Nuclear/0-new-agenda-coalition.php>

Appendix 2

Norway

International Conference on Nuclear Disarmament

Minister of Foreign Affairs Jonas Gahr Støre opened the international conference entitled *Achieving the Vision of a World Free of Nuclear Weapons*, which was held in Oslo on 26–27 February. The aim of the conference was to explore how states can contribute to achieving the vision of a world free of nuclear weapons.

03/03/2008 ::

Since September 2005, Norway has headed the Seven-Nation Initiative on nuclear disarmament and non-proliferation, aimed at further reducing the number of nuclear weapons and strengthening international efforts to prevent the proliferation of weapons of mass destruction.

The conference in Oslo was one of this year's important events in this field. Its aim was to explore how all states – nuclear-weapon states and non-nuclear-weapon states alike – can contribute to achieving the vision of a world free of nuclear weapons.

The conference focused on identifying strategies that promote achievable measures for disarmament and non-proliferation of nuclear weapons. The participants discussed, among other issues, what nuclear-weapon states and non-nuclear-weapon states can do to reduce the role of nuclear weapons in national security policies, how regional conflicts impact efforts to reduce nuclear dangers, the role of treaties, and ways of reconciling nuclear energy expansion with non-proliferation efforts.

Foreign Minister Jonas Gahr Støre hosted the conference, which was held at the Grand Hotel in Oslo. In addition to Mr Støre, former US Secretary of State George Shultz, former senator and CEO/Co-chairman of the Nuclear Threat Initiative, Sam Nunn and Dr Mohamed ElBaradei, Director General of the International Atomic Energy Agency (IAEA), delivered keynote speeches.

The conference was organised by the Norwegian Ministry of Foreign Affairs in cooperation with the Nuclear Threat Initiative, the Hoover Institution and the Norwegian Radiation Protection Authority.



International Conference on Nuclear Disarmament, Oslo 26 - 27 February 2008 Photo: MFA, Oslo



From left: Director General Kåre Aas, MFA, Oslo, Foreign Minister Jonas Gahr Støre, former US Secretary of State George Shultz, former Senator and CEO/Co-chairman of the Nuclear Threat Initiative, Sam Nunn. Photo: MFA, Oslo



Dr. Mohamed ElBaradei, Director General of the International Atomic Energy Agency (IAEA). Photo: MFA, Oslo

Minister's summary and preliminary recommendations

A Global Effort to Achieve a World Free of Nuclear Weapons

Jonas Gahr Støre

Norwegian Minister of Foreign Affairs

Over the last two days we have been privileged to witness a fascinating and candid exchange of views on disarmament and non-proliferation. I thank all participants for their engagement. I also express my profound gratitude to my co-hosts, the Nuclear Threat Initiative, the Hoover Institution at Stanford University and the Norwegian Radiation Protection Authority. The personal involvement of Senator Nunn, Secretary Shultz and Director-General ElBaradei has also contributed, in no small measure, to the success of this conference. Their collective call for us to wake-up is a timely warning. Norway, working independently and together with its partners in the Seven Nation Initiative, will heed it.

Summary of proceedings

What does it mean to advance the vision of a world free of nuclear weapons?

The conference began by taking the long view and discussing the changes in the international security architecture that will be required if nuclear weapons are to be abolished. Although there was broad agreement about the need for a cooperative approach to nuclear security, there was a divergence of views about which organization would be responsible for enforcement, and how it would be constituted. Four criteria to help judge success along the road to nuclear disarmament were reiterated: binding commitments, irreversibility, transparency and verification.

What further steps could nuclear weapon states take to reduce the role of nuclear weapons in their national security policies?

There are compelling reasons for renewed efforts by nuclear weapon states to reduce the size of their nuclear arsenals and the role of their nuclear weapons. Participants discussed no-first use pledges, the de-alerting of nuclear weapons, the importance of numerical reductions and proposals to consolidate tactical nuclear weapons. Some participants argued that the priority should be those steps agreed at the 1995 and 2000 NPT Review Conferences.

