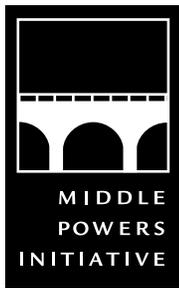


Priorities for Preserving the
Nuclear Non-Proliferation Treaty
in the New Strategic Context

An MPI Briefing Paper · 2002



A program of the
Global Security Institute

1801 Bush Street, Suite 304
San Francisco, CA 94109
Tel: +1 415 775 6760
Fax: +1 415 775 6761
mpi@gsinstitute.org
www.middlepowers.org

MPI STEERING COMMITTEE

Sen. Douglas Roche, O.C., Chair
Former Canadian Disarmament Ambassador

Michael Christ
International Physicians
for the Prevention of Nuclear War

Scilla Elworthy
Oxford Research Group

Jonathan Granoff
Global Security Institute

Cdr Robert Green, RN (Ret'd)
World Court Project UK

Karel Koster
Project on European
Nuclear Non-Proliferation

David Krieger
Nuclear Age Peace Foundation

R.S. McCoy, M.D.
International Physicians
for the Prevention of Nuclear War

Bruna Nota
Women's International League
for Peace and Freedom

Alice Slater
Global Resource Center
for the Environment

Fernando de Souza Barros
International Network of Engineers and
Scientists Against Proliferation

Maj-Britt Theorin
Member of European Parliament

Hiromichi Umebayashi
Peace Depot

Alyn Ware
Parliamentary Network
for Nuclear Disarmament

Peter Weiss
International Association of
Lawyers Against Nuclear Arms

MPI MEMBER ORGANIZATIONS

Global Security Institute

International Association of Lawyers
Against Nuclear Arms

International Network of Engineers and
Scientists for Global Responsibility

International Peace Bureau

International Physicians
for the Prevention of Nuclear War
Nuclear Age Peace Foundation

State of the World Forum

Women's International League
for Peace and Freedom

August 1, 2002

Dear Colleague:

In an age when humanity has perfected weapons of mass destruction — nuclear, chemical, biological — it is imperative to get the weapons under control and then eliminate them, before a catastrophe of monumental proportions occurs. The terrorist attacks of September 11 should serve as a wake-up call. The time has come to affirm what has been obvious since the atomic bomb was invented more than a half-century ago: peace is a pragmatic necessity, and it must be built upon global institutions and rules that deny to everybody — governments and non-state actors alike — the capacity to threaten or inflict mass destruction.

The strongest impediment to the elimination of nuclear weapons remains the foolish conviction that the threat of their use enhances security. On the contrary, nuclear weapons are inherently and uniquely dangerous as no other devices ever created by human ingenuity, and the process of their elimination will improve relations amongst nations, build security at each step, and bring legal and moral coherence into the affairs of nations. The failure to end the unacceptable risks under which we live today by bringing to action pledges solemnly made in international negotiations is utterly irrational when compared to the numerous benefits that will derive if we simply live up to our words.

The Middle Powers Initiative is an international civil society coalition formed to work with respected non-nuclear weapons countries in persuading the nuclear-armed states to reduce nuclear risks and initiate the elimination of nuclear arsenals. As part of our work, we have conducted informal and formal consultations with experts, governments, activists, and civil society groups, and distilled the many valuable insights and proposals in this briefing paper. We believe the analysis and action items the paper contains are useful not only for government ministries; public and parliamentary understanding of the critical challenges facing the world in the nuclear arena is imperative.

The paper is organized around commitments to the reduction and elimination of nuclear forces made under the Nuclear Non-Proliferation Treaty (NPT). The NPT bars most countries in the world from acquiring nuclear arms, and in its Article VI commits nuclear-armed states parties to good-faith negotiation of nuclear disarmament. At the 2000 NPT Review Conference, 13 practical steps for systematic

and progressive nuclear disarmament were adopted by all participating states, including the nuclear weapons states: China, France, Britain, Russia, and the United States. The paper analyzes compliance— or lack of compliance — with those steps in a new historical setting, post-Cold War but also post-September 11, in which the United States has abandoned longstanding components of arms control, including the ABM Treaty and the process of verified dismantlement of nuclear weapons.

