

ISSUE BRIEF

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The Path Towards Kazakhstan's Nuclear Non-Proliferation Policy: Convergence of US-Kazakh interests

Upon its conclusion in December 2011, the main part of the sixty-sixth United Nations General Assembly (UNGA 66) session adopted forty-seven resolutions and five decisions in its continuing effort to encourage a more flexible approach to revitalizing the multilateral disarmament process.

Although not without some differences, the voting patterns of the Kazakh and US delegations were similar on key nuclear non-proliferation issues.¹ This brief seeks to determine how integral to the bilateral relationship is the perceived convergence of US-Kazakh interests, and how essential it might be as a building-block in the structure of the international anti-proliferation coalition.

Convergence Described

Addressing UNGA 66 on September 21, 2011, US President Barack Obama declared, “[T]o lift the specter of mass destruction, we must come together to pursue the peace and security of a world without nuclear weapons...” He noted that since the April 2010 Nuclear Security Summit in Washington, fifty states had taken extra steps to secure nuclear materials, with further progress anticipated by the March 2012 Seoul Summit. Pursuant to their April 2010 Strategic Arms Reduction Treaty (START), the United States and Russia would cut their deployed arsenals to the lowest level in a half century, with further disarmament under discussion. The United States would continue to work for a ban on nuclear weapons testing and production of fissile

¹ Some of these differences are with respect to the Middle East, prohibition of the use of nuclear weapons, nuclear disarmament including follow-up to the recommendations of the Nuclear Non-Proliferation Treaty Review Conference in 2010 (NPTRC 2010), and negative security assurances.

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material. Iran and the Democratic Republic of Korea (DPRK), in failing to meet their non-proliferation obligations, could expect greater pressure and isolation.

Kazakhstan's President Nursultan Nazarbayev, addressing UNGA 66 on the same day, noted, “This year, our country celebrates the twentieth anniversary of its independence... We have shut down the Semipalatinsk nuclear test site and...become one of the world's first newly independent non-nuclear States...an important contribution by my country to global peace and stability.”

For Kazakhstan, the nuclear non-proliferation regime is a cornerstone of mutual international confidence and the Non-Proliferation Treaty (NPT)—the core instrument underlying that regime. To preserve its effectiveness,

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expansion of the legal framework of the NPT and an increase in the ability of the International Atomic Energy Agency (IAEA) to oversee compliance by NPT signatories were necessary. The Kazakh leadership believes that all states, especially the nuclear weapons-states (NWS), should aim to reduce global stockpiles. A global mass movement for a nuclear weapons-free world should be created. And a situation where, according to President Nazarbaev, “some states are allowed to possess and upgrade nuclear weapons while others are strictly forbidden to be engaged even in research and development” could not endure.

In his message to the Astana International Conference for a Nuclear-Weapon-Free World on October 12, 2011, President Obama commended President Nazarbayev on Kazakhstan’s historic decision “that helped set the stage for future nuclear reduction and nonproliferation efforts.” He noted that Kazakhstan has been a long-time leader in non-proliferation and nuclear security.

On the sideline of the Nuclear Summit, presidents Obama and Nazarbayev pledged to intensify bilateral cooperation to promote nuclear non-proliferation including through securing nuclear materials in Kazakhstan, as well as adopted proposals aimed at safeguarding the nuclear fuel cycle generally for peaceful non-explosive use, confirmed their shared vision of a world without nuclear weapons, and acknowledged the success of the Nunn-Lugar Cooperative Threat Reduction (CTR) project for the denuclearisation of Kazakhstan launched in 1993.

Elements of Convergence

Nuclear Testing. In the period between 1949 and 1989, the Union of Soviet Socialist Republics (USSR) nuclear test site at Semipalatinsk in eastern Kazakhstan hosted more than 450 underground and atmospheric tests, with consequent gross and still-unresolved harm to the inhabitants of the region as well as widespread and long-lasting contamination of land. On June 18, 1989, the-then Chairman of the Council of Ministers (soon to be First Secretary of the Kazakhstan Communist Party), Nursultan Nazarbayev, decreed the official closure of the site, as sought by Kazakhstan’s mass protest movement ‘Nevada Semipalatinsk.’ Following the decision on September 28, 1990, of the Kazakhstan Supreme Soviet asserting primacy of Kazakhstan law over Soviet law,

Nazarbayev decreed the outlawing of nuclear testing in Kazakhstan. On August 29, 1991, Nazarbayev, by then the elected president of the Kazakhstan Supreme Soviet, implemented the decree closing Semipalatinsk. Following its closure, Soviet President Gorbachev announced on October 5, 1991 a one-year moratorium on Soviet testing while a bipartisan coalition of US legislators introduced on October 29 nuclear test moratorium legislation that entered into force in 1992. In 1993, President Clinton extended the moratorium and launched negotiations on the CTBT. The Semipalatinsk nuclear infrastructure was eliminated between 1996 and 2001 through a series of programs pursuant to a US-Kazakhstan agreement under the Cooperative Threat Reduction (CTR) Project.