What further steps could non-nuclear weapon states take to strengthen the non-proliferation regime and promote a world free of nuclear weapons?

This session discussed topics as diverse as promoting the adoption of key legal instruments (notably the IAEA Additional Protocol), the role of civil society, nuclear weapon free zones and even the desirability of nuclear energy—but it focused on governance of the nuclear fuel cycle. Some participants argued that progress toward disarmament, coupled to sufficiently robust fuel supply guarantees, would help to encourage non-nuclear weapon states not to exercise their right to develop fuel cycle technology. Others argued that international efforts should be focused primarily on disarmament, not on developing fuel supply guarantees. Also raised was the idea of a companion treaty to the NPT which would guarantee states that chose to develop fuel cycle technology a role in its governance, in return for their acceptance of more intrusive inspections.

How do regional conflicts impact efforts to reduce nuclear dangers?

Different cases yield different views on the role of regional conflicts in driving proliferation. However, there is little doubt that the existence of nuclear weapons adds to their dangers and can complicate their solutions. To stabilise conflicts, international involvement—including before proliferation occurs—and arms control measures such as hotlines and strategic dialogues should be employed in today's world. Lessons from cases such as Argentina and Brazil, or Russia and the United States during the Cold War, could be usefully applied. At the same time there is also a need for the international community to address the fears which drive states to acquire nuclear weapons, highlight the dire consequences of nuclear weapon use and delegitimize nuclear weapons generally.

Towards Fissile Material Cut-Off and Nuclear Test-Ban Treaties: How can muscle be added to moratoria?

The conference was agreed on the importance of entry into force of the CTBT and the start of negotiations on an FMCT, although there was no consensus about what negotiating mandate should be adopted. In the meantime, to further cement the existing moratoria on nuclear testing and fissile material production, the idea of a 'no-first test' pledge, the importance of continued funding for the CTBT's verification system and the possibility of any state which has not yet done so declaring a moratorium on the production of fissile material was also discussed. A Fissile Material Control Initiative to enhance the security and transparency of all nuclear material was raised as a potential mechanism to address the issue of past production of such material in the context of FMCT negotiations, although some disputed that it would do so effectively.

How can increasing demand for nuclear energy be squared with nuclear disarmament?

Desirable or not, a significant growth in nuclear power seems inevitable. A number of ideas for fuel supply guarantees, including those with spent fuel take-back, have been suggested recently. Many participants argued that credible assurances of supply could help to prevent proliferation. Some warned, however, about the danger of creating a discriminatory two-tier system of nuclear fuel producers and recipients. In this context the importance of a serious dialogue between producers and recipients was highlighted. There was also a discussion about strengthening IAEA safeguards—and how reasonable it is to expect non-nuclear weapon states to do so. In addition, Norway pledged a \$5 million contribution to the IAEA fuel bank—and encouraged other states to do the same.

Minister's reflections

If efforts to rid the world of nuclear weapons are to be successful, nuclear disarmament must become a shared endeavour. Indeed, article VI of the Nuclear Non-Proliferation Treaty places the obligation to bring about disarmament on all states. Today, the international debate about non-proliferation and disarmament is characterised by a 'you-go-first' attitude. This is short-sighted. Only by advancing non-proliferation and disarmament together will our vision of a world free from nuclear weapons be achievable. To make that vision a reality, all states—nuclear weapon states and non-nuclear weapon states alike—should work

together on developing the verification tools and collective security arrangements that are needed.

In addition to fully endorsing the ideas put forward in the two Wall Street Journal articles, I offer five principles for progress in our global effort. They are in no way exhaustive, but I believe they are crucial.

First, achieving the vision of a world free of nuclear weapons will demand leadership at the highest levels as well as committed outreach to key stakeholders, including the general public. Second, taking disarmament seriously requires that we begin taking concrete steps now to sustain our vision and to build momentum behind it. A third principle is fundamental: achieving a world free of nuclear weapons must be a joint enterprise among all states – nuclear-*weapon* states and *non*-nuclear weapon states alike. Fourth, in addressing the wide range of challenges before us, we should be faithful to non-discrimination – a key principle of effective multilateralism. Finally, transparency from both nuclear and non-nuclear weapon states should be at the heart of our global effort.

