



clingendael international energy programme

## briefing papers

# Fourth follow-up: Moving beyond the stalemate: addressing the nuclear challenge by supranational means<sup>1</sup>

*Ruud Lubbers<sup>2</sup>, April 2009*

### Introduction

*In CIEP Briefing Paper Number 3, published in August 2005, Mr. Ruud Lubbers argued that the problems surrounding nuclear weapons proliferation needed to be addressed by the IAEA – upgraded to a supranational organisation– with the accompanying competences to oversee the nuclear sectors in the world. In subsequent follow-ups Mr. Lubbers has further elaborated on the future of the non-proliferation regime through supranational means.<sup>3</sup> The article continues by mapping-out eight pragmatic steps that will contribute to the upcoming NPT review conference in 2010 during which a "re-enforced global nuclear order" can be achieved.*

### Moving Beyond: the Next Steps

In April 2009 President Obama embarked on his promise to work on “*reducing and ultimately banning Nuclear Weapons*” in conformity with the Non-Proliferation Treaty.<sup>4</sup> In London he

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<sup>1</sup> The original briefing paper can be found on the CIEP website:

[http://www.clingendael.nl/publications/2005/20050830\\_ciep\\_briefing\\_lubbers\\_nuclearchallenge.pdf](http://www.clingendael.nl/publications/2005/20050830_ciep_briefing_lubbers_nuclearchallenge.pdf)

<sup>2</sup> The views expressed in this article are those of the author and not necessarily those of the Clingendael International Energy Programme.

<sup>3</sup> Follow-up I:

[http://www.clingendael.nl/publications/2006/20060421\\_CIEP\\_BriefingPaper\\_Lubbers\\_NuclearChallenge\\_FollowUp.pdf](http://www.clingendael.nl/publications/2006/20060421_CIEP_BriefingPaper_Lubbers_NuclearChallenge_FollowUp.pdf)

Follow-up II:

[http://www.clingendael.nl/publications/2006/20061000\\_ciep\\_briefingpaper\\_lubbers\\_2ndfollowup\\_b.pdf](http://www.clingendael.nl/publications/2006/20061000_ciep_briefingpaper_lubbers_2ndfollowup_b.pdf)

Follow-up III: [http://www.clingendael.nl/publications/2008/20081014\\_nuclear\\_challenge\\_lubbers.pdf](http://www.clingendael.nl/publications/2008/20081014_nuclear_challenge_lubbers.pdf)

<sup>4</sup> [http://www.whitehouse.gov/the\\_press\\_office/Remarks-By-President-Barack-Obama-In-Prague-As-Delivered/](http://www.whitehouse.gov/the_press_office/Remarks-By-President-Barack-Obama-In-Prague-As-Delivered/)

met with Russian President Medvedev and it was his main theme in his Prague-speech. The Nuclear Security Project initiated by George Schulz, Bill Perry, Henry Kissinger and Sam Nunn is now joining forces with real politics.<sup>5</sup> “*Have been’s*” in other countries have gone on record denouncing nuclear weapons as well.

It is time to go forward.

However, there is not much effective preparation for the upcoming NPT Review Conference in 2010. Since the Washington-Moscow relations continue to be in disrepair it is time to revisit NATO in Europe as well territorial as the role of tactical (non-strategic) nuclear weapons. This fourth follow-up of “*Moving beyond the stalemate*” is very much based on what I learned on the 2009 Carnegie International Non-Proliferation conference in Washington and during the “*Overcoming Nuclear Dangers*” conference in Rome, co-sponsored by the Italian Minister of Foreign Affairs, the Nuclear Security Initiative and the World Political Forum.

I formatted this fourth follow-up on “*Moving beyond the stalemate*” with a special eye on the NATO (nuclear) mission in Europe and the urgency to prepare for a successful NPT Review Conference in 2010. Hence these eight points :

**1. End nuclear weapons in Europe "*not-nuclear weapons states*"**

After the impressive speech of President Obama in Prague time has come for the European Union, or more in particular for Xavier Solana on behalf of the European Union (Council/Commission), to suggest NATO to sit down to agree that time has come to end nuclear weapons in European countries that are “*not-nuclear weapons states*”.