Kazakhstan has sought consistently to monitor and protest nuclear testing. In June 1995 addressing the Conference on Disarmament in Geneva, Nazarbayev condemned China’s nuclear testing at Lop Nor; then on July 31, 1995 welcomed China’s decision to introduce a moratorium on testing from July 30, 1996. Kazakhstan inspired the June 1998 Turkic Countries Summit criticism of India and Pakistan nuclear testing; then in July 1998 joined with China in appealing to New Delhi and Islamabad to desist. Under the CTBT signed by Kazakhstan on September 30, 1996, its National Nuclear Center monitors nuclear tests. At President Nazarbayev’s initiative, the UN in 2009 proclaimed (UNGA Resolution 64/35) August 29 as the “International Day of Nuclear Weapons Renunciation.”

There is a general consensus among international nuclear experts that Kazakhstan’s closure of the Semipalatinsk nuclear test site sent a strong signal of support for the nuclear non-proliferation and disarmament regime, contributed to the goals of the CTBT, and underscored the principles of the NPT. By constraining the further development of nuclear weapons, these measures to halt nuclear tests and to close the test sites were important steps towards nuclear disarmament and non-proliferation.

Nuclear Weapons. Kazakhstan, as part of the Soviet arsenal, hosted four missile bases, sites for in silo-launchers of 104 SS-18 ICBMs, 40 nuclear capable long-range missiles, strategic offensive forces equipped with over 1,400 nuclear warheads, 320 nuclear-armed and bomber-launched cruise missiles, and 650 tactical nuclear weapons. On July 31, 1991 President Bush and Soviet President Gorbachev signed START I, whereby both

countries undertook to reduce their nuclear arsenals in three stages over seven years. START I's entry into force was, however, delayed owing to the subsequent collapse of the USSR and consequent need for an additional Treaty-level instrument to bind the successor, nuclear-possessing states including Kazakhstan, subsequently established through the Lisbon Protocol.

The Soviet Congress of People's Deputies had resolved on September 5, 1991 that central command over the Soviet Union's nuclear arsenal would be maintained, and that any republic desiring independence must join the NPT as a non-nuclear-weapons-state (NNWS). However, on September 16, 1991, President Nazarbayev stated that Kazakhstan would not renounce nuclear weapons on its territory; that the states that had nuclear weapons on their territory should control them; that the nuclear weapons should not be controlled by any one state; and that the decision to use those nuclear weapons should be made by Russia and Kazakhstan.

The international community was drawing conclusions from the failed August 19, 1991 attempted coup against President Gorbachev and from these differences of approach to Soviet nuclear weapons control. In the later words of Senator Lugar, "As the Soviet Union began to break apart in 1991, mutual acquaintances on the Russian side...came to former Senator Sam Nunn of Georgia and me and pointed out the dangers of the dissolution of a nuclear superpower. The viability of their entire weapons custodial system was in doubt..."

These conclusions included formation of an informal coalition of US officials, legislators, advisers and researchers and their Soviet counterparts who worked together on the design and delivery of possible control solutions that took shape eventually as the CTR project in December 1991. More or less concurrently, President George H.W. Bush announced on September 27, 1991 that the United States would unilaterally withdraw and destroy all theater nuclear weapons; withdraw all tactical nuclear weapons and initiate implementation of certain START I disarmament obligations. On October 5, 1991 President Gorbachev outlined a range of unilateral disarmament measures involving Soviet strategic and tactical nuclear weapons.

With the conclusion by Russia, Ukraine, and Belarus on December 8, 1991 of the Belavezha Accords, dissolution of the Soviet Union and establishment of the Commonwealth of Independent States (CIS) were initiated. On December 21, 1991, the leaders of the other Soviet republics (with the exception of Georgia) signed the Alma-Ata Declaration, affirming that the USSR would cease to exist on January 1, 1992 and announcing their acceding to the CIS.