From these principles follow a number of conclusions. These are my views from our two full days of debate and discussions. I welcome your thoughts and input as we refine these ideas in the days and weeks ahead, but I stress that they are not consensus recommendations.

⊙ National leaders in all states should engage personally with, and make a national priority of, realizing the vision of a world free from nuclear weapons. They should seek to involve key domestic stakeholders—their populations in particular—at an early stage. Moreover, disarmament will be an inter-disciplinary endeavour and national leaders should also seek to engage experts from all relevant areas including science, diplomacy, politics, law and the military.

⊙ The United States and Russia are encouraged to reduce the size of their arsenals significantly so that nuclear weapon numbers are measured by the hundred, and not by the thousand. This should be effected by means of a verified, legally-binding treaty. It is also important to engage China, and eventually other states that possess nuclear weapons, in a strategic dialogue to develop a cooperative approach to nuclear security.

⊙ In order to pave the way for even deeper cuts, non-nuclear weapon states should co-operate with nuclear weapon states to develop the technology needed for verifying disarmament. Nuclear weapon states should seize the opportunity presented by reductions in nuclear weapon numbers to demonstrate this technology.

⊙ All states that possess nuclear weapons are encouraged to make every effort to reverse their reliance on these weapons as a contribution towards their elimination. These states are also encouraged to change the operational status of their nuclear weapons in order to increase decision time in the event that use is contemplated, and to take other steps to promote strategic stability.

⊙ Entry into force of the Comprehensive Test Ban Treaty is crucial to prevent a new nuclear arms race. Until the treaty enters into force, the existing moratorium on nuclear testing should be strengthened. Each state that has tested nuclear weapons in the past should

pledge that it will not be the first to restart testing. In addition, funding for the CTBT's International Monitoring System must continue.

⊙ A Fissile Material Cut-Off Treaty is vital to advance disarmament and prevent proliferation. In addition to starting negotiations on an FMCT, the international community should consider the creation of a voluntary Fissile Material Control Initiative to enhance the security and transparency of all nuclear material—including material that may not be subject to an FMCT. This should entail nuclear weapon states accepting more comprehensive safeguards on their civilian nuclear facilities than they do at the moment.

⊙ Eliminating nuclear arms requires a robust and credible non-proliferation regime. All states that have not yet done so should adopt a Comprehensive Safeguard Agreement and an Additional Protocol. In addition they should sign, ratify and implement all relevant multilateral instruments to enhance the safety and security of their nuclear materials.

⊙ In order to help avert the awful prospect of nuclear terrorism, all states that possess nuclear weapons are urged to take all necessary measures to ensure that their weapons do not fall into unauthorized hands.

⊙ We should aim to create a non-discriminatory system of nuclear fuel supply in close collaboration with the IAEA. In this regard, a serious and sustained dialogue between producer and consumer is needed so that consumers have an opportunity to explain their needs and suppliers have an opportunity to tailor arrangements and incentives accordingly.

⊙ We should consider convening a broadly-based high-level Intergovernmental Panel on Nuclear Disarmament, analogous to the Intergovernmental Panel on Climate Change, to advise governments on the core requirements for abolishing nuclear weapons.

Appendix 3

The Global Zero Initiative

[Launch Press Release](#)

For Immediate Release, Tuesday, December 9, 2008

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100 International Leaders Launch Global Zero Campaign To Eliminate Nuclear Weapons

Distinguished Group Developing Step-by-Step Plan for Phased, Verified Reductions to Zero Nuclear Weapons

Leaders Agree That Eliminating Nuclear Weapons Is Only Way To Stop Proliferation and That a Special Russia-U.S. Partnership is Needed

New Worldwide Poll Shows Overwhelming Support For Getting To Zero Nuclear Weapons

PARIS, France – One hundred international political, military, business, and civic leaders from across political lines launched a new initiative today in Paris to eliminate nuclear weapons globally to combat the threat of proliferation and nuclear terrorism. Called Global Zero, the initiative will combine high-level policy work with global public outreach to achieve a binding agreement to eliminate all nuclear weapons through phased and verified reductions.

