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Middle Powers Initiative Briefing Paper

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Building A Nuclear Weapons-Free Future

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

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This Middle Powers Initiative briefing paper was prepared by Dr. John Burroughs, Executive Director of the New York-based Lawyers' Committee on Nuclear Policy, U.S. affiliate of the International Association of Lawyers Against Nuclear Arms.

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EXECUTIVE SUMMARY

The global bargain underlying the Nuclear Non-Proliferation Treaty (NPT) is the renunciation of nuclear weapons, now undertaken by over 180 countries, in return for the promise of disarmament and the guarantee of access to peaceful uses of nuclear technology. The challenge is to make good on that bargain, on both sides of the table.

One critical element is to prevent the spread of nuclear technology from assisting the spread of nuclear weapons. A second is to induce compliance with arms control/disarmament commitments. Those commitments are now well specified in the final documents of the 1995 NPT Review and Extension Conference and the 2000 Review Conference. They are also set forth in the 2004 and other UN General Assembly resolutions sponsored by the New Agenda Coalition of Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa, and Sweden.

Undeniably, the challenge of making the NPT bargain work has become more acute. Indeed, the recent Report of the UN Secretary-General's High-Level Panel on Threats, Challenges and Change starkly warned: "We are approaching a point at which the erosion of the non-proliferation regime could become irreversible and result in a cascade of proliferation." On the one hand, the know-how and technology for production of weapons have become more widespread, and a handful of the 189 states parties have violated in major or minor ways their non-proliferation obligations under the NPT and associated safeguards agreements. On the other hand, the United States, a leader in the construction of the post-World War II international legal order, including the NPT, has become distinctly cold toward verified, universally applied international agreements that would regulate its actions like those of other states.

The Middle Powers Initiative (MPI) is an international civil society coalition that works to support the efforts of New Agenda and other middle power states to press for fulfillment of the NPT disarmament obligation. MPI believes that under present circumstances, the right course is to hold firm to the obligations and commitments of non-proliferation and disarmament assumed by the parties to the NPT at its commencement and reinforced and elaborated at the 1995 and 2000 Review Conferences.

MPI makes the following recommendations to middle power countries. They concern points contained in the 2004 New Agenda General Assembly resolution and other matters MPI believes deserve priority attention.

Recommendations

- 1) Standing down nuclear forces:** *Middle power countries should press the United States and Russia, and other nuclear-armed states, to implement the commitment to decreasing operational readiness of nuclear weapons systems by planning and implementing a program to stand down their nuclear forces, culminating in a global stand-down by the 2010 NPT Review Conference.*
- 2) Verified, transparent, irreversible reductions:** *Middle power countries should press the United States and Russia to apply the principles of irreversibility, transparency, and*

verification to strategic reductions under the Moscow Treaty, and to negotiate further deep, verified, and irreversible cuts in their total arsenals, encompassing both warheads and delivery systems.

- 3) Non-strategic reductions:** *Middle power countries should press for the United States to withdraw unilaterally its bombs deployed under NATO auspices in Europe; for a wider process of control of U.S. and Russian non-strategic weapons, through formalization and verification of the 1991-1992 initiatives, transparency steps, and security measures; and for commencement of negotiations regarding further reduction/elimination of non-strategic weapons.*
- 4) Control of fissile materials and nuclear fuel production technology:** *Middle power countries should press for action on several fronts related to fissile materials: 1) negotiations on an effectively verifiable fissile materials treaty as agreed in 1995 and 2000, with the understanding that the negotiations can and should address a range of issues, including dealing with existing military materials; 2) development of a global inventory of weapons-usable fissile materials and warheads; and 3) accelerated progress in placing U.S., Russian, and other nuclear weapons state "excess" military fissile materials under international verification. Middle power countries should also seriously consider proposals for banning production of all weapons-usable fissile material, whether "civil" or military, and for establishment of multilateral controls on the spread of uranium enrichment and plutonium reprocessing technology and a moratorium on its supply and acquisition in the meantime.*
- 5) Ending nuclear testing:** *Middle power countries should support a continued moratorium on nuclear testing, continued work by and funding for the Preparatory Commission for the Comprehensive Test Ban Treaty Organization, and early entry into force of the Comprehensive Test Ban Treaty.*
- 6) Stopping vertical proliferation:** *Middle power countries should demand compliance with the commitment to a diminishing role for nuclear weapons in security policies instead of vertical proliferation in nuclear weapons-related doctrines and capabilities, and a full accounting of how that commitment is being met. They should also press for negotiation of a legally binding instrument on non-use of nuclear weapons against non-nuclear weapons state parties to the NPT.*
- 7) Complete nuclear disarmament:** *Middle power countries should press for agreement on a program of work in the Conference on Disarmament that includes establishment of a subsidiary body dealing with nuclear disarmament.*

INTRODUCTION: STOPPING "A CASCADE OF PROLIFERATION"

The global bargain underlying the Nuclear Non-Proliferation Treaty (NPT) is the renunciation of nuclear weapons, now undertaken by over 180 countries, in return for the promise of disarmament and the guarantee of access to peaceful uses of nuclear technology. The challenge is to make good on that bargain, on both sides of the table. One critical element is to prevent the spread of nuclear technology from assisting the spread of nuclear weapons. A second is to induce compliance with now well-specified disarmament commitments.

