

DISARMAMENT:

*The Missing Link to an Effective
Non-Proliferation Regime*



Illustration by Paul Lechine

Nuclear Age Peace Foundation

The Foundation

The Nuclear Age Peace Foundation is a non-profit, non-partisan international organization on the Roster in consultative status to the United Nations Economic and Social Council. Founded in 1982, the Foundation is a catalyst in enhancing global security by initiating and supporting efforts to reduce nuclear dangers; strengthening international law and institutions; and working to inspire and empower a new generation of peace leaders.

Vision

Our vision is a world at peace, free of the threat of war and free of weapons of mass destruction.

Mission

To advance initiatives to eliminate the nuclear weapons threat to all life, to foster the global rule of law, and to build an enduring legacy of peace through education and advocacy.

Nuclear Age Peace Foundation
PMB 121, 1187 Coast Village Road, Suite 1
Santa Barbara, CA 93108-2794
Tel: +1 (805) 965-3443
Fax: +1 (805) 568-0466
Email: communications@napf.org
Web: <http://www.wagingpeace.org>

(ISSN 1092-2636)

DISARMAMENT:

The Missing Link to an Effective Non-Proliferation Regime

*Briefing for the 2004 Preparatory Committee Meeting to the
2005 Review Conference of the Non-Proliferation Treaty*

by David Krieger and Carah Ong

TABLE OF CONTENTS

Executive Summary	3
Glossary of Key Terms	6
Introduction	8
The Non-Proliferation Regime Today	10
Proliferation Concerns	11
Calls for Countering Proliferation	16
Moving Forward	18
Conclusion	22
Appendices	23

EXECUTIVE SUMMARY

The Nuclear Age Peace Foundation has prepared this briefing report to provide background on the Non-Proliferation Treaty (NPT) and to offer analyses of current nuclear proliferation issues. The briefing contains a series of substantive recommendations to make non-proliferation efforts in general, and the NPT in particular, more effective in ending threats of proliferation and use of nuclear weapons.

Although these issues often take a backseat to terrorism, the spread of nuclear weapons, coupled with possession and doctrines of use and threat of use on the part of the nuclear weapons states, pose the most significant and far reaching threat to the world today. The 2004 NPT Preparatory Committee (PrepCom) meeting to the 2005 Review Conference provides a critical opportunity to respond to the growing dangers of nuclear weapons proliferation and use. These dangers include proliferation to states and non-state groups that currently do not possess nuclear weapons, as well as the increased efforts by existing nuclear weapons states to upgrade and improve their nuclear arsenals, despite obligations to pursue nuclear disarmament. The PrepCom also provides an opportunity to consider proposals within the context of the NPT goals that promote both short-term and long-term security for the world. The mission of the delegates to the 2004 NPT PrepCom is critical in re-affirming and building upon existing NPT obligations and engaging all members of the international community in multilateral and universal non-proliferation and disarmament efforts, so as to make these obligations effective.

As we move toward the 2005 Non-Proliferation Treaty Review Conference, the NPT continues to be undermined by state and non-state actors seeking to obtain nuclear weapons or the nuclear materials necessary to make such weapons, as well as it is undermined by policies of existing nuclear weapons states that would make the use of nuclear weapons more likely. The world has already witnessed the surreptitious nuclear proliferation activities of Abdul Qadeer Khan, the Pakistani physicist responsible for creating his country's first nuclear weapons. Further, given Russia's current financial difficulties, the deterioration in the Russian military's nuclear command and control systems, the chaotic nature of other former Soviet states and the under-funding of non-proliferation efforts in that region, the possibility cannot be dismissed that nuclear materials from that region will find their way into the hands of criminal or terrorist groups.

At the 2000 NPT Review Conference the parties to the treaty adopted by consensus a Final Document that contained 13 Practical Steps for Nuclear Disarmament. These steps included the ratification of a Comprehensive Test Ban Treaty (CTBT); negotiations on a Fissile Material Cutoff Treaty; the preservation and strengthening of the Anti-Ballistic Missile (ABM) Treaty; and called for the nuclear weapons states to take unilateral as well as multilateral steps to achieve nuclear disarmament. The steps also called for greater transparency with regard to nuclear arsenals and for making irreversibility a principle of nuclear weapons reductions. On virtually every one of these steps, the nuclear weapons states have not fulfilled their commitments.

In order to address these grave proliferation challenges that threaten international security, a more comprehensive program – one that will be successful in the long term – must include measures both to halt proliferation and to pursue nuclear disarmament. Strengthening the non-proliferation regime is critical, and this can only be accomplished by pursuing both tracks concurrently. The

Nuclear Age Peace Foundation is recommending a series of steps that address existing double standards and would significantly increase the chances of stemming nuclear proliferation under a more strict, equitable and effective multilateral framework. In brief, these steps include:

- Immediately commence good faith negotiations with the aim of achieving a Nuclear Weapons Convention as the best way for nuclear weapons states to demonstrate their commitment to the obligation to unequivocally undertake the complete elimination of nuclear weapons.
- All nuclear weapons states must unconditionally declare policies of No First Use of nuclear weapons against other nuclear weapons states and policies of No Use against non-nuclear weapons states.
- In order to achieve universal application of the NPT, the nuclear parties to the treaty must take leadership by accepting a strict timetable for and demonstrating substantial progress on fulfilling their Article VI nuclear disarmament commitments.
- All nuclear weapons states, including non-NPT nuclear weapons states, must immediately cease all efforts to design, develop and deploy new nuclear weapons and their means of delivery and immediately halt upgrades to existing arsenals.
- The entry into force of the Comprehensive Test Ban Treaty (CTBT) is a critical step in establishing a more comprehensive non-proliferation regime, particularly in preventing vertical proliferation.
- Any comprehensive and successful non-proliferation regime must criminalize both vertical and horizontal proliferation and treat both types as criminal violations of international law.
- In order to control nuclear weapons and materials, it is necessary to have an accurate accounting of what exists. Therefore, a global inventory of all nuclear weapons and materials must be established.
- The nuclear weapons states must contribute, as a matter of priority, more substantive reports about fissile material stocks, operational status of delivery systems and nuclear doctrines. Such reports would be a confidence-building measure and part of a more comprehensive regime of monitoring, verification and enforcement of both disarmament and non-proliferation efforts.
- Fissile materials – plutonium and highly enriched uranium (HEU) – are fundamental ingredients for all nuclear weapons. In order to further strengthen the non-proliferation regime, a Fissile Materials Cut-Off Treaty (FMCT) – a global, verifiable ban on the production of weapons-grade fissile materials – must be negotiated and enforced.
- The IAEA Additional Protocol must become mandatory for all states, including nuclear weapons states, and the safeguard agreement under the Protocol must be applied equally to all states.
- There is due concern that any one of the 44 nuclear capable states could turn their “peaceful” nuclear program into a nuclear weapons program. This “loophole” under Article IV of the NPT must be addressed. The only way to eliminate such threats is to gradually phase out nuclear power in all states and shift to more sustainable and more environmentally benign methods of power generation.
- Together with phasing out nuclear power and the enactment of the FMCT, spent nuclear fuel must be regulated and stored under strict international controls.
- The trade of all nuclear materials and technology must be highly restricted and placed under strict international control.

- Funding currently directed to maintaining and improving nuclear arsenals should be redirected to the goal of preventing nuclear proliferation, including international efforts for inspecting and safeguarding nuclear materials and weapons; dismantling existing nuclear arsenals; developing renewable energy sources to replace nuclear power; and making reparations to indigenous and colonized peoples who have suffered most from the nuclear cycle.

GLOSSARY OF KEY TERMS

Comprehensive Test Ban Treaty (CTBT) - a multilateral treaty crucial to establishing international law and norms prohibiting underground nuclear tests. The treaty was opened for signature in 1996. It will not enter into force until all 44 states considered capable of creating a nuclear weapon have signed and ratified the treaty.

Fissile Materials Cut-Off Treaty (FMCT) - a treaty yet to be created that would verifiably ban the production of fissile materials for nuclear weapons, effectively putting a limit on the size of nuclear arsenals.

G8 Countries - A Group of Eight (G8) countries that includes Canada, France, Germany, Italy, Japan, Russia, UK and US that meet annually to deal with the major economic and political issues facing their domestic societies and the international community; international trade; and relationships with developing countries.

Horizontal Proliferation - the transfer of nuclear weapons, technology or materials to nuclear or non-nuclear entities.

International Atomic Energy Agency (IAEA) Additional Protocol - Established in 1997, the Additional Protocol is a safeguard agreement designed to strengthen and expand existing IAEA safeguards for verifying that non-nuclear-weapon states-parties to the nuclear Non-Proliferation Treaty (NPT) only use nuclear materials and facilities for peaceful purposes. NPT states-parties are not required to adopt the Additional Protocol, although the IAEA is urging all to do so.

Nuclear Weapons-Dependent States - states such as the non-nuclear NATO states, Japan, Republic of Korea and Australia that do not have nuclear arsenals of their own, but are “protected” under the nuclear umbrella of a nuclear weapons state.

Nuclear Weapons States (NWS) - China (1964), France (1960), Russia (1949), United Kingdom (1952), and United States (1945) declared their nuclear weapons programs prior to 1967 and are thereby recognized under the NPT as nuclear weapons states.

Non-NPT Nuclear Weapons States - India (1974), Israel (1967) and Pakistan (1987) possess nuclear weapons and are not parties to the NPT.

Proliferation Security Initiative (PSI) - US President George Bush announced during a speech in May 2003 the establishment of the Proliferation Security Initiative. The PSI is a program under which the US and certain of its allies bestow upon themselves the authority to interdict shipments carrying suspect cargo and seize illegal weapons or missile technologies at sea, in the air or on land. Thus far, the United States has recruited ten PSI partners: Australia, France, Germany, Italy, Japan, the Netherlands, Poland, Portugal, Spain, and the United Kingdom.

States That Have Renounced Nuclear Weapons - Argentina, Belarus, Brazil, Iraq, Kazakhstan, Libya, South Africa, South Korea, Taiwan, and Ukraine were believed to have had active nuclear weapons research programs or nuclear stockpiles at one point. However, these states, renounced – either voluntarily or by coercion – their nuclear weapons activities.

States of Concern - States, including Iran and North Korea, believed to be attempting to acquire nuclear weapons and their means of delivery.

Vertical Proliferation - the increase in the size of an existing nuclear weapons state's nuclear arsenals. It may also include the introduction of new weapons and new capabilities to nuclear arsenals and means of delivery, and changes in national security policies that make the use of nuclear weapons more likely.

INTRODUCTION

“By what authority do succeeding generations of leaders in the nuclear weapons states usurp the power to dictate the odds of continued life on our planet? Most urgently, why does such breathtaking audacity persist at a moment when we should stand trembling in the face of our folly and united in our commitment to abolish its most deadly manifestation?”

-General George Lee Butler
(USAF, Ret.)

When the Cold War ended a decade and a half ago, few observers would have predicted that nuclear proliferation would become an increasingly pressing problem for the world. This watershed moment presented an unprecedented opportunity to fulfill the promises of Article VI of the Non-Proliferation Treaty (NPT) to end the nuclear arms race and to engage in good faith negotiations to achieve nuclear disarmament. Now, nearly 15 years later, the bright possibilities at the end of the Cold War have faded and nuclear proliferation looms as an imminent threat. The NPT continues to be undermined by state and non-state actors seeking to obtain nuclear weapons or the nuclear materials necessary to make such weapons and by existing nuclear weapons states pursuing policies that would make the use of nuclear weapons more likely.

The world has already witnessed the surreptitious nuclear proliferation activities of Abdul Qadeer Khan, the Pakistani physicist credited with creating his country's first nuclear weapons. His extensive clandestine network supplied knowledge and equipment for nuclear programs to Iran, Libya and North Korea. Further, given Russia's current financial difficulties, the deterioration in the Russian military's nuclear command and control systems, the chaotic nature of other former Soviet states and the under-funding of non-proliferation efforts in that region, the possibility cannot be dismissed that nuclear materials from that region will find their way into the hands of criminal or terrorist groups.

The promises made by the nuclear weapons states at the 1995 NPT Review and Extension Conference have not been kept. Most notably, the security assurances made by the nuclear weapons states to the non-nuclear weapons states have been set aside. In the December 2001 US Nuclear Posture Review, seven countries were identified, four or possibly five of which are non-nuclear weapons states, against whom the US was developing contingency plans for the use of nuclear weapons. Such policies provide incentive for other countries to develop their own nuclear arsenals for purposes of deterrence against a possible nuclear attack.

Further commitments to fulfill the nuclear disarmament obligations of Article VI of the NPT were made at the year 2000 NPT Review Conference. These commitments have also been treated cavalierly by the nuclear weapons states. On virtually all of the 13 Practical Steps for Nuclear Disarmament agreed to in the year 2000, the nuclear weapons states have not complied. The US abandoned the Anti-Ballistic Missile (ABM) Treaty after promising to maintain and strengthen it. The US and China have also failed to ratify the Comprehensive Test Ban Treaty, and the US has made preparations to lessen the time necessary to resume nuclear testing. In addition, the US, with Russia, created the Strategic Offensive Reductions Treaty (SORT), which fails to abide by the commitment to make nuclear disarmament irreversible. In sum, the actions of the US and other nuclear weapons states have negated the solemn commitments made under the NPT and

demonstrated to the world a clear double standard and sense of exceptionalism related to their own nuclear behavior. The “unequivocal undertaking” for complete nuclear disarmament made at the 2000 NPT Review Conference has not been evident either in any of the nuclear weapons states’ nuclear policies or actions.

In the current series of crises throughout the world, conditions have become too volatile and hostile for a continuation of the nuclear status quo that is based on double standards and exceptionalism. Nuclear weapons cannot deter nuclear-armed extremists, and the more nuclear weapons that exist in the world, the more inevitable it becomes that extremist groups will obtain nuclear weapons. It is a fool’s game to continue to promote nuclear double standards. The only protection against nuclear weapons is the dramatic reduction of nuclear arsenals on the way to zero, and the placement of all nuclear weapons, weapon-grade materials and the equipment to make nuclear weapons under strict and effective international controls. This requires the fulfillment of the NPT bargain for nuclear disarmament that is set forth in Article VI of the treaty. So long as this bargain remains unfulfilled, the likelihood of nuclear proliferation to both additional states and extremist groups will continue to increase.

The 2004 NPT Preparatory Committee (PrepCom) meeting for the 2005 NPT Review Conference provides an opportunity to closely examine the current growing dangers of horizontal nuclear proliferation to both states and non-state extremist groups, as well as existing and proposed attempts to achieve vertical proliferation by the current nuclear weapons states. It also provides an opportunity to consider and adopt proposals that will put the world on a safer course. The issue is urgent and the stakes are beyond comprehension. This is the time and place where those concerned not only with nuclear proliferation, but also with the potential threat and use of nuclear weapons, must act with an appropriate sense of impending crisis.

The mission of the delegates to the 2004 NPT PrepCom is indeed solemn and profound. Rationality, coupled with a determination to avert the disasters that lurk ahead of us if we continue our current drift, must prevail. In the current highly charged political and military environment, business as usual is no longer acceptable. An extraordinary effort must be made at this NPT PrepCom to reestablish the critical importance of the Article VI nuclear disarmament obligations and to take the necessary steps to engage the nuclear weapons states in the fulfillment of their obligations, which alone can steer the world away from the dangers of nuclear annihilation that are foreseeable on our present course.

THE NON-PROLIFERATION REGIME TODAY

When the NPT entered into force in 1970, nuclear weapons states and non-nuclear weapons states agreed upon obligations for all parties to the NPT by committing both to non-proliferation and complete nuclear disarmament as essential components to achieving global security. At the heart of the NPT is a central bargain in which the non-nuclear weapons states agreed to refrain from acquiring nuclear weapons. In exchange, the nuclear weapons states (China, France, UK, US, USSR) pledged to end the nuclear arms race and to negotiate nuclear disarmament (Article VI). As an incentive, the non-nuclear weapons states were promised assistance with research, production and use of nuclear energy for "peaceful" purposes (Article IV). Each non-nuclear weapons state also agreed to accept "safeguards" under the auspices of the International Atomic Energy Agency. However, these safeguards are limited and do not apply to the nuclear weapons states themselves. There has been no built-in mechanism for the accountability of the nuclear weapons states on both sides of the bargain.

The sad fact is that since the NPT's inception, the nuclear weapons states have shown scant inclination to fulfill their part of the bargain. As recently as the year 2000, the nuclear weapons states agreed to 13 Practical Steps¹ to achieve nuclear disarmament. Their near-perfect record of failure in this pursuit is due primarily to the lack of political resolve in these countries to pursue complete nuclear disarmament. Without a serious effort by the nuclear weapons states to achieve nuclear disarmament, the discriminatory nature of the NPT will continue to allow nuclear weapons states to promote double standards that provide them special privileges while denying these same privileges to the non-nuclear weapons states. This is a recipe for increased ill-will and distrust.

Today, the non-proliferation regime is in serious danger of unraveling altogether. In order to meet the challenges of the 21st Century, the NPT – and the non-proliferation regime in general – is in urgent need of reconstruction.

¹ See Appendix I.

PROLIFERATION CONCERNS

Although these issues often take a backseat to terrorism, the spread of nuclear weapons, coupled with possession and doctrines of use and threat of use on the part of the nuclear weapons states, pose the most significant and far reaching threat to the world today. Though not often recognized, there are actually two distinct types of proliferation threats: the threats arising from previously non-nuclear entities seeking to acquire nuclear weapons and their means of delivery (horizontal proliferation); and the threats arising from nuclear weapons states seeking to add to the quantity and quality of their existing nuclear arsenals and their means of delivery (vertical proliferation).

There are eight known nuclear weapons states. China (1964), France (1960), Russia (1949), the United Kingdom (1952), and the United States (1945) have declared their nuclear weapons programs and are recognized under the NPT as nuclear weapons states. India (1974), Israel (1967) and Pakistan (1987) have joined the list of states in possession of nuclear weapons but they are not parties to the NPT. North Korea has withdrawn from the NPT and many analysts also believe that North Korea may possess one or two nuclear warheads; however, little is known about North Korea's nuclear weapons capabilities.

The nuclear weapons states recognized under the NPT have long tried to maintain exclusivity in their possession of nuclear weapons, which over time has only enhanced the perception that nuclear weapons are sources of power and prestige. As IAEA Director General ElBaradei has stated, “[Nuclear weapons] are seen as a source of global influence, and are valued for their perceived deterrent effect. And as long as some countries possess them (or are protected by them in alliances) and others do not, this asymmetry breeds chronic global insecurity.” The link between prestige and power and the possession of nuclear weapons is evidenced by the fact that the five recognized nuclear weapons states are also permanent members of the UN Security Council. Furthermore, the nuclear weapons states' defiance in fulfilling their nuclear disarmament obligations has demonstrated to the world that even the most economically and militarily powerful nations rely upon nuclear weapons for security. Additionally, the possession of nuclear weapons provides the nuclear weapons states with a psychological advantage by tacitly threatening to use nuclear weapons in a worst case conflict scenario.

Horizontal Proliferation

“Without progress toward nuclear disarmament, it will be very difficult to keep non-nuclear countries from seeing nuclear weapons as [a means of] deterrence or even to obtain political prestige.”

-Canadian Foreign Minister Bill Graham

16 March 2004

In the post Cold War environment, there is concern in many parts of the world that the nuclear weapons states could succumb to what has been referred to by Richard Falk, a leading scholar of international law, as the “Hiroshima Temptation,” to use nuclear weapons against a far weaker enemy without fear of meaningful response. In order to counter the perceived power of nuclear weapons states, the ability to acquire nuclear weapons has become the goal of some states and non-state groups. For states such as India, Pakistan and Israel, developing a nuclear weapons

program has been a means of attaining power and prestige in the international arena. For other states, like North Korea, Libya and others, threatening to develop a nuclear weapons program is seen as a bargaining chip in order to obtain economic aid and diplomatic assurances of non-aggression from the nuclear weapons states.

Under the auspices of Article IV of the NPT, there are currently some 44 countries considered capable of building a nuclear weapon. There are currently some 440 nuclear power plants in 31 countries. Any of these countries could turn their “peaceful” nuclear program into a weapons program. Argentina, South Africa, Brazil, and Libya are examples of states that have used their civilian nuclear power programs to start nuclear weapons programs. Although these specific countries have abandoned their nuclear weapons programs, other countries, including Iran and North Korea, are suspected of pursuing nuclear weapons programs under what has been called the Article IV “loophole.”

Horizontal proliferation concerns are further exacerbated by the rapid spread of and increased ability to access information, knowledge and technical capacity, which have made it easier than ever before for state and non-state actors to build a nuclear weapon. Furthermore, it has also become easier to obtain fissile material from poorly guarded nuclear materials located at hundreds of sites throughout the world. This was evidenced this year by the revelation of the existence of a nuclear black market network. In February 2004, the “father” of Pakistan’s nuclear weapons program, scientist Abdul Qadeer Khan, signed a confession admitting that he provided Iran, North Korea and Libya with the designs and technology to produce the fuel for nuclear weapons during the last 15 years. Khan’s confession included admission of trafficking components for building centrifuges needed to produce highly enriched uranium for nuclear bombs. The center of the Khan network is suspected to be a trading company run by a Sri Lankan middleman in Dubai, extending to middlemen in Britain, Germany, the Netherlands, Switzerland, Turkey and Malaysia.

Vertical Proliferation

“We see a trend toward increased emphasis on nuclear weapons as part of security strategies and signs that a new generation of nuclear weapons might be in the making. Such pursuits would undermine the credibility of the nuclear nonproliferation regime and could prompt a new arms race.”

-Swedish Foreign Minister Laila Freivalds

16 March 2004, Statement to the Conference on Disarmament

In order to effectively contain nuclear proliferation, nuclear weapons states must give assurances to non-nuclear weapons states that they will be secure from nuclear attack or nuclear blackmail. This is why the NPT not only obligates non-proliferation, but also requires the nuclear weapons states to pursue nuclear disarmament. Yet, today, contrary to the spirit, if not the letter of the NPT, many nuclear weapons states are increasing the size of nuclear arsenals; engaging in efforts to introduce new weapons and new capabilities to nuclear arsenals, including means of delivery; and changing the role of nuclear weapons in defense policy. These actions defy nuclear disarmament obligations that were enshrined in Article VI of the NPT, that were reinforced again at the 1995 NPT Review and Extension Conference and yet again in the 13 Practical Steps adopted by consensus at the 2000 Review Conference, which directly addressed the need to restrict and prevent vertical proliferation through disarmament.

Not only are the nuclear weapons states flouting their “unequivocal undertaking” to pursue nuclear disarmament, they are also engaging in programs that undermine the NPT and place all non-proliferation efforts at risk. The following are recent highlights of the NPT nuclear weapons states’ vertical proliferation pursuits.

China

Although China maintains a declaratory No First Use policy with regard to nuclear weapons and has sponsored many disarmament resolutions in UN fora, it is proceeding with modernizing its nuclear arsenal in addition to increasing its military capabilities. Specifically, China is modernizing its missile force that includes an emerging cruise missile capability. Additionally, China has not ratified the Comprehensive Test Ban Treaty, despite making commitments to do so. Many analysts attribute China’s nuclear modernization efforts to the US development and plans to deploy ballistic missile defense, which would undermine China’s minimum deterrence capacity.

France

On 2 February 2004, French Minister of Defense Michele Alliot-Marie announced that her country has renounced the option of miniaturized nuclear weapons. However, France is at the stage of preliminary research into these weapons, but has not pursued their “development” (perfecting and producing them). To renounce them definitively would imply renouncing the current research. On the contrary, the Minister reaffirmed the need to maintain the entirety of the Loi de Programmation Militaire 2003-2008 and to devote to it all the funds needed. On 14 November 2003 she visited and brought her determined support to CESTA research facility (the Centre d'Etudes Scientifiques et Techniques d'Aquitaine located near Bordeaux at Le Barp). The army is exploring there the possibility of using lasers (LIL and LMJ) for “lighting” thermonuclear fusion that could make it possible one day to build hydrogen bombs of limited power. When this research is complete, it will then be possible to reopen the “question of use” and to opt for “development.”

In her speech to the 56th session of the Institut des Hautes Etudes de la Defense Nationale, Alliot-Marie stated, “Nuclear deterrence is still up-to-date. In a dangerous and unpredictable world, the great powers possessing nuclear weapons are not at all thinking of abandoning it.”

Russian Federation

Although Russia agreed under START II to de-MIRV its nuclear missiles, it has now decided to retain its SS-18s and SS-19s ICBMs with multiple warheads until at least 2016. President Vladimir Putin has also announced that Russia is producing a missile equipped with Maneuverable Re-Entry Vehicles (MARV) technology in order to counter US ballistic missile defenses. These actions are viewed as a response to US abrogation of the Anti-Ballistic Missile Treaty and its deployment of ballistic missile defenses.

The 2002 Strategic Offensive Reductions