It is time to end the current practices:

- in which these systems are “*secret*” because this secrecy serves deterrence and by doing so these systems are “*immune*” for democratic debate;
- in which the governments of those European NATO Allies consider it impolite and a lack of gratitude for the past to table this with the USA;
- in which the US consider it vice versa not done (polite, appropriate) to table it with the European Allies.

Therefore action by Xavier Solana, the European Union High Representative for the Common Foreign and Security Policy, is needed.

The removal is of little substantive significance, but of great political symbolism. It will be understood that the EU is supporting Obama – Medvedev (US – Russia).

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<sup>5</sup> Nuclear Security Project: [www.nuclearsecurityproject.org](http://www.nuclearsecurityproject.org)

## 2. Three Areas of Progress

Making progress to a global nuclear order based on the principles of the NPT is key in three areas:

Firstly, President Obama's "*first step*" to a nuclear arms free world, i.e. :

- a new START;
- ratification of CTBT;
- a new treaty that verifiably ends the production of fissile materials intended for use in State nuclear weapons (the so-called "*Cut-off Treaty*").

Secondly, making further progress with regional nuclear free zones.

A major milestone after the success in Latin America is the Central Asia Nuclear Weapons Free Zone (CANWFZ: treaty entered into force in March 2009). Now it is time to support South-Africa and build on Africa's initiative for a Nuclear Arms Free Africa. P5-countries, in particular the US and Russia, should give the guarantee (requested by African states) to never intervene in Africa with nuclear arms. If that obstacle is removed Egypt might be more positive to become partner in the process as well. That again might trigger an initiative for a nuclear arms free Middle East. Although this is a long term objective, somebody has to be tasked to design a step by step process by which a nuclear free Middle East can develop. The first step has to be taken at the NPT Review Conference in 2010 while further steps after 2010 will be a pre-condition to (and instrumental for) peace in the Middle East.

Thirdly parallel to the Obama-Medvedev agenda and progress with nuclear arms free zones it is key to start really working on a successful NPT Review Conference. As the Preparatory Committee (Prepcom) will not deliver a process is needed in which somebody is tasked to update the 13 points from 1995 in order to reach consensus. This has to be fully prepared before the actual Review Conference where it has to be concluded upon. Next to that there is the issue of the Middle East blockage. This requires a second track of efforts as set out here above. However, to have a really successful 2010 NPT Review Conference one has to give a follow-up to what President Obama said in Prague. I quote: "*Second, together we will strengthen the Nuclear Non-Proliferation Treaty as a basis for cooperation*".<sup>6</sup>

## 3. Invite Brazil, South-Africa, Japan, India and the EU/Euratom

A credible and impressive step forward would be that the P5 show themselves "*humble*" - we cannot do it alone - and would invite Brazil, South-Africa, Japan, India and the EU/Euratom to sit down together. The ten (a sort of "*Security Council+ for nuclear issues*") will have to take the lead in realizing a reinforced

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<sup>6</sup> [http://www.whitehouse.gov/the\\_press\\_office/Remarks-By-President-Barack-Obama-In-Prague-As-Delivered/](http://www.whitehouse.gov/the_press_office/Remarks-By-President-Barack-Obama-In-Prague-As-Delivered/)

global nuclear order. This is urgent in view of the upcoming NPT Review Conference 2010.

It would be symbolic and of real importance to salute Brazil, South-Africa and Japan as countries which had and have the capacity to go for nuclear weapons but nevertheless constrained themselves not to do so. Of course the history of these three is rather different.