In a further Declaration at Alma-Ata, the Presidents of the four new nuclear republics— Russia, Belarus, Kazakhstan, Ukraine – agreed that any use of nuclear weapons would occur only with their joint agreement; that Belarus, Kazakhstan, and Ukraine would join the NPT as NNWS; that the parties to the Declaration would not be the first to use nuclear weapons; and that Belarus, Kazakhstan, and Ukraine would withdraw to Russia by July 1, 1992 all the non-strategic nuclear forces on their territories. Subsequently on December 30, 1991, the CIS member states signed the "Minsk Agreement on Strategic Forces," creating a joint-CIS command over the former Soviet nuclear arsenal whereby Russia would decide on the use of nuclear weapons in consultation with Belarus, Kazakhstan, and Ukraine.

Kazakhstan sought to tie its then-perceived uncertain international acceptance directly to its renunciation of nuclear weapons. This uncertainty owed something to fears of Russian "irredentism" and of Russian/Chinese competition in Central Asia. The notion of Kazakhstan as a "temporary" NWS, pending NWS guarantees of its sovereignty and security, was floated—unsuccessfully. Writing to President Bush on May 19, 1992, President Nazarbayev affirmed that "Kazakhstan shall guarantee the elimination of all types of nuclear weapons—located on its territory during the seven-year period of time as provided by the START Treaty."

The United States, Russia, Ukraine, Kazakhstan, and Belarus signed on May 23, 1992 the Lisbon Protocol, Article V of which required that Ukraine, Kazakhstan, and Belarus join the NPT as NNWS "in the shortest possible time." On July 2, 1992 Kazakhstan ratified START I, which entered into force on December 5, 1994 when the five treaty parties exchanged instruments of ratification during the CSCE Summit in Budapest. Kazakhstan, the United States, the United Kingdom, and Russia, then also signed a

Memorandum on Non-Aggression and the Territorial Integrity of Kazakhstan.

START I parties subsequently met the Treaty's December 5, 2001 implementation deadline, notwithstanding difficulties along the way. Thus, at a CIS summit in Minsk on January 22, 1993, Russia, Ukraine, Kazakhstan, and Belarus failed to reach agreement on the withdrawal of nuclear weapons to Russia. While President Nazarbayev affirmed on February 3, 1993 that the nuclear weapons in Kazakhstan were secure and controlled by the unified CIS command, he also stated that he could veto the use of the nuclear weapons located in Kazakhstan. Kazakhstan refused for some time to agree to Russia being the single owner of the nuclear components of dismantled missiles and strategic nuclear forces; to accede to the NPT as a NNWS; and to eliminate all strategic nuclear weapons located on its territory by end-1994. According to President Nazarbayev in May 1993, "Dismantlement and destruction of silo-based multiple-warhead missiles is a labor-intensive process, which requires complicated technical decisions and considerable financial means not available in the republic at this time..."

On December 12, 1991 the (Nunn-Lugar) Soviet Nuclear Threat Reduction Act had become law. It provided to the US Department of Defense (DoD) \$400 million in 1992 to assist Russia, Kazakhstan, Ukraine, and Belarus with "safe and secure transportation, storage, and dismantlement of nuclear, chemical and other weapons in order to prevent these weapons from falling into the hands of the wrong parties."

Again, in October 1992 US Congress passed the "Former Soviet Union Demilitarization Act," providing \$400 million from the DoD budget to "Nunn-Lugar" projects, to be used in 1993. Kazakhstan's express need for technical and financial assistance for its denuclearization came to be met through this CTR support. Thus, on December 13, 1993, President Nazarbayev and US Vice President Gore signed an "umbrella" agreement (five implementing agreements also signed by Vice President Gore and Prime Minister Tereschenko) enabling provision of Nunn-Lugar assistance of \$70 million for the dismantling of Kazakhstan's SS-18 missile silos.

Kazakhstan's Parliament voted on December 13, 1993 to accede to the NPT as a NNWS. Shortly after, President

Nazarbayev affirmed that Kazakhstan would abide by the nuclear weapons agreements it had signed; did not want to be a nuclear power; expected to receive security assurances from the NWS including PRC; and required to be compensated for the Highly Enriched Uranium (HEU) in its (to-be-transferred) nuclear weapons. While the NWS examined the penultimate proviso, satisfying the last requirement dogged implementation of Kazakhstan's treaty undertakings which was nonetheless completed on April 25, 1995.