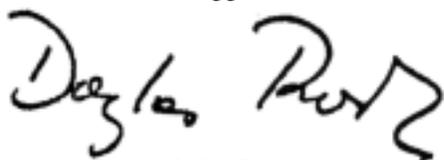
In his July 9, 2002 prepared statement to the U.S. Senate Foreign Relations Committee concerning the Moscow Treaty, Secretary of State Colin Powell said:

The Committee members know that the NPT is the centerpiece of the global nuclear nonproliferation regime. It plays a critical role in efforts to prevent the spread of nuclear weapons, including to terrorists and states that support them. The NPT's value depends on all parties honoring their obligations. The United States places great importance on fulfilling its NPT undertakings, including those in Article VI related to nuclear disarmament.

The elimination of nuclear weapons is a key goal of the NPT, but one that will not be reached quickly or without enormous effort. All states have a responsibility to work toward this goal. It can be achieved only through a step-by-step process. Article VI of the NPT reflects this reality and sets no timelines or specific milestones.

It is the position of the Middle Powers Initiative that fulfillment of the 13 Steps agreed in 2000, in a parallel and comprehensive rather than sequential manner, is the right and lawful way to accomplish the elimination of nuclear arsenals which Secretary Powell accepts as a U.S. obligation. Elsewhere in his testimony, Secretary Powell said, "I don't want to speculate about the distant future, but as far out as I can see, nuclear weapons will continue to play an important role in U.S. and allied security." But complacency is not acceptable. The abolition of nuclear weapons can and should be accomplished in the foreseeable future. In its 1996 advisory opinion, the International Court of Justice held unanimously that states have an "obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament". Good-faith fulfillment of that obligation requires its completion within a reasonable time.

One last quote from Secretary Powell, from June 10, 1993, not long after he had served as Chairman of the Joint Chiefs of Staff: "Today I can declare my hope, declare it from the bottom of my heart, that we will eventually see the time when the number of nuclear weapons is down to zero and the world is a much better place." The way to achieve that future is through rigorous compliance with existing NPT obligations and commitments. The NPT is central to the maintenance of global security, prevention of the spread of nuclear weapons, and achievement of nuclear disarmament. The rule of law cannot survive, and international anarchy will follow, if the NPT and other treaties are treated as mere suggestions to be followed at the whim of signatories.

A handwritten signature in black ink that reads "Douglas Roche". The signature is written in a cursive, somewhat stylized font.

Douglas Roche, O.C.
Canadian Senator
Chair, Middle Powers Initiative

CONTENTS

Letter from Senator Douglas Roche

Recommendations 2

Introduction 3

U.S.-Russian Strategic Arms
Reductions 4

Control of Missile Defenses and
Non-Proliferation of Missiles 6

U.S.-Russian Tactical Arms
Reductions 7

Non-Use of Nuclear Weapons 8

Ban on Nuclear Testing 9

Control of Fissile Materials 10

NPT 13 Steps 11

RECOMMENDATIONS

The Middle Powers Initiative urges countries to work together on the following priority steps in fulfillment of nuclear disarmament and non-proliferation objectives under the NPT:

1. **Strategic arms reductions:** Implement the May 2002 U.S.-Russian strategic nuclear arms treaty in accordance with NPT principles so that reduced warheads and their delivery systems are irreversibly dismantled in a transparent and verifiable manner; dealert remaining deployed U.S. and Russian nuclear forces in accordance with the NPT commitment to further reduce the operational status of nuclear weapons systems.
2. **Control of missile defenses and non-proliferation of missiles:** Negotiate regarding plans for missile defenses to avoid obstruction of the process of nuclear arms control and disarmament and to promote international stability and the principle of undiminished security for all; prevent missile proliferation, through *ad hoc* arrangements, as with North Korea, and through developing proposals for a missile flight test moratorium and missile control regimes combining disarmament and non-proliferation objectives.
3. **Tactical arms reductions:** Unilaterally remove U.S. bombs deployed under NATO auspices in Europe; create a wider process of control of U.S. and Russian tactical weapons, including through a) reporting on the 1991-1992 Presidential initiatives; b) formalizing those initiatives, including verification; c) in accordance with NATO proposals, reciprocally exchanging information regarding readiness, safety, and sub-strategic forces; and d) commencing U.S.-Russian negotiations on reduction of non-strategic nuclear weapons.
4. **Non-use of nuclear weapons:** Reverse trends toward expansion of options for use of nuclear weapons, including against non-nuclear weapon countries, exemplified by the U.S. Nuclear Posture Review; establish the absolute refusal of middle power countries in multilateral or bilateral security alliances with the United States to participate in or support first use of nuclear weapons or to prepare for such use.
5. **Ban on nuclear testing:** Observe the moratorium on nuclear testing; achieve entry into force of the CTBT; close the test sites in Nevada and Novaya Zemlya; renounce development of new or modified nuclear weapons as contrary to the 2000 commitment to a diminishing role of nuclear weapons in security policies and the Article VI obligation of cessation of the nuclear arms race.
6. **Control of fissile materials:** Building on heightened awareness of the threat of terrorist use of nuclear devices and materials, a) create a process of accounting for and control of fissile materials holdings on a worldwide basis in accordance with NPT principles of transparency, irreversibility and verification, with the objective of establishing a global inventory of all weapon-usable fissile materials and nuclear weapons; b) commence negotiations on a fissile materials ban; and c) mandate and increase funding of the IAEA eight-point plan to improve protection of nuclear materials and facilities against acts of terrorism.

INTRODUCTION

A new strategic context has emerged that is profoundly disturbing and demonstrates the imperative of renewed and intensified efforts to achieve nuclear disarmament and to reinforce non-proliferation. It is formed by several developments: 1) U.S. abandonment of the START process and the signing of the Strategic Offensive Reductions Treaty in May 2002; 2) U.S. withdrawal from the ABM Treaty, effective June 2002; 3) the 2002 U.S. Nuclear Posture Review; 4) heightened awareness of the threat of terrorist use of nuclear explosives and materials; 5) the India-Pakistan confrontation; and 6) erosion of the NPT through disregard of commitments made in 1995 and 2000. These commitments include: the unequivocal undertaking to eliminate nuclear arsenals, preservation of the ABM Treaty, making nuclear disarmament steps irreversible, negotiation of a fissile materials ban, and ratification of the CTBT.

The first four developments are discussed in the body of this briefing paper. Regarding the present crisis in South Asia, it underlines the urgency of near-term measures of nuclear restraint in that region, among them verified non-deployment of nuclear weapons; limits on missile development and deployment, including through a flight test ban; and commitments to refrain from testing nuclear weapons and producing fissile materials for weapons. It further demonstrates the dangers inherent in the spread of nuclear weapons, which undermine rather than enhance the security of any country. Reliance on nuclear “deterrence” by the declared nuclear weapon states, their failure over the more than three decades since the NPT entered into force to meet their disarmament obligation, and the consequent discriminatory nature of the non-proliferation regime have formed an environment in which India and Pakistan, and potentially other states, can reason, erroneously, that nuclear arsenals bolster their security. It must be forcefully emphasized to the declared nuclear weapon states that the crisis in South Asia again demonstrates that the non-proliferation regime must be revitalized through far-reaching disarmament measures. India and Pakistan should be pressed to commence the elimination of their nuclear arsenals, and as a means to this end, to participate in processes related to nuclear disarmament such as development of verification capabilities.

Erosion of the NPT was evident at the April 2002 meeting at the UN of the Preparatory Committee for the 2005 Review Conference, an exercise in frustration. Not only did the nuclear weapon states, and the United States in particular, step back from commitments made in 2000, the states parties to the treaty could not even agree on how implementation reports will be made. Nonetheless, the 1995 and 2000 commitments by and large remain valid as guidelines for the implementation of the Article VI disarmament obligation. Based upon those commitments, this paper sets out priorities for nuclear disarmament and non-proliferation in the new context.