Undeniably, the challenge of making the NPT bargain work has become more acute. Indeed, the recent Report of the UN Secretary-General's High-Level Panel on Threats, Challenges and Change starkly warned: "We are approaching a point at which the erosion of the non-proliferation regime could become irreversible and result in a cascade of proliferation." On the one hand, the know-how and technology for production of weapons have become more widespread, and a handful of the 189 states parties have violated in major or minor ways their non-proliferation obligations under the NPT and associated safeguards agreements. On the other hand, the United States, a leader in the construction of the post-World War II international legal order, including the NPT, has become distinctly cold toward verified, universally applied international agreements that would regulate its actions like those of other states.

The Middle Powers Initiative believes that under these circumstances, the right course is to hold firm to the obligations and commitments of non-proliferation and disarmament assumed by the parties to the NPT at its commencement and reinforced and elaborated at the 1995 and 2000 Review Conferences.

When the NPT was negotiated in the 1960s, the United States and Soviet Union rebuffed efforts to include commitments to specific arms control/disarmament measures in the operational provisions, agreeing only to the general obligation set forth in Article VI to negotiate in good faith effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament. Significantly, though, immediately after the NPT was opened for signature on July 1, 1968, the two superpowers placed specific measures before the predecessor to today's Conference on Disarmament. Under a heading taken from Article VI, they proposed an agenda including "the cessation of testing, the non-use of nuclear weapons, the cessation of production of fissionable materials for weapons use, the cessation of manufacture of weapons and reduction and subsequent elimination of nuclear stockpiles...."

Some 36 years later, the world is still wrestling with those measures. Indeed, none has been definitively achieved. While there has been reduction of nuclear stockpiles, it is mostly from astronomical levels that were attained *after* the NPT entered into force in 1970. One thing is different: commitments to arms control/disarmament measures have now been more closely integrated into the NPT process, because they were approved by states participating in the 1995 Review and Extension Conference and the 2000 Review Conference as the means for implementation of the Article VI obligation. The "practical steps for the systematic and progressive efforts to implement Article VI" adopted in 2000 are attached as Appendix One.

A key player in articulation of the program of practical steps has been the New Agenda Coalition formed by Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa, and Sweden. Most recently, in the 2004 session of the United Nations General Assembly, New Agenda offered a resolution entitled "Accelerating the implementation of nuclear disarmament commitments" (Appendix Two). The intent was to identify consensus-based steps to obtain the widest possible support heading into the 2005 Review Conference, and in particular to build a bridge to NATO states. The resolution also sought to highlight areas in which the nuclear weapons states could begin action prior to the Conference, laying the foundation for a constructive outcome.

The New Agenda Coalition succeeded in attracting wide support, notably from key NATO countries. The General Assembly adopted the resolution by a vote of 151 to six, with 24 abstentions. Eight NATO member states voted for the resolution, Belgium, Canada, Germany, Luxembourg, The Netherlands, Norway, Lithuania and Turkey. In 2002 and 2003, Canada had been the lone NATO supporter. Also significant was that key U.S. allies Japan and South Korea voted affirmatively for the first time since 2000. The resolution has thus formed a potential basis for a working partnership of states within and without nuclear alliances to exert leverage on the nuclear weapons states to take steps to resuscitate the faltering non-proliferation regime. Negative votes came from the three Western nuclear weapons states, the United States, Britain, and France, joined by Israel, Latvia, and Palau.

In its preambular paragraphs, the resolution expresses concern over the lack of implementation of binding disarmament obligations, reaffirms that non-proliferation and disarmament processes are mutually reinforcing, and recalls the unequivocal undertaking to eliminate nuclear arsenals given in 2000 (practical step 6). In its operative paragraphs, the resolution calls for full compliance with disarmament and non-proliferation commitments; universal adherence to the NPT and early entry into force of the Comprehensive Test Ban Treaty; accelerated implementation of the practical disarmament steps agreed at the 2000 NPT Review Conference; further steps to reduce non-strategic arsenals and non-development of new types of nuclear weapons; and establishment of a subsidiary body within the Conference on Disarmament to address nuclear disarmament. It also agrees to resumption of negotiations in the Conference on Disarmament on an effectively verifiable Fissile Materials Cutoff Treaty and to completion of arrangements for nuclear weapons states to place excess military fissile material under international verification. Finally, it underlines the principles of irreversibility and transparency and the development of verification capabilities.

The Middle Powers Initiative (MPI) is an international civil society coalition that works to support the efforts of New Agenda and other middle power states to press for fulfillment of the NPT disarmament obligation. Taking as its reference point the 2000 "practical steps for the systematic and progressive efforts to implement Article VI," this briefing paper focuses on measures highlighted in the New Agenda resolution and certain other matters MPI regards as priorities, standing down nuclear forces, deep cuts, and controlling the spread of technology for production of nuclear fuel.

1) STANDING DOWN NUCLEAR FORCES

Concrete agreed measures to further reduce the operational status of nuclear weapons systems (practical step 9d)

This commitment goes to the core of the nuclear dilemma. So long as the United States and Russia maintain many hundreds of nuclear warheads ready for immediate use and contend that this posture is essential to their security, implementation of the entire nuclear arms control/disarmament program is fraught with difficulty.

It is sometimes said that problems are solved when they are no longer problems. In that vein, massive nuclear arsenals will not be reduced and eliminated until the nuclear weapons states stop relying on them in an operational sense, in accordance with their commitment (step 9e) to a "diminishing role for nuclear weapons in security policies."

Other negative aspects of continued hair-trigger deployment are the heightened risk of accidental or unauthorized use, the danger and reinforced tension should serious conflict arise, and the moral debilitation inherent in maintenance of an implied threat of societal annihilation as a basis for national security. A less well understood risk, highlighted by Bruce Blair of the Center for Defense Information, is increased vulnerability to diversion of warheads to terrorists in Russia due to the shipment of large numbers of warheads between a remanufacturing facility and dispersed military bases.

