



Second follow up on briefing paper number 3 Moving beyond the stalemate: addressing the nuclear challenge by supranational means¹

Ruud Lubbers, October 2006²

In CIEP Briefing Paper Number 3, published in August 2005, 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 April 2006, he gave a follow up, reaffirming the need for a supranational nuclear proliferation regime instead of a 'case-by-case approach'. It is important to create a situation in which emerging countries feel not threatened, because arms control is visible, and at the same time, that there is a generous attitude to share knowledge for Atoms for Peace.

In this second follow up Ruud Lubbers reviews recent developments, which are strengthening the case for taking new bold initiatives with respect to the IAEA role in order to secure that "Atoms for Peace" really do contribute to peace and sustainable development.

Introduction.

A special event at the IAEA 2006 General Conference was called "New Framework for the Utilization of Nuclear Energy in the 21st Century: Assurances of Supply and Non-proliferation". Director-general ElBaradei gave a statement: "A new Framework for the Nuclear Fuel Cycle"³. Four months earlier a concept for a multilateral mechanism for reliable access to nuclear fuel was presented by the USA, the UK, Russia, Germany, France and the Netherlands. At the eve of the conference the German foreign minister gave an interview in which he suggested "Extra-territorial enrichment by (under) IAEA". The UK came forward with an additional non-paper on enrichment bonds; and there were many others.

The beauty of this special event was that there were many representatives of industries involved in "Atoms for Peace". The nuclear renaissance was in the air. And indeed developments in the energy market and the growing concerns about climate change make nuclear popular.

¹ The original briefing paper and the first follow up can be found on the CIEP website: <http://www.clingendael.nl/ciep/publications/briefing%2Dpapers/>.

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

³ <http://www.iaea.org/About/Policy/GC/GC50/SideEvent/index.html>

I was invited to come to Vienna for a special address. Why ?

In August 2005 I communicated a briefing paper “Moving beyond the Stalemate”, addressing the nuclear challenge by supranational means. Key in this paper was to strengthen the supranational role and position of the IAEA (like Euratom), in order to become fully effective in non-proliferation. At the same time a renewed commitment to reduce and ultimately ban nuclear arms is needed. IAEA should be upgraded to monitor and to report progress on this to the General Assembly (GA). Finally I made a plea that the P5 (US, UK, France, Russia and China) commit to invite India, Brazil, South Africa and Japan to join forces to achieve these two ambitions.

In April 2006 I published an update. I argued that case by case solutions at the end of the day will not suffice to prevent proliferation; that one really need a supranational IAEA and that at the same time nuclear disarmament and trust building with a monitoring and reporting IAEA is more urgent than ever.

The second update

Now, September 2006, I use this meeting to elaborate my thoughts further, stating:

1. Firstly I see no reason whatsoever to change my original contribution. It might be seen by many as too drastic and not realistic, but I do think that ongoing events make it more and more clear that a drastic initiative has to be taken.
2. Of course the US Government is key in all this, but a coalition of all in the international arena, together with growing discussion in the USA itself about a more effective approach might make a difference. In the USA itself Graham Allison wrote an intriguing article in the Bulletin of atomic scientists. He developed the doctrine of the three No's: “No loose nuclear, No new nascent nuclear and No new nuclear weapons states. It is a clear indication that also in the USA the nuclear arms risk is taken more seriously. Having said this I do think the three No's will not become reality unless IAEA is upgraded, as I outlined in the Stalemate article.
3. Then there is in the USA also the “Preventive Defence Project” initiative by Mr. Ashton Carter and William Perry ⁴. Ashton Carter is the former assistant secretary under secretary Perry. Senator Lugar plays quite a role as well in this initiative, which strongly focuses on enrichment and reprocessing services.
4. More important; President Bush went on record in a joint statement with President Putin ⁵ dated 15 July 2006 (in connection with the G8) as follows: “We are actively fulfilling our obligations under Article VI of the NPT by substantially reducing nuclear forces as we implement the Moscow Treaty of May 24, 2002”.
5. It seems Russia has begun to revive the useful joint effort with the USA as it surfaced in the early nineties of last century; after INF the strategic weapons, but also the management of HEU (Highly Enriched Uranium), and the plutonium surpluses; and convincing the nuclear CIS-states to become no nuclear arms states etc.