1. U.S.-RUSSIAN STRATEGIC ARMS REDUCTIONS

In its Nuclear Posture Review released in early 2002, the United States announced that it will reduce “operational” strategic deployed nuclear weapons to 3800 by 2007, and to 1700-2200 by 2012. Russia in recent years had indicated a willingness to go to 1000-1500 strategic weapons. Although there is no authoritative recent Russian document similar to the U.S. NPR, it is clear that Russia intends long term continued reliance on a substantial nuclear arsenal.

Reflecting the U.S. plan, the short and starkly simple Strategic Offensive Reductions Treaty signed on May 24, 2002 in Moscow requires only that the United States and Russia limit “strategic nuclear warheads” to 1700-2200 by the year 2012. Unlike START II, signed but never entered into force, the treaty places no restrictions on multiple warhead land-based missiles or any category of delivery system whatever, providing instead that each party “shall determine for itself the composition and structure of its strategic offensive arms”.

The extent to which reductions will be transparent and verified remains to be determined. A non-binding Joint Declaration setting forth political commitments made in connection with the treaty states that START I provisions “will provide the foundation for providing confidence, transparency and predictability in further strategic offensive reductions, along with other supplementary measures, including transparency measures, to be agreed”. Verification is not addressed in the treaty or declaration. Transparency issues may be dealt with in a Consultative Group for Strategic Security established by the declaration, a Bilateral Implementation Commission established by the treaty, or START I consultative bodies.

The treaty will expire in 2012 unless renewed. It is subject to termination on three months notice based only on the exercise of “national sovereignty”. The typical security treaty provision for withdrawal in case of “extraordinary events” jeopardizing a state’s “supreme interests” has been dropped.

The treaty fails in several respects to meet criteria set forth by the 2000 NPT 13 Steps for practical implementation of the Article VI disarmament obligation, discussed below. Viewed pessimistically, it spells the end, or at least the suspension, of arms control, rather confirming in the barest outlines existing U.S. plans for rationalization of nuclear forces, and requiring only that at a single point in time, the year 2012, deployed strategic warheads not exceed a certain number, 2200. If good faith in implementation of NPT obligations is to be assumed, then the treaty can be regarded as a framework capable of being filled in with measures that do conform to the 13 Steps. The following analysis proceeds from that assumption.

Irreversibility: A key principle agreed as part of the 13 Steps (Step 5) is that of irreversible arms control and disarmament. As now configured, the treaty and the Nuclear Posture Review do not conform to this principle, indeed are expressly intended to preserve flexibility contrary to the principle.

The U.S. plan in general does not call for destruction of delivery systems or dismantlement of warheads. 50 MX missiles are to be deactivated, but their silos will be retained, as will missile stages and the warheads. Four of 18 U.S. Trident submarines will be withdrawn from the strategic nuclear force, but will then be converted to carry conventional cruise missiles. Beyond these measures, no additional strategic delivery platforms are scheduled to be

eliminated from nuclear forces. In contrast, START I required, and START II would have required, the destruction of delivery systems, and the 1997 Helsinki commitment to START III additionally envisaged accounting for and dismantling of warheads. In addition, the United States is planning for a new ICBM to be operational in 2020, a new SLBM and SSBN in 2030, and a new heavy bomber in 2040, as well as new warheads for all of them.

Beyond the operational deployed strategic forces, and based in part on the retention of reduced delivery systems and warheads, the United States plans to retain large numbers of warheads in a “responsive force” capable of redeployment within weeks or months. According to one report, current U.S. plans are to have 2,200 deployed strategic warheads in 2012 plus 2,400 in the responsive force. The responsive force is flatly contradictory to the commitment to irreversible disarmament.

The United States and Russia should, in implementing the new treaty or in additional agreements, return to the premise of the START process: delivery systems and warheads are to be irreversibly destroyed and dismantled in an accountable manner. Ideally, this could present an opportunity for multilateralization of disarmament; other countries, the IAEA or another international agency could participate in overseeing the process.