Since 2000 there has been little progress in this area. One could argue that the 2002 Strategic Offensive Reductions Treaty (Moscow Treaty) between Russia and the United States commits those states to reduction of operational status. It requires the removal of thousands of strategic warheads from operational deployment in 2012 while permitting the two states to retain the warheads in storage, ready for redeployment. The United States has reduced deployed strategic warheads to about 4500, below the START I permitted level of about 6000. Russia has about the same number of operational strategic warheads. However, implementation of reductions prior to 2012 is not required by the treaty. Further, the achievement of levels of 1700 to 2200 deployed strategic warheads in or before 2012 will not fundamentally alter the preparedness of each state to initiate immediately a large-scale nuclear attack.

Non-governmental expert analysis of the mechanics of a stand-down of nuclear forces, often referred to as "dealerting," is ongoing. There are two dimensions: increasing assurance that no attack is underway; and decreasing the capability to immediately launch an attack. Possible steps are illustrated by a recent Rand Corporation study, *Beyond the Nuclear Shadow*, supported by the Nuclear Threat Initiative: assistance to Russia for its early-warning radars or satellites; creation of a U.S.-Russian early-warning system using sensors placed outside missile silos; standing down nuclear forces to be reduced under the Moscow Treaty; restrictions on the operating area of nuclear-armed submarines; removal of counterforce capable warheads (e.g., Trident W-88 warheads); reduction of launch readiness of ICBMs; reduction of launch readiness of all nuclear forces; installation of destruct-after-launch mechanisms on ballistic missiles; and elimination of doctrines of launch on warning and rapid counterforce strikes.

Recommendation: Middle power countries should press the United States and Russia, and other nuclear-armed states, to implement the commitment to decreasing operational readiness of nuclear weapons systems by planning and implementing a program to stand down their nuclear forces, culminating in a global stand-down by the 2010 NPT Review Conference.

2) VERIFIED, TRANSPARENT, IRREVERSIBLE REDUCTIONS

Adherence to the principles of irreversibility, transparency, and verification; deep cuts (practical steps 5, 6, 7, 9b, 13)

The practical steps embody principles of irreversibility, transparency, and verification. In addition to agreeing to further development of verification capabilities, the 2000 agenda endorsed START II and III, U.S.-Russian reduction agreements that envisaged extensive verified dismantlement of both delivery systems and, innovatively in START III, warheads. It was a signal achievement to embed the principles in the practical steps. They are essential to states' participation in reduction of nuclear forces to low levels and certainly to their elimination. More generally, they undergird trust and accountability, preconditions for cooperative security.

In perhaps the most important instance of backsliding on the practical steps since 2000, the United States, with Russia's acquiescence, has emphatically rejected the principles, premising policy instead on retention of flexibility to reconfigure nuclear forces. The 2002 Moscow Treaty applies the policy of flexibility. It requires Russia and the United States each to deploy no more than 2200 long-range strategic nuclear warheads by the year 2012. But unlike existing agreements (e.g., INF Treaty, START I), the abandoned START II, and the projected START III, it contains no provisions for verification, transparency, and irreversible dismantlement in relation to the warheads and delivery systems removed from deployment. Monitoring mechanisms under START I may provide a means of verification, though they would not fulfill the principle of irreversibility. However, START I expires in 2009. U.S. intelligence reportedly has advised the Bush administration that absent extension of START I, reliable verification of Russian reductions will not be possible.

The practical steps also are premised on deep cuts in U.S.-Russian arsenals. Practical step 6 sets forth the unequivocal undertaking to elimination of nuclear arsenals. Step 7, in calling for the preservation of the now defunct ABM Treaty, refers to "further reductions of strategic offensive weapons" beyond those planned for START III. Step 9f calls for the engagement as soon as appropriate of all the nuclear weapons states in the process leading to total elimination of their nuclear weapons. The position taken by China and other states is that this will be "appropriate" when U.S. and Russian arsenals have reached much lower levels. Looking forward, progress toward elimination of nuclear arsenals will require *verified* and *irreversible* reduction of the U.S. and Russian arsenals far below presently projected levels. A glance at the current and projected status of nuclear arsenals as estimated by the Natural Resources Defense Council confirms this:

- Today the United States has over 10,000 warheads, with about 4,500 deployed strategic and 800 deployed non-strategic warheads.

- By 2012, after implementation of the 2002 Moscow Treaty, the United States will still have about 6,000 warheads. That includes 2,200 deployed strategic warheads with well more than 2,000 in reserve, and hundreds of deployed and reserve non-strategic warheads.
- Russia presently has perhaps 17,000 warheads, with about 4,400 operational strategic and 3,400 operational non-strategic warheads, plus many thousands in reserve, storage, or awaiting disassembly. In 2012, under the Moscow Treaty, Russia, like the United States, can have up to 2,200 deployed strategic warheads, plus reserve and non-strategic warheads in unlimited numbers.
- China, France, Britain, Israel, India, and Pakistan all have arsenals in the low hundreds or less. None has made any specific commitment to reduce its arsenal.
- The total world count of intact nuclear warheads is in the range of 28,000. Including plutonium cores from disassembled warheads, the total is over 36,000, according to the Stockholm International Peace Research Institute.

Despite the clear need to set in motion cuts to *total* warhead arsenals going well below the Moscow Treaty levels for *deployed strategic* warheads, there are no publicly known plans for U.S.-Russian negotiations regarding further strategic reductions or reductions of non-strategic weapons. Nor are other nuclear-armed states engaged in any negotiations regarding reduction of nuclear forces. A positive development is that, as it has reported to NPT PrepComs, Britain is exploring technologies that could be used for multilateral verification of warhead dismantlement.