Each leader has signed a Global Zero declaration calling for a binding, verifiable agreement to eliminate all nuclear weapons by a date certain. The group is developing a step-by-step plan to eliminate nuclear weapons. They met in Paris yesterday and today in their inaugural conference to review and discuss the key steps.

In recent months, the threat of proliferation and nuclear terrorism has led to a growing chorus of government leaders from across political lines calling for the elimination of all nuclear weapons, including Russian Prime Minister Vladimir Putin and U.S. President-elect Barack Obama. This new and unprecedented political support for getting to zero nuclear weapons from key governments around the world has made this goal – while still difficult – possible.

Global Zero's public outreach will occur through worldwide media, online communications and grassroots organizing. The Global Zero website (www.globalzero.org) unveiled today will give the public the opportunity to get involved, beginning with signing the same declaration the Global Zero leaders have signed.

Global Zero also announced new polling results showing that international public opinion strongly favors this goal.

Global Zero leaders emphasized that eliminating nuclear weapons will not happen overnight but instead must be done through phased and verified reductions over a period of years. Key steps include:

- *Deep reductions to Russian-U.S. arsenals, which comprise 96% of the world's 27,000 nuclear weapons.*
- *Russia and the United States, joined by other nuclear weapons states, cut arsenals to zero in phased reductions.*
- *Establishing verification systems and international management of the fuel cycle to prevent future development of nuclear weapons.*

Following the Paris announcement, a Global Zero leadership delegation will travel to Moscow and Washington, D.C. to discuss the plan with key leaders.

To finalize the step-by-step plan, Global Zero will form an international commission of distinguished political and military leaders and policy experts from key countries. Jointly led by two prominent individuals – one from Russia and one from the United States – to be named soon, the Global Zero Commission will emphasize establishing a Russian-U.S. partnership to work for the elimination of nuclear weapons.

The leaders also announced that they will convene a Global Zero World Summit bringing together 500 political, military, business, and civic leaders in January 2010.

In addition to its policy and diplomatic work, Global Zero is committed to building broad-based and sustained public support for political leaders to pursue and achieve their vision of zero nuclear weapons.

Global Zero released a poll of 21 countries that found global public opinion overwhelmingly favors an international agreement for eliminating all nuclear weapons according to a timetable – 76 percent of respondents across all countries polled favor such an agreement. The question specified that “all countries would be monitored to ensure they follow the agreement.” In the five nations with large nuclear arsenals and advanced delivery systems, large majorities favor the plan – Russia (69%), the United States (77%), China (83%), France (86%), and Great Britain (81%). In nations that do not have nuclear weapons, similarly large majorities favor it. The poll, commissioned by Global Zero, was conducted by the Program on International Policy Attitudes (PIPA) at the University of Maryland.

Appendix 4



Mission

The Middle Powers Initiative is dedicated to the worldwide reduction and elimination of nuclear weapons, in a series of well-defined stages accompanied by increasing verification and control.

Overview

Through the Middle Powers Initiative, [eight international non-governmental organizations](#) are able to work primarily with "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.

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

The campaign is guided by an International Steering Committee, chaired by Senator Douglas Roche, O.C., former Canadian Disarmament Ambassador.

Currently, the efforts of the Middle Powers Initiative are focused through the Article VI Forum, a new and creative initiative intended to stimulate and shape effective responses to the crisis of the non-proliferation / disarmament regime manifested by the breakdown of the 2005 NPT Review Conference. The Article VI Forum takes its name from the article of the NPT in which the nuclear states commit themselves to the elimination of their nuclear weapons.

The Forum is conducting high-level meetings with key diplomats and leaders to examine the political, legal, and technical elements required for a nuclear weapons-free world.

The Forum will continue its work of advancing the imperative to uphold the core bargain of the Nuclear Non-Proliferation Treaty relating to the proliferation of nuclear weapons and ensuring steady progress toward their global elimination.

Chairman

Ambassador Henrik Salander

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