Transparency and verification: Russia and the United States have no common understanding of the meaning of the term “strategic nuclear warheads”, having failed to agree on a definition during negotiations. Thus work regarding transparency of reductions has very far to go. Moreover, it is unclear how transparency will be achieved absent destruction of delivery systems or dismantlement of warheads. Destruction of delivery systems is the primary method of verification under START I, referred to by the Joint Declaration as a basis for confidence, predictability and transparency.

The best path towards fulfillment of NPT commitments to transparency and verification (Step 9(b), Step 13; see also Step 7 referring to the START process) would be also to meet the commitment to irreversible disarmament. Absent irreversible measures, transparency and verification with respect to the planned reductions and maintenance of a “responsive force” amount to monitoring of dealerting. Certainly it is important that this be done as vigorously and effectively as possible. There is room here also for multilateral involvement.

Dealerting: Neither the United States nor Russia have indicated plans to reduce the readiness level of the operationally deployed strategic arms. Today both have about 2,000 warheads on high alert, ready for delivery within minutes of an order to do so. Projecting present practices forward, it has been estimated that at the 2012 level of 1700 – 2200 operationally deployed warheads, the United States would have about 900 on high alert. One could see this as a sort of slow-motion dealerting process, all the more so given that the “responsive force” planned by the United States essentially is in a dealerted status. But there is no reason the reductions in operationally deployed forces have to be spread out over so many years. Nor should they be maintained in a high alert status whatever their numbers.

The NPT commitments to “concrete agreed measures to further reduce the operational status of nuclear weapons systems” (Step 9(d)) and “a diminishing role for nuclear weapons in security policies” (Step 9(e)) should be applied to deployed as well as stored warheads.

2. CONTROL OF MISSILE DEFENSES AND NON-PROLIFERATION OF MISSILES

The U.S. withdrawal from the ABM Treaty is effective June 13, 2002, and the United States continues to stress the role of missile defenses in overall military strategy. According to the Nuclear Posture Review, missile defenses, advanced offensive nuclear and conventional strategic forces, and a “responsive defense infrastructure” capable of developing and producing nuclear weapons and resuming nuclear testing, form a “new triad,” replacing the triad of nuclear-armed land-based missiles, submarine-based missiles, and heavy bombers. The NPR anticipates limited deployment of strategic missile defenses by 2008. The May 2002 Joint Declaration seeks to assuage Russian concerns regarding missile defenses by providing for information exchange, study of possible areas for cooperation on defenses, *etc.* However, there is no evidence that the Bush administration is prepared to make concrete practical commitments to restrict missile defenses.

In the U.S.-Russian context, this may drastically impede dealerting measures and reductions below the levels outlined in the May 2002 treaty, or indeed reductions approaching those levels in the years prior to 2012 or after then, when it expires. Russia may decide to maintain existing multiple warhead land-based missiles, and may also decide to deploy new ones, because this is a cost-effective way of fielding large numbers of deliverable warheads capable of overwhelming missile defenses. Russia may also experience pressure from deployment of missile defenses, especially in combination with increased U.S. capabilities to mount conventional precision strikes against Russian nuclear forces, to continue to maintain portions of its forces on high alert. Both of these factors in turn can cause U.S. reluctance to proceed with reductions beyond those required by the May 2002 treaty or to pursue dealerting. U.S. development and deployment of missile defenses will also stimulate a further Chinese build-up of its arsenal and a consequent arms race in Asia.

All of the above makes grappling with missile defenses and missile proliferation in the NPT context of the highest urgency if the 13 Steps are to be carried out. Disarmament of missiles was always understood to be part of the nuclear disarmament process, as is reflected in the NPT preamble, which calls for “the elimination from national arsenals of nuclear weapons and *the means of their delivery*” (emphasis added). In 2000, Step 7 called for “preserving and strengthening the ABM Treaty” and described it as a “cornerstone of strategic stability and as a basis for further reductions of strategic offensive weapons.” That step is now out of date, given U.S. withdrawal from the ABM Treaty.

Attention must now be focused on principles to govern the new situation, and on measures for missile non-proliferation and control. In general, the development and deployment of missile defenses must not obstruct the process of nuclear arms control and disarmament and the total elimination of nuclear arsenals, and must be consistent with international stability and the principle of undiminished security for all (Step 9). Plans for missile defenses should be subjected to transparency and negotiation to achieve these ends. It is also urgent to prevent missile proliferation, especially of intermediate and long-range systems. Ad hoc arrangements, as with North Korea, can be pursued here. Proposals for missile control regimes combining disarmament and non-proliferation objectives should also be developed, as middle power countries like Canada and Germany have already indicated. A missile flight test moratorium would be a good first step.

3. U.S.-RUSSIAN TACTICAL ARMS REDUCTIONS

Step 9(c) calls for “further reduction of non-strategic nuclear weapons, based on unilateral initiatives and as an integral part of the nuclear arms reduction and disarmament process.” There has been no publicly reported progress in this regard 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. One estimate is that as of 2001 the United States had 1,670 operational tactical weapons, and Russia 3,590; however, a high degree of uncertainty attaches to estimates of Russian stocks. According to one estimate, approximately 150 U.S. bombs for delivery by aircraft are deployed under NATO auspices at 10 air bases in seven European NATO countries (Belgium, Germany, Greece, Italy, Netherlands, Turkey, and the United Kingdom). The U.S. Nuclear Posture Review refers to a NATO review of U.S. and allied dual capable aircraft in Europe with recommendations presented to defense ministers in summer of 2002. It states: “Dual capable aircraft and deployed weapons are important to the continued viability of NATO's nuclear deterrent strategy and any changes need to be discussed within the alliance.” The NPR also contains plans for further development of earth-penetrating, low yield nuclear warheads that could be deployed on tactical systems.

There is widespread interest in pursuing control of tactical warheads, including among U.S. arms control groups and in the U.S. Senate, as a next step after the new strategic arms treaty, in conjunction with the hoped for process of developing dismantlement and verification mechanisms regarding reduced strategic arms. The new NATO-Russian partnership arrangement may make measures regarding tactical weapons more feasible.

Reduction and elimination of tactical warheads should be promoted vigorously. The U.S. bombs deployed under NATO auspices in Europe – the only nuclear weapons deployed on non-nuclear weapon state territory – should be removed unilaterally. A wider process of control of U.S. and Russian tactical weapons should also be created. A German working paper for the NPT PrepCom provides a useful checklist, including:

- 1) *reporting on the 1991-1992 Presidential initiatives;*
- 2) *formalization of those initiatives, including verification;*
- 3) *in accordance with NATO proposals, reciprocal exchange of information regarding readiness, safety, and sub-strategic forces; and*
- 4) *commencement of U.S.-Russian negotiations on reduction of non-strategic nuclear weapons.*

4. NON-USE OF NUCLEAR WEAPONS

In the post-Cold War years the two largest nuclear powers, the United States and Russia, have integrated nuclear forces into their military strategies and expanded their role. In 1993, Russia abandoned its declared policy of no first use of nuclear weapons, and its January 2000 Security Concept stated that nuclear weapons could be used to “repulse armed aggression, if all other means of resolving the crisis have been exhausted.” The United States continues to plan for a massive retaliation 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. The Nuclear Posture Review also reveals some new trends. It states that nuclear weapons will be “integrated with new nonnuclear strategic capabilities” including advanced conventional precision-guided munitions, and contemplates enlarging the range of circumstances under which nuclear weapons could be used. It calls for contingency planning for use of nuclear weapons against Russia, China, North Korea, Iraq, Iran, Syria, and Libya; identifies possible “immediate contingencies” requiring U.S. nuclear use as “an Iraqi attack on Israel or its neighbors, a North Korean attack on South Korea, or a military confrontation over the status of Taiwan”; and states that nuclear weapons “could be employed against targets able to withstand nonnuclear attack,” or in retaliation for use of nuclear, biological, or chemical weapons, or “in the event of surprising military developments.” The new NPR options for use of nuclear weapons have not, so far as is known, been codified in a presidential directive (the last publicly known directive was that of President Clinton in 1997), and top U.S. officials have sought to downplay their significance. However, the NPR was signed by Secretary of Defense Rumsfeld, and certainly indicates at the very least a strong trend in U.S. nuclear planning.

Thus, far from diminishing the role of nuclear weapons in security policies, as called for by Step 9(e), the United States is expanding options for nuclear use, and Russia is maintaining first use options. In addition, the U.S. plans in particular undermine assurances of non-use of nuclear weapons against non-nuclear weapon states parties to the NPT. Those assurances are at minimum political commitments essential to the bargain underlying the NPT, and arguably have become legally binding, notably because they were reiterated in connection with the indefinite extension of the NPT in 1995. Regarding nuclear use in response to a chemical or biological attack, the use of nuclear weapons, or any weapon, including in reprisal, must always meet fundamental requirements of necessity, proportionality, and discrimination. Thus the International Court of Justice affirmed that states must “never use weapons that are incapable of distinguishing between civilian and military targets.” Given that the radioactive effects of nuclear explosions are, as the ICJ observed, uncontrollable in space and time, there are no realistic situations in which nuclear weapons could meet those requirements. Moreover, regardless of whatever hypothetical scenarios of retaliatory nuclear use with limited “collateral damage” can be conjured up, in general making nuclear weapons more usable as a matter of policy and operation undermines the non-proliferation regime and risks unleashing nuclear chaos in the world.

There should be insistence upon diminishing, not expanding, the role of nuclear weapons in security policies, in accordance with the NPT commitment, and upon respect for the NPT negative security assurances. Countries in multilateral or bilateral security alliances with the United States should absolutely refuse any participation in or support of first use of nuclear weapons or preparation for such use, as a matter of policy or operation.

5. BAN ON NUCLEAR TESTING

Of the five NPT nuclear weapon states, the United States and China have yet to ratify the Comprehensive Test Ban Treaty, as called for by Step 1; India and Pakistan have yet to sign it. All five NPT nuclear weapon states, including the United States, continue to affirm the moratorium on testing (Step 2). A troubling sign, though, is that the Nuclear Posture Review calls for reduction of the lead-time to prepare for and conduct an underground nuclear test, currently at 24-36 months of a decision to do so. To date Congress has not approved such a reduction. The Bush administration has cut back on financial support of development of the verification capabilities of the CTBT Organization. There are also reports that some U.S. officials favor “unsigned” the CTBT. Additionally, the NPR cites the need to improve earth-penetrating nuclear weapons; however, a budget request for development of one such weapon has met with resistance in the U.S. Congress. Development of such weapons, depending on the device in question, could increase pressure for a U.S. resumption of testing.

It should be made clear that abiding by the moratorium is imperative. There should be a continued push for funding of the CTBT Organization and ratification of the CTBT, and a call for the closure of the test sites in Nevada and Novaya Zemlya. There should also be strong opposition to development of new or modified nuclear weapons, which is contrary, inter alia, to the commitment to a diminishing role of nuclear weapons in security policies (Step 9(e)) and the Article VI obligation of cessation of the nuclear arms race.

6. CONTROL OF FISSILE MATERIALS

The 1995 and 2000 commitments (Step 3) to commence formal negotiation of a fissile materials treaty have not been met. U.S.-Russian plans to place some “surplus” military fissile material holdings under IAEA monitoring are proceeding slowly. The United States has released information regarding its plutonium holdings and is still working on a report regarding HEU. The size of Russian fissile material holdings is uncertain. Russia is working on an inventory of civil plutonium; an inventory of HEU is far in the future. France and Britain have released information regarding their holdings. Fissile materials holdings as well as warhead inventories of China and of the non-NPT nuclear weapon possessing states are opaque. The IAEA maintains information regarding non-nuclear weapon state holdings of civil, but weapons-usable, fissile materials; however, it is available only in summary form. The IAEA has an eight-point plan to improve protection against acts of terrorism involving nuclear and other radioactive material, including in the areas of physical protection, detection of trafficking, and assessment of vulnerabilities at nuclear facilities. The plan costs \$12 million annually, and is funded through voluntary measures.

The September 2001 attacks, and subsequent reports of Al Qaeda interest in acquiring weapons of mass destruction, have raised the specter of terrorist use of nuclear explosive devices and radiological bombs. Consequently, the imperative of accounting for and controlling fissile materials, including non-military stocks of weapon-usable plutonium, as well as warheads, is now widely understood. In a 2002 NPT working paper, Germany noted that existing stockpiles of weapon-usable fissile materials amount to more than 3,000 metric tons, enough for more than 200,000 nuclear weapons, and called for the establishment of a reliable inventory of all nuclear weapons and stocks of fissile material usable for military purposes. U.S. arms control groups and members of the U.S. Congress have increasingly emphasized the need for control of fissile materials, especially but not only in Russia, and legislation in this area is pending in Congress.

There should be insistence upon implementation of the principles of transparency and irreversibility with respect to fissile material holdings and their control and disposition by the nuclear weapon states (Steps 5, 8, 9(b) and 10), and on commencement of negotiations on a fissile material treaty (Step 3). Russia and the United States should be pressed to accelerate their efforts to inventory fissile materials, both military and civilian. IAEA information on holdings of weapon-usable fissile materials should be made available in detailed form (consistent with security concerns). A process should be initiated to create a global inventory of all weapon-usable fissile materials and nuclear weapons. The IAEA plan to improve protection against acts of terrorism should be better funded and not rely on voluntary contributions. In this connection, relevant measures set forth in the 2000 Final Document in addition to the 13 Steps must be fully implemented, including strengthening of IAEA safeguards (Pt.I, Art. III), further adherence to and possible revision of the Convention on the Physical Protection of Nuclear Material (Art. III, para. 56), improving national standards of security and physical protection of nuclear material (para. 42), establishing stronger regulatory control over radioactive sources (para. 43), and enhancing international cooperation against illicit trafficking in nuclear material (para. 43).

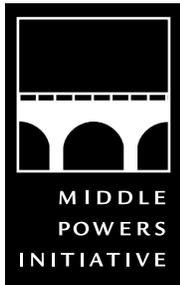
13 STEPS

EXCERPTED FROM THE NPT 2000 REVIEW FINAL DOCUMENT

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.

This Middle Powers Initiative briefing paper was prepared by **John Burroughs**, executive director of the Lawyers' Committee on Nuclear Policy, New York, U.S. affiliate of the International Association of Lawyers Against Nuclear Arms.



THE MIDDLE POWERS INITIATIVE

www.MiddlePowers.org

The Middle Powers Initiative is 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.

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

MPI, which started in 1998, is widely regarded in the international arena as a highly effective catalyst in promoting practical steps toward the elimination of nuclear weapons.

The work of MPI includes:

- a) Formal delegations to educate and influence high-level policy makers such as Foreign and Prime Ministers. Delegations focus on leaders who can have the greatest impact on policy and domestic and international initiatives, and are often planned to coincide with significant political events;
- b) Strategy consultations, which serve as "off the record" interventions designed to provide a working environment in which ambassadors, diplomats, experts, and policy makers can come together in an informal setting at pivotal opportunities, in order to complement the ongoing treaty negotiations at various forums such as the United Nations; and
- c) The Parliamentary Network for Nuclear Disarmament [www.pnnd.org], recently created to provide a non-partisan network and forum designed to help parliamentarians share ideas, legislation, and initiatives, and to take leadership on nuclear disarmament issues.



THE GLOBAL SECURITY INSTITUTE

www.GlobalSecurityInstitute.org

The Global Security Institute was founded by Senator Alan Cranston (1914-2000) who considered it unworthy of civilization to base security on terror, on the threat to annihilate millions of innocent people. Our survival and values require ending the unacceptable risks posed by nuclear weapons. GSI targets influential stakeholders, networks and decision-makers to promote incremental steps that enhance security and lead to the global elimination of nuclear weapons.