Recommendation: *Middle power countries should press the United States and Russia to apply the principles of irreversibility, transparency, and verification to strategic reductions under the Moscow Treaty, and to negotiate further deep, verified, and irreversible cuts in their total arsenals, encompassing both warheads and delivery systems.*

3) NON-STRATEGIC REDUCTIONS

Further reduction of non-strategic nuclear weapons, based on unilateral initiatives and as an integral part of the nuclear arms reduction and disarmament process (practical step 9c)

There has been no publicly reported progress on non-strategic reductions since 2000. Indeed, the 1991 Bush-Gorbachev parallel unilateral withdrawals of non-strategic arms from deployment have yet to be subjected to the requirements of the “reduction and disarmament process”; that is, they are not transparent, they are not irreversible, they have not been verified, and they have not been codified in legally binding form.

No official figures are available on tactical arsenals of the United States and Russia. Russia has 3400 or more operational tactical warheads, with thousands more in reserve or in storage, and the United States has 800 operational tactical warheads, with hundreds more in reserve or storage. China's non-strategic arsenal is estimated to consist of between 100 and 300 warheads.

The United States is the only country to deploy non-strategic or any warheads on the territory of other states. According to a recent Natural Resources Defense Council estimate revising upward its earlier figure, 480 U.S. bombs for delivery by aircraft are deployed under NATO auspices in five "non-nuclear weapons state" European NATO countries (Belgium, Germany, Italy, The Netherlands, Turkey), as well as in Britain. This impedes efforts to negotiate with Russia regarding reductions of non-strategic weapons, appears to violate Articles I and II of the NPT, and perpetuates a terrible precedent for other nuclear powers to deploy nuclear weapons outside their territory and to share them with non-nuclear weapons states.

In a working paper for the 2002 NPT PrepCom, Germany called for formalization and verification of implementation of the 1991-1992 Bush-Gorbachev initiatives, reciprocal exchange of information between NATO and Russia, and commencement of U.S.-Russian negotiations on reduction of non-strategic nuclear weapons. Resolutions addressing non-strategic nuclear weapons offered by the New Agenda Coalition in 2002 and 2003 were to similar effect. Motivated in part by concerns regarding the status of Russian warheads, the resolutions called for security measures including placement of warheads in central storage sites with a view to their removal and elimination.

There are multiple important reasons, noted above, for U.S. withdrawal of non-strategic bombs from Europe. It is also important to increase transparency, especially regarding Russian stocks, and to draw non-strategic weapons into bilateral and multilateral negotiations. It should also be recognized, though, that "non-strategic" weapons may need to be addressed in connection with "strategic" weapons. They are not always easily distinguishable categories, whether based on yield, mission, or even range of delivery.

Recommendation: Middle power countries should press for the United States to withdraw unilaterally its bombs deployed under NATO auspices in Europe; for a wider process of control of U.S. and Russian non-strategic weapons, through formalization and verification of the 1991-1992 initiatives, transparency steps, and security measures; and for commencement of negotiations regarding further reduction/elimination of non-strategic weapons.

4) CONTROL OF FISSILE MATERIALS

Negotiations on a non-discriminatory, multilateral and international and effectively verifiable treaty banning the production of fissile material for nuclear weapons (practical step 3); placement of "excess" military fissile materials under international verification (steps 8, 10)

Fissile materials treaty: Negotiation of a fissile materials treaty repeats one of the two principal specific commitments made in connection with the 1995 indefinite extension of the NPT (the other was to completion of a Comprehensive Test Ban Treaty). As laid down in practical step 3 (see Appendix One for full text), the commitment was robust.

First, step 3 incorporates the 1995 Shannon mandate for the negotiations. Canada's Ambassador Shannon reported in 1995 that "it has been agreed by delegations that the mandate ... does not

preclude any delegation from raising for consideration" issues including but not limited to past production of fissile materials and management of fissile materials. Second, step 3 also refers to "taking into consideration both nuclear disarmament and nuclear non-proliferation objectives," further suggesting that the scope of negotiations is not limited to a ban on future production of military fissile materials. Third, step 3 contains a time component, urging the Conference on Disarmament to agree on a program of work "which includes the immediate commencement of negotiations on such a treaty *with a view to their conclusion within five years.*" (Emphasis added.)

Despite the clarity of the 1995 and 2000 commitments, they were not fulfilled. This was primarily due to the insistence of China and a handful of other states that negotiations also commence in the consensus-governed Conference on Disarmament on prevention of weaponization of outer space and on nuclear disarmament. In 2003, China moved to break the years-long deadlock by accepting a widely agreed proposal to *negotiate* a fissile materials treaty (FMT) while only *discussing* nuclear disarmament and prevention of space weaponization.

However, the other key party, the United States, has yet to state a position on the proposal. Further, it now favors, as stated in the General Assembly in fall 2004, negotiation of an FMT "without verification provisions." The United States and Palau cast the only negative votes against a Canada-sponsored resolution in the 2004 General Assembly urging the Conference on Disarmament to agree on a program of work and commence negotiations on an "effectively verifiable" FMT in accordance with the Shannon mandate. Britain and Israel abstained, raising further questions about prospects for negotiations under the Shannon mandate.

The United States ignored Canada's explanation "that the existing mandate permits any CD member to raise any issue or concern about the envisaged treaty during the course of negotiations." The United States also argued that negotiation of a non-verified FMT would shorten the time it takes to bring a ban into force that would stop the growth of military stockpiles. If that is truly the concern, it can be met by interim measures like a formalized moratorium applying to all nuclear weapons-possessing states. However, such interim measures must not be seen as a substitute for a universal, verified FMT.