- Brazil partnered with Argentina and still does. The two together were the potential “*haves*” in South-America and are now key in a nuclear-free continent. Brazil therefore would while participating reflect much more than Brazil only.
- South-Africa inherited its nuclear capacity from the Apartheid-regime, but the new South-Africa deliberately chose for the NPT and took the lead in realizing a nuclear arms free Africa.
- Japan in line with Germany refrained from nuclear arms and continued its tradition to count on the U.S. “*umbrella*”. Japan is from the “*have-nots*” probably the most matured in “*Atoms for Peace*”; they have a keen interest in a global nuclear order including the climate change dimension

India never violated the NPT. It just stayed out. But now time might have come also for India to accept the NPT principles as “*a have*”; i.e. reducing and ultimately banning nuclear arms (with reference to Prime Minister Radjiv Gandhi’s promise in 1998 in the General Assembly of the U.N.).

Finally the EU on behalf of Euratom could be a key partner bringing to the table a supranational concept and practice by which nations accept not to be the legal owner of fissile materials for “*Atoms for Peace*” (for peaceful purposes). The IAEA or an alternative organisation could be that legal owner.

#### **4. Regional Approaches to Move Beyond the Stalemate**

Indeed these “10” as suggested could function “*to move beyond the stalemate*” and be crucial in realizing a global nuclear order by the combined efforts of the P5, in particular the US and Russia, and the Non Nuclear Weapons States.

A more prominent role has to be given to regional approaches. Countries bother about their regional security interests. It is obvious that after Latin America, Central Asia and Africa progress in the Middle East, South East Asia and North Asia (i.e. Japan and both Korea’s) (Mongolia is already nuclear arms free) will take considerable time. But still!

#### **5. These “10” Have to Include the EU/Euratom**

This is important for several reasons :

- the EU represents important non-nuclear weapons states;
- the EU brings to the table the experience of Euratom. The last decade has demonstrated the need for international fuel banks to limit the number of nuclear suppliers while respecting the (NPT defined) right of each state to practice “*Atoms for Peace*” under IAEA supervision.

To do both at the same time is almost as difficult as “*squaring a circle*”. However, upgrading the IAEA to a supranational authority with legal ownership of the fissile materials for peaceful purposes – like Euratom does this already 50 years – deserves close attention and consultation amongst the “10”. Bringing this into practice would require to consider each nuclear arms free zone on a case by case basis. In the Middle East this approach might be promising for Iran, the Arab States and Israel.

- the EU respectively Euratom is an important interlocutor with the “10” to evaluate the pro’s and con’s of “*recycling*” versus “*one time use of enriched uranium*”.

## **6. India**

The nuclear agreement between Washington and New Delhi was severely criticized from a NPT-perspective even when it has some rationale. However, if we take stock today the IAEA and the nuclear suppliers group have found ways and means to support this new way forward.

Now is the time to call on India to give substance to Rajiv Gandhi’s promise from 1998. Indeed from now on with Obama and Medvedev it is possible to go together for responsible and safeguarded use of nuclear technology for peaceful purposes (Atoms for Peace), while at the same time reducing and ultimately banning nuclear arms as “11” including India.

## **7. NATO and the Russian Federation**

My very first point here above was about NATO and the consequences for European non-nuclear weapons states to really become non-nuclear weapons states. However, after President Obama and President Medvedev agreed in London and President Obama’s speech in Prague it is high noon for NATO to prioritize agreements the Russian Federation to make strikes forward to a global nuclear order, and to end the expansion of NATO into the so-called CIS-states.

Understandably after the Cold War NATO was very attractive for the CIS-states. The “*Partnership for Peace*” was a good concept, but to promise NATO-membership was one bridge too far. From an American perspective the energy interest was vital, but the European Energy Charter might provide a better alternative for that objective.

## **8. A Redefinition of the “Nuclear Dimension” for NATO**

All together a rigorous re-definition of the nuclear dimensions of NATO and of the scope and mission of NATO itself seems key to realize a global nuclear order. Doing so it can be connected to partnering with the Russian Federation in fighting terrorism and addressing energy interest and climate change.

The “*Moving beyond the Stalemate*” approach, i.e. P5 + 5 and the upgrading to supranational (like Euratom) of the IAEA, is instrumental to have a successful 2010 NPT Review Conference. At the same time steps forward to a global nuclear order will require the USA and the Russian Federation to agree to really end the Cold War, including a better answer to the Iran threat than “*missile-defence*” in Poland and the Czech Republic.