⁴ Preventive Defense project, Stanford & Harvard Universities

⁵ <http://en.g8russia.ru/docs/6.html>

6. Regarding "Iran" the most important point is to widen the talks. Hans Blix in his report and recommendations speaks explicitly about a nuclear-free Middle East. This could fit in a global re-commitment to the NPT-principles. When it comes to Israel this means eventually, at the end of the process, outphasing of its military nuclear capacity in line with the renewed commitments of the P5; and the monitoring role by IAEA (see my "Stalemate" article). Such an understanding / agreement could prove to be a solid base for political agreement on Israel (i.e. recognition as a state by all its neighbours together with a Palestine State, the right of return or compensation etc.). Put mastering the nuclear challenge first, the rest will follow.
7. Iran signals time and again it is prepared to live up to the NPT and IAEA safeguard agreement including a revived Additional Protocol, and it hints at a negotiable suspension of its enrichment activities. All this is promising, but the additional point has to be for Iran to accept the supranational authority of the IAEA. This includes the need to end the right to send the IAEA out, respectively the "permanent license / right / obligation" of the UN to interfere with blue helmets when and where needed. It is clear that Iran will only agree to that if this becomes part of a global commitment / agreement. Of course this all will take time, a lot of time. Therefore a step by step approach – with "suspension of enrichment" as under discussion– will be needed.
8. It is interesting to see how the Iran-crisis energized states involved in nuclear fuel supply to come forward with a multilateral mechanism for reliable access to nuclear fuel. This is certainly a step forward. It is also particularly interesting that NTI, the Nuclear Threat Initiative, a US non-governmental organisation, offered a grant of \$ 50 million to help the IAEA to create a low-enriched uranium stockpile to support nations that make the sovereign choice not to build indigenous nuclear fuel cycle capabilities⁶. In addition, the US Government already offered last year 17,4 metric tons of surplus HEU from its weapons program for a US fuel bank. However "suspension of enrichment by Iran and other countries will require to see this in the context of a real multilateral IAEA; a renewed commitment to Article VI of the NPT and a broadened base involving India, Brazil, South Africa and Japan".
9. Japan's supporting position in relation to the just mentioned multilateral mechanism is also more than welcome. But also here one has to understand that the challenge is more fundamental. And it is really time to involve Japan in the global commitment to make IAEA supranational to become fully effective in non-proliferation; and to upgrade IAEA to monitor and to report progress to the General Assembly of the renewed commitment to reduce and ultimately ban nuclear arms.
10. South Africa is in a strategic position as well, both in Africa as in the non-aligned movement, and has to be invited and involved like Japan. In relation to South Africa, but also to other developing countries, it is important to realize and recognize that every country has the sovereign right to develop nuclear power for energy purposes, but that at the same time these technologies are so sensitive from a proliferation perspective that a supranational IAEA is needed, both for Atoms for Peace as for

⁶ <http://www.iaea.org/NewsCenter/PressReleases/2006/prn200616.html>

monitoring and reporting the progress on reduction and ultimately banning of nuclear arms.

11. North Korea is moving step by step towards military nuclear capability, as was evidenced by its recent nuclear test. If this happens one should not be surprised that Japan and South Korea at some point will declare it unavoidable – in the national interest – to become nuclear as well.
12. Speaking about another part of Asia, India and Pakistan are already nuclear powers. The recent US-India agreement can be seen as only a holding operation. There is a great risk that by practising it, the NPT will become weaker and weaker. One has to deplore this even more in light of the strong tradition of India to be in favour of nuclear arms control. In view of this tradition India still could become partner in the new global coalition to ban nuclear arms and to reduce nuclear risks. Therefore as well as Japan, India has also to be invited by the P5 to join forces in “the double ambition”.
13. It is “high noon” in Latin America as well. I do see the important role of Mexico and Argentina, but it might be acceptable for them that Brazil in particular is needed to join forces with the P5, in addition to India, South Africa and Japan. Doing so Brazil can be trusted to build further on the already existing partnership with Argentina and forge a new one with Mexico and other countries in Central and Latin America.
14. I am fully aware of the IAEA governance structure, with its Board of Governors and its General Assembly. This product of history is to be applauded. However, my concern is that the NPT review mechanism has come to a dramatic failure. There we are talking the UN in New York. Here in Vienna we cannot close our eyes for the failing and total non-productive NPT review-conference. What is really needed is to bring together the two pillars / objectives of the NPT; i.e. nuclear disarmament and non-proliferation. For both, a multilateral IAEA is needed and the P5 with India, Brazil, South Africa and Japan should join forces to achieve the two ambitions; all this in one inclusive effort. The UN should not be side-lined. However, the UN via its IAEA has to become really effective.
15. Finally after this conceptual way forward I like to come back to a specific challenge, the Middle East. It is becoming more and more clear that the ongoing Middle East conflict with its recent new chapter in Lebanon is continuing to poison the young Moslem generation all over the world. All human rights, justice, development and democracy efforts are seen by these Moslems as the ultimate of double standards and hypocrisy. Therefore, as I worded in the fifth point of this update, a nuclear free Middle East serves a much broader issue than non-proliferation and “atoms for peace”. It might be the key of the way forward in this era of globalization with its ambition of peace, sustainable development, mutual respect and cultural diversity.
16. I just indicated with relation to the Middle East that the nuclear dimension is underestimated also as a positive challenge and opportunity to overcome the political stalemate. But this is also true in a much broader sense. President Putin, chairing the G8 meeting in St. Petersburg was absolutely right when he stated that the international

community can effectively address these interrelated issues: energy security, economic growth and environmental protection, including the challenge of climate change. It reminded me personally of the famous call of President Eisenhower 50 years ago to go for “Atoms for Peace” and also of the initiative to create the European Energy Charter – now 15 years ago - as a tool to re-unify East and West Europe. Indeed it is time for a global charter on nuclear with a supranational IAEA to become effective, as much for non-proliferation and banning of nuclear weapons as well as in relation to “atoms for peace” and sustainable development (climate change).

17. Politically speaking the temperature is rising. The nuclear renaissance is needed for development and reducing the risks of climate change. But “Atoms for Peace” will bring peace only when bold political steps are made:
 - Make the IAEA supranational (like Euratom), to be effective in the management of the nuclear fuel-cycle as well as in preventing proliferation of nuclear technology into nuclear arms.
 - Agree globally on a renewed commitment to reduce and ultimately ban nuclear arms and charge IAEA to monitor and to report on this to the General Assembly.
 - Let the P5 invite India, Brazil, South Africa and Japan to join forces to achieve these two ambitions. This way an effective coalition of the willing can be achieved. Global confidence can be regained and mistrust about real or supposed neo-colonialism and paternalism can be overcome.

It is indeed “high noon”. To remain idle is dangerous, we cannot afford the present stalemate. The IAEA has to be upgraded and the P5 should take the initiative to achieve an effective coalition of the willing.

Ruud Lubbers.
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