In looking ahead to negotiations on an FMT, and to a Review Conference agreement on such negotiations, there are several important considerations.

- a) A ban on future production of military fissile materials is needed because it would stop the ongoing growth of such stocks in India, Pakistan, and Israel, and make permanent the existing halt to such production by the NPT-acknowledged nuclear weapons states.
- b) However, a ban on future production is insufficient. To lay a foundation for progress in reduction and elimination of nuclear arsenals and nuclear weapons capabilities, an FMT should also address existing fissile materials in stocks and warheads held by nuclear-armed states. South Africa has proposed that an FMT would verify the control and disposition of fissile materials declared "excess" to military needs, thus tying it to a process of reducing stocks and warheads. Another possible approach is that an FMT could serve as a framework

convention. It would both establish a ban on future military production and create a process for negotiation regarding reduction of existing materials.

- c) A ban on production of highly enriched uranium (HEU) and plutonium for any purpose - weapons, ship propulsion, and civilian reactor operation - should also be seriously considered. Since such material is usable for weapons, its production and circulation inherently pose risks of diversion to weapons, including by terrorists. Such a ban has recently been urged by the Carnegie Endowment for International Peace Study, *Universal Compliance*. Similarly but less sweepingly, the Secretary-General's High-level Panel recommended a ban on the production of HEU for any purpose.
- d) Development of a global inventory of all weapons-usable fissile materials and nuclear warheads, proposed by Germany, is needed. It could be pursued as part of an FMT or separately. Global stocks of plutonium and HEU, both "civil" (but usable in weapons) and military continue to rise, with more than 3,700 metric tons in about 60 countries at the end of 2003.

"Excess" military fissile materials: Practical steps 8 and 10 concern arrangements by the nuclear weapons states to place "excess" military fissile materials under international verification, including through completion of the Trilateral Initiative among Russia, the United States, and the IAEA. While preparatory work continues, the United States and Russia have yet to finalize any legally binding agreement with the IAEA, nor has any other nuclear weapons state. The United States and Russia are engaged in bilateral initiatives aimed at control and disposition of "excess" HEU and plutonium, through the 1993 HEU Purchase Agreement, the 2000 Plutonium Management and Disposition Agreement, and the 2002 Accelerated Materials Disposition Initiative.

Nuclear fuel production technology: In the wake of revelations about the Khan nuclear proliferation network, the North Korean denial of IAEA monitoring of its fissile materials production capabilities, and concerns that Iran may be seeking nuclear weapons capability, proposals have emerged to control the spread of uranium enrichment and plutonium reprocessing technology. A dozen or so countries now have such technology.

One proposed course of action is for exporting countries to deny the technology to additional states, as called for by President Bush. The G-8 responded to President Bush's call by declaring a one-year moratorium on supply to non-possessing states, but the far larger Nuclear Suppliers Group has yet to take any action.

A second course is indicated by IAEA Director-General Mohamed ElBaradei's call for "working towards multilateral control over the sensitive parts of the nuclear fuel cycle - enrichment, reprocessing, and the management and disposal of spent fuel." An expert group established by the IAEA is scheduled to report in March 2005.

The High-level Panel recommended a combination of voluntary action and multilateral control. It called for states to forgo for a limited period construction of enrichment and reprocessing facilities, with fissile materials supplied at current market prices, while an arrangement is

negotiated for the IAEA to act as a guarantor for the supply of fissile materials for non-military use.

The matter is extremely sensitive. Non-nuclear weapons countries regard access to such technology as their right under Article IV of the NPT, and further resent what they regard as the implication that developing countries are not to be trusted with technology possessed by some developed states. The controversy casts a bitter light upon the history of the Atoms for Peace program, the IAEA, and the nuclear-power promoting NPT. As the 1946 U.S.-proposed Baruch plan illustrates, it was understood from the beginning of the nuclear age that the spread of nuclear technology, especially the means of producing fuel for nuclear reactors, would also provide the foundation for nuclear weapons programs.

The United States, the proponent of Atoms for Peace, is correct in returning to its initial view reflected in the Baruch plan that it is too dangerous to spread fuel-production technology around the world. For reasons of effectiveness, legitimacy, and promotion of global norms generally, multilateral control as favored by Mr. ElBaradei and the High-level Panel is the proper goal.

Recommendation: Middle power countries should press for action on several fronts related to fissile materials: 1) negotiations on an effectively verifiable fissile materials treaty as agreed in 1995 and 2000, with the understanding that the negotiations can and should address a range of issues, including dealing with existing military materials; 2) development of a global inventory of weapons-usable fissile materials and warheads; and 3) accelerated progress in placing U.S., Russian, and other nuclear weapons state "excess" military fissile materials under international verification. Middle power countries should also seriously consider proposals for banning production of all weapons-usable fissile material, whether "civil" or military, and for establishment of multilateral controls on the spread of uranium enrichment and plutonium reprocessing technology and a moratorium on its supply and acquisition in the meantime.

5) ENDING NUCLEAR TESTING

Early entry into force of the Comprehensive Test Ban Treaty and a moratorium on nuclear test explosions pending its entry into force (practical steps 1 and 2)

Establishment of a Comprehensive Test Ban Treaty (CTBT) has long been regarded as central to compliance with Article VI. The CTBT is referred to in the NPT preamble, and completion of its negotiation was specified as a principal commitment in connection with the 1995 indefinite extension of the NPT. At the present time, a moratorium on testing continues to hold, but entry into force is nowhere in sight. The Bush administration opposes U.S. ratification of the treaty, and China, apparently watching the United States, has yet to ratify. India and Pakistan have yet to sign.

The moratorium may be at some risk during the second Bush administration. The Bush administration's 2005 budget request refers, for the first time, to production of a "list of possible test scenarios." Fortunately, the U.S. Congress seems resistant to moves toward resumption of

testing, recently refusing to approve the objective of reducing the time needed to prepare for tests, currently said to be two years.

The Preparatory Commission for the Comprehensive Test Ban Treaty Organization is making great progress on finalizing the already functioning International Monitoring System. Most countries, including the United States, are paying their shares of its budget.

***Recommendation:** Middle power countries should support a continued moratorium on nuclear testing, continued work by and funding for the Preparatory Commission for the Comprehensive Test Ban Treaty Organization, and early entry into force of the Comprehensive Test Ban Treaty.*

6) STOPPING VERTICAL PROLIFERATION

A diminishing role for nuclear weapons in security policies to minimize the risk that these weapons ever be used and to facilitate the process of their total elimination (practical step 9e)

This step, building upon the Article VI obligation of negotiations on cessation of the nuclear arms race at an early date, can be considered the anti-vertical proliferation commitment, encompassing both doctrines and capabilities.

Doctrines: As is well known, the trends have been negative regarding doctrines. The United States continues to plan, as it has for decades, for a massive retaliatory or preemptive “counterforce” attack in response to an actual or imminent nuclear attack, and for first use of nuclear weapons against an overwhelming conventional attack. In addition, the 2001 U.S. Nuclear Posture Review plans for an enlarged range of circumstances under which nuclear weapons could be used, notably against non-nuclear attacks or threats. It states that nuclear weapons “could be employed against targets able to withstand nonnuclear attack, (for example, deep underground bunkers or bio-weapon facilities),” and contemplates their use in response to a biological or chemical attack. It also refers to nuclear use in response to “surprising military developments” and “unexpected contingencies.” Those new catch-all categories, inspired by the September 11 terrorist attacks, are virtually without limit. In December 2002, the U.S. National Security Strategy to Combat Weapons of Mass Destruction made clear that “overwhelming force” – a reference to a nuclear option – would be used against chemical and biological attacks. It also referred to preemptive attacks, and did not rule out nuclear use in such attacks.

In the late 1990s, Germany and Canada sought revision of NATO doctrine to rule out use of nuclear weapons against non-nuclear weapons states and to adopt a general no-first-use stance. The initiative was bluntly rejected by the Clinton administration, and NATO doctrine continues to highlight the role of nuclear weapons. Meeting in Washington, DC, in April 1999, the North Atlantic Council stated that the “supreme guarantee of the security of the allies is provided by the strategic nuclear forces of the Alliance.” Yet NATO also claims to be committed to implementing the conclusions of the 2000 NPT Review Conference, as stated in the June 2002 communiqué of the NATO defense and nuclear planning ministerial meeting. Like and following the United States, NATO is accordingly mired in policy incoherence, despite the efforts of Canada, Germany, and other members.

The United States has not been alone in its continued doctrinal emphasis on possible use of nuclear weapons. In 1993, Russia abandoned its policy of renouncing the first use of nuclear arms, and its January 2000 Security Concept stated that they could be used "to repulse armed aggression, if all other means of resolving the crisis have been exhausted." Britain and France continue to retain the option of first use to defend "vital interests." Pakistan expressly holds out the option of first use against conventional attack, and, imitating the United States, India announced possible first nuclear use in response to chemical or biological attacks.

Capabilities: Here too the trends have been negative, not only with regard to warheads, but also in relation to delivery systems and command and control. Russia recently announced, with some fanfare, that it is developing a superior new nuclear weapons system, apparently providing reentry vehicles a maneuvering capability. Britain is planning a replacement for its nuclear-armed Trident submarine. France is developing and fielding new missiles equipped with new warheads. China is modernizing its missile force.

As non-governmental analysts at Western States Legal Foundation and Natural Resources Defense Council have reported, U.S. projects include plans for a new ICBM to be deployed in 2018, some of which could be conventionally armed; plans for a new Trident submarine and for intermediate-range missiles to be based on submarines; work on improved accuracy for Trident missiles; extensive upgrades in computer software and hardware used to plan and execute nuclear strikes; development of new military communications satellites designed to allow survival during a nuclear war; development of theater and national missile defenses; and deployment of limited ground-based national missile defenses.

Some of the U.S. projects would improve capabilities for both nuclear and non-nuclear warfighting. While the United States contends that this demonstrates decreased reliance on nuclear forces, the effects nonetheless can be counterproductive in the nuclear sphere. Use of conventionally-armed missiles would run the risk of causing other states to believe they are under nuclear attack. More generally, other major states likely will be reluctant to agree to nuclear arms control/disarmament measures if they view their nuclear forces as a necessary deterrent to dramatically improved U.S. non-nuclear capabilities. That is all the more true should the United States eventually execute schemes for placing weapons in space.

So far as warheads are concerned, the U.S. Congress recently declined all requested funding for the nuclear earth penetrator, a modification of existing high yield weapons types, and for research on "advanced" concepts. While a positive development, not too much should be made of this. The U.S. nuclear establishment will seek funding for these programs again. Moreover, Congress added \$400 million to the \$6 billion plus spent last year on the nuclear weapons complex, and allocated \$40 million to Los Alamos laboratory for a facility to build the plutonium cores for warheads. When spending on delivery systems and command and control is added, U.S. appropriations for nuclear forces are on the order of \$40 billion annually. Work continues on maintaining and upgrading every weapons type in the U.S. arsenal. For example, money slated for "advanced" concepts will instead be spent on a "reliable replacement warhead" program.