Nuclear Material. Kazakhstan played a critical role during the Soviet era as supplier and processor of uranium, a host of numerous nuclear research and power facilities, and a laboratory for the so-called peaceful nuclear explosions (PNEs) for mining and infrastructure purposes. Significantly, the Ulba Metallurgical Plant (UMP) near Ust-Kamenogorsk, established in 1949, produced low enriched uranium (LEU) pellets used in fuel fabricated for Soviet-designed reactors and HEU fuel for the secret Alfa submarine program. On November 21, 1994, in a sensitive joint operation code-named Operation Sapphire, 581kg of HEU was transferred from insecure and unsafeguarded facilities at 'Ulba' to Oak Ridge National Laboratory, eliminating the possibility of diversion of the HEU which was estimated variously to be capable of producing twenty to forty nuclear bombs. The United States compensated Kazakhstan for the material, in cash and in-kind assistance, effective August 1997.

Since Kazakhstan signed its Safeguards Agreement with the IAEA in 1994, the Agency and member states, particularly the United States, (Department of Energy, or DoE, and other agencies) have worked continuously with Kazakhstan to upgrade safeguards and physical protection systems for nuclear materials at all its nuclear facilities. The record of breaches of the Kazakhstan systems has improved over time, but preventing diversion of nuclear materials remains a challenge. This is particularly the case for remaining weapons-grade nuclear material, as emphasized on October 8, 2005 at the ceremony for the 'Ulba' blend-down facility. In a message to the participants President George W. Bush applauded "Kazakhstan's continued success in converting nuclear material to peaceful and productive uses...I look forward to continuing our two nations' cooperation to eliminate trafficking in weapons of mass destruction..."

Action in this connection has continued with the December 5, 2011 implementing arrangement between DoE's National Nuclear Security Administration (NNSA) and Kazakhstan's Ministry of Industry and New Technology (MINT) that will provide a framework for expanded technical cooperation in nuclear material safeguards and security and for enhanced coordination of training and outreach to third countries.

States' Interests

The shifting assessment of the national self-interest involved in transforming one of the (former) Soviet Union's four nuclear republics into a champion of the cause of weapons of mass destruction (WMD) non-proliferation has been recorded by the many Kazakhstan and US protagonists in their books and memoirs. President Nazarbayev's fundamental objective, outlined in his May 1992 work "The Strategy of the Establishment and Development of Kazakhstan as an Independent State," was for Kazakhstan to become a "...nuclear-free zone through a treaty negotiation process. Taking into account our security interests, our final objective—is to obtain guarantees of inviolability of our borders and territorial integrity, without having to rely on a nuclear capacity..."

These various memoirs finesse the mainstream interpretation that Kazakhstan's denuclearization could be attributed essentially to the high economic and strategic costs and the low benefits attached to maintenance of its nuclear weapons inheritance, along with Kazakhstan's wish for greater US involvement and investment in its survival and independent development.

Getting rid of Kazakhstan's nuclear weapons marked the beginning of a new journey for the United States and Kazakhstan, described for example in the December 21, 2001 Joint Statement on the New Kazakhstan-American Relationship by Presidents Bush and Nazarbayev who reaffirmed their mutual commitment to the non-proliferation of weapons of mass destruction.

Again, as expressed in the September 29, 2006 Joint Statement, on the occasion of President Nazarbayev's visit to Washington, "The United States recognizes Kazakhstan's leadership and commends its efforts in preventing the proliferation of weapons of mass destruction."

Further, on December 13, 2007, the United States extended its Strategic Nonproliferation Partnership with Kazakhstan through an amendment to the CTR Agreement.

At the level of high policy, singular themes in President Nazarbayev's address to UNGA 66 have been apparent for some time. Thus, on July 29, 2008 in Astana at the opening of the 17th annual meeting of the OSCE Parliamentary Assembly, President Nazarbayev had opined that the non-proliferation system was close to paralysis; that the NPT was "asymmetric" (imposing sanctions against NNWS but not encouraging NWS to reduce their nuclear arsenals) and leading to non-observance of the Treaty. Kazakhstan has however not failed to continue as an active player in international efforts to promote nuclear disarmament and non-proliferation while increasing its involvement in the nuclear fuel cycle. Noteworthy in the sustained US-Kazakhstan cooperation have been not only a broad convergence on policy but also a shared commitment to its effective implementation, without which policy would be nugatory. The relationship has moreover demonstrated that security can be achieved through cooperation with the international community rather than seeking to rely on WMD.