Vertical proliferation in doctrines and capabilities, even as nuclear arsenals are reduced in size, points to the need to find ways to close the yawning gap between commitments made in the NPT forums and actual policies and practices. Fuller accounting by the nuclear weapons states, and aggressive and informed questioning of that accounting, could make a contribution.

Also worth pressing is negotiation of legally binding obligations of non-use of nuclear weapons against non-nuclear weapons states parties to the NPT, codifying and extending "negative security assurances" thus far made in declarations. In connection with the 1995 decision indefinitely extending the NPT, the Review and Extension Conference stated: "[F]urther steps should be considered to assure non-nuclear weapons States party to the Treaty against the use or threat or use of nuclear weapons. These steps could take the form of an internationally legally binding instrument." Non-use commitments flow logically from non-nuclear weapons states' renunciation of the weapons and those states very much want to see them legally codified. Such a legally binding instrument could be negotiated as a protocol to the NPT.

***Recommendation:** Middle power countries should demand compliance with the commitment to a diminishing role for nuclear weapons in security policies instead of vertical proliferation in nuclear weapons-related doctrines and capabilities, and a full accounting of how that commitment is being met. They should also press for negotiation of a legally binding instrument on non-use of nuclear weapons against non-nuclear weapons state parties to the NPT.*

7) COMPLETE NUCLEAR DISARMAMENT

Establishment in the Conference on Disarmament of an appropriate subsidiary body with a mandate to deal with nuclear disarmament (practical step 4)

Implementation of this commitment was stymied by the same problem that prevented commencement of negotiations on a fissile materials treaty, inability to agree on a program of work in the Conference on Disarmament (CD). Given China's agreement to discuss nuclear disarmament and prevention of space weaponization while negotiating on fissile materials, prospects are better for a breakthrough here. The United States and other states which have yet to agree to the proposed program should be pressed hard to do so, preferably prior to the Review Conference to enhance the chances of a cooperative outcome. Should this not occur, at the Review Conference states should not paper over the problem of reaching a consensus on a CD program of work. Otherwise, any purported agreement on addressing nuclear disarmament in the CD, or negotiating regarding fissile materials, could turn out to be hollow, as occurred with the 2000 commitments. If such a consensus cannot be reached, other options for negotiations on nuclear disarmament and an FMT should be seriously considered.

A CD body dealing with nuclear disarmament could be a useful forum, not least because it includes nuclear-armed states outside the NPT, Israel, Pakistan, and India. It could seek to ensure that the various existing and proposed unilateral, plurilateral, and multilateral initiatives and negotiations proceed in a complementary fashion in the direction of a nuclear weapon-free world. It could also grapple with the truth affirmed by the New Agenda General Assembly resolution of 2000, that "a nuclear weapon-free world will ultimately require the underpinnings

of a universal and multilaterally negotiated legally binding instrument or a framework encompassing a mutually reinforcing set of instruments." A CD body could commence work on that legal and institutional framework, thereby facilitating compliance with the unanimous 1996 holding of the International Court of Justice that "there exists an obligation to pursue in good faith and bring to a conclusion negotiations on nuclear disarmament in all its aspects under strict and effective international control."

***Recommendation:** Middle power countries should press for agreement on a program of work in the Conference on Disarmament that includes establishment of a subsidiary body dealing with nuclear disarmament.*

CONCLUSION: PRESSING FOR ACCOUNTABILITY

"Moving to a world of radically fewer nuclear weapons is less an issue of aspiration than an issue of perspiration" - Stephen J. Hadley, U.S. national security advisor elect, writing in 1997

A world free of nuclear weapons, not just with radically fewer weapons, is the objective legally required by the NPT and the most appropriate to safeguarding human security. That said, the Middle Powers Initiative appreciates Mr. Hadley's sentiment that progress requires hard work and practical measures. In that spirit, and as the 2004 New Agenda General Assembly resolution contemplates, MPI observes that prior to the 2005 Review Conference, it is quite feasible for the nuclear weapons states to take steps that will greatly increase the prospects for a positive outcome.

Agreement is within reach on a program of work in the Conference on Disarmament, encompassing among other things commencement of negotiations on a fissile materials treaty and establishment of a body to deal with nuclear disarmament.

It is also eminently feasible for the United States and Russia to begin work within established mechanisms on transparency, verification, and irreversibility measures as to reductions under the Moscow Treaty.

It is also possible for states to commit to the creation of multilateral control on the spread of uranium enrichment and plutonium reprocessing technology, and to a moratorium on its supply and acquisition pending agreement on such control.

The middle power countries should exert every effort to press for the above steps to be taken. Further, it is practicable for the nuclear weapons states to start movement in the near future toward meeting every commitment discussed in this briefing paper. The Review Conference should in a serious and substantive way hold them accountable for meeting those and other commitments.

13 PRACTICAL STEPS

EXCERPTED FROM THE FINAL DOCUMENT OF THE NPT 2000 REVIEW CONFERENCE

The Conference agrees on the following practical steps for the systematic and progressive efforts to implement Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraphs 3 and 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament":

1. The importance and urgency of signatures and ratifications, without delay and without conditions and in accordance with constitutional processes, to achieve the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty.
2. A moratorium on nuclear-weapon-test explosions or any other nuclear explosions pending entry into force of that Treaty.
3. The necessity of negotiations in the Conference on Disarmament on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices in accordance with the statement of the Special Coordinator in 1995 and the mandate contained therein, taking into consideration both nuclear disarmament and nuclear non-proliferation objectives. The Conference on Disarmament is urged to agree on a programme of work which includes the immediate commencement of negotiations on such a treaty with a view to their conclusion within five years.
4. The necessity of establishing in the Conference on Disarmament an appropriate subsidiary body with a mandate to deal with nuclear disarmament. The Conference on Disarmament is urged to agree on a programme of work which includes the immediate establishment of such a body.
5. The principle of irreversibility to apply to nuclear disarmament, nuclear and other related arms control and reduction measures.
6. An unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament to which all States parties are committed under Article VI.
7. The early entry into force and full implementation of START II and the conclusion of START III as soon as possible while preserving and strengthening the ABM Treaty as a cornerstone of strategic stability and as a basis for further reductions of strategic offensive weapons, in accordance with its provisions.
8. The completion and implementation of the Trilateral Initiative between the United States of America, the Russian Federation and the International Atomic Energy Agency.
9. Steps by all the nuclear-weapon States leading to nuclear disarmament in a way that promotes international stability, and based on the principle of undiminished security for all:
 - * Further efforts by the nuclear-weapon States to reduce their nuclear arsenals unilaterally.
 - * Increased transparency by the nuclear-weapon States with regard to the nuclear weapons capabilities and the implementation of agreements pursuant to Article VI and as a voluntary confidence-building measure to support further progress on nuclear disarmament.
 - * The further reduction of non-strategic nuclear weapons, based on unilateral initiatives and as an integral part of the nuclear arms reduction and disarmament process.
 - * Concrete agreed measures to further reduce the operational status of nuclear weapons systems.
 - * A diminishing role for nuclear weapons in security policies to minimize the risk that these weapons ever be used and to facilitate the process of their total elimination.
 - * The engagement as soon as appropriate of all the nuclear-weapon States in the process leading to the total elimination of their nuclear weapons.
10. Arrangements by all nuclear-weapon States to place, as soon as practicable, fissile material designated by each of them as no longer required for military purposes under IAEA or other relevant international verification and arrangements for the disposition of such material for peaceful purposes, to ensure that such material remains permanently outside of military programmes.
11. Reaffirmation that the ultimate objective of the efforts of States in the disarmament process is general and complete disarmament under effective international control.
12. Regular reports, within the framework of the NPT strengthened review process, by all States parties on the implementation of Article VI and paragraph 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament", and recalling the Advisory Opinion of the International Court of Justice of 8 July 1996.
13. The further development of the verification capabilities that will be required to provide assurance of compliance with nuclear disarmament agreements for the achievement and maintenance of a nuclear-weapon-free world.



Fifty-ninth session
Agenda item 65 (t)

Resolution adopted by the General Assembly

[on the report of the First Committee (A/59/459)]

59/75. Accelerating the implementation of nuclear disarmament commitments

The General Assembly,

Recalling its resolution 58/51 of 8 December 2003, and mindful of the upcoming 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,

Expressing its grave concern at the danger to humanity posed by the possibility that nuclear weapons could be used and at the lack of implementation of binding obligations and agreed steps towards nuclear disarmament, and reaffirming that nuclear disarmament and nuclear non-proliferation are mutually reinforcing processes requiring urgent irreversible progress on both fronts,

Recalling the unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals, leading to nuclear disarmament, in accordance with commitments made under article VI of the Treaty on the Non-Proliferation of Nuclear Weapons,¹ and noting that the ultimate objective of the disarmament process is general and complete disarmament under strict and effective international control,

1. *Calls upon* all States to fully comply with commitments made regarding nuclear disarmament and nuclear non-proliferation and not to act in any way that may be detrimental to nuclear disarmament and non-proliferation or that may lead to a new nuclear arms race;

2. *Also calls upon* all States to spare no efforts to achieve universal adherence to the Treaty on the Non-Proliferation of Nuclear Weapons¹ and the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty;²

¹ United Nations, *Treaty Series*, vol. 729, No. 10485.

² See resolution 50/245.

3. *Calls upon* all States parties to the Treaty on the Non-Proliferation of Nuclear Weapons to accelerate the implementation of the practical steps for systematic and progressive efforts to achieve nuclear disarmament that were agreed upon at the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons;³

4. *Calls upon* the nuclear-weapon States to take further steps to reduce their non-strategic nuclear arsenals and not to develop new types of nuclear weapons, in accordance with their commitment to diminish the role of nuclear weapons in their security policies;

5. *Agrees* urgently to strengthen efforts towards both nuclear disarmament and nuclear non-proliferation through the resumption in the Conference on Disarmament of negotiations on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, in accordance with the statement of the Special Coordinator in 1995⁴ and the mandate contained therein, taking into account both nuclear disarmament and nuclear non-proliferation objectives, as well as the completion and implementation of arrangements by all nuclear-weapon States to place fissile material no longer required for military purposes under international verification;

6. *Calls for* the establishment of an appropriate subsidiary body in the Conference on Disarmament to deal with nuclear disarmament;

7. *Underlines* the imperative of the principles of irreversibility and transparency for all nuclear disarmament measures and the need to develop further adequate and efficient verification capabilities;

8. *Decides* to include in the provisional agenda of its sixtieth session the item entitled "Towards a nuclear-weapon-free world: accelerating the implementation of nuclear disarmament commitments", and to review the implementation of the present resolution at that session.

66th plenary meeting

3 December 2004

³ See *2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document*, vol. I (NPT/CONF.2000/28 (Parts I and II)), part I.

⁴ See CD/1299.



THE MIDDLE POWERS INITIATIVE

A program of the Global Security Institute

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. MPI is guided by an International Steering Committee, chaired by Hon. Douglas Roche, O.C., former Canadian Disarmament Ambassador. www.middlepowers.org