The Future: Recommendations for Continued Convergence of Interests

Kazakhstan remains a vital partner in global nuclear security and nonproliferation programs pursued by the United States. It has also its own disarmament agenda as promoted by the Presidential Commission on the Non-Proliferation of WMD. Their states' interests should continue to vest in convergence. The partnership could envisage pursuing the following:

- Creating strategic and political conditions that encourage deep and irreversible reductions in the numbers of nuclear weapons held by all nuclear-weapons-states/nuclear-armed-states (NWS/NAS);
- Reducing the role for nuclear weapons in national security strategies, involving an unequivocal 'no first use' declaration by all NWS/NAS. Failing that, their declaration that the sole purpose of their nuclear weapons is deterrence;
- Strengthening negative security assurances from NWS to NNWS, with fewer caveats than currently. Note the positive April 2010 Nuclear Posture Review (NPR): that the United

States will not use or threaten to use nuclear weapons against NNWS party to the NPT and in compliance with their nuclear non-proliferation obligations;

- Supporting the goal of NPT universalization. Every effort should be made to bring the non-NPT states within existing and future non-proliferation and disarmament mechanisms. The issue of conditions on their access to nuclear materials and technology needs to be resolved;

- Strengthening compliance with and enforcement of the NPT, including through ensuring the role of the United Nations Security Council is fulfilled in accordance with the UN Charter in the event of a state's withdrawal from the NPT;

- Bringing into force the CTBT. In the interim, maintaining the moratorium on nuclear weapons testing;

- Negotiating an effectively-verifiable Fissile Material Cut-off Treaty (FMCT). In the interim, establishing a moratorium on production of fissile material for weapons purposes, as well as requiring the declaration of fissile material no longer required for military purposes and its placement under IAEA safeguards;

- Noting the substantial planned expansion of nuclear energy globally, promoting an effective non-proliferation framework for it including supply assurances;

- Combating nuclear terrorism including by securing nuclear and radiological material, converting and removing weapons-grade nuclear material, thwarting illicit trafficking in nuclear materials including through enhancing export control regimes;

- Strengthening the nonproliferation regime through improved international inspection and safeguarding capabilities including adoption of the IAEA Additional Protocol and further measures to combat the WMD-relevant "brain drain";

- Supporting international efforts, including the imposition of UN and autonomous sanctions, to contain the proliferation threats posed by DPRK and Iran and enable the IAEA to exercise its mandate fully and effectively;

- Promoting public debate on non-proliferation and disarmament issues;

- Establishing conditions that would enable all NWS to adhere to the protocols of the Central Asia Nuclear Weapons Free Zone (CANWFZ) Treaty 2009.

Treaty parties—Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan)—may not manufacture, acquire, test, or possess nuclear weapons. Protocols to the Treaty restrict the transport or use of nuclear weapons within the Zone. The parties agreed to adhere to an additional protocol to their IAEA safeguards agreements giving the Agency greater ability to verify that NPT NNWS only use nuclear materials and facilities for peaceful purposes. The sticking-point for the United States remains the Treaty provision that would grant precedence to existing international treaties. If the 1992 Tashkent Collective Security Treaty signed with Russia took precedence, then Russia would retain the right to deploy nuclear weapons in the CANWFZ, thereby compromising the central objective of creating a zone free of nuclear weapons.

Conclusion

The pursuit of non-proliferation is a constant in US security policy and central to it. Kazakhstan, with its emergence as an independent member of the international community, has championed the cause of non-proliferation. Both countries support their high policy undertakings with determined implementation. That this shared commitment continues to be vital has only been emphasized by the most recent Nuclear Threat Initiative/Economist Intelligence Unit Study which found considerable scope for enhancing nuclear security nationally, regionally and globally.

Moreover, the successful pursuit of high policy including those critical elements comprising a possible forward agenda set out above requires constructive and constant supporting relationships throughout the international community, including the US-Kazakhstan relationship in particular.

In this regard the US has contributed significantly to Kazakhstan's independence and development through sustained and comprehensive political, economic and cultural cooperation. Kazakhstan, in its own assessment of the balance of its advantage and in its continuing receptivity to such US cooperation, is playing its part in a critical relationship addressing this vital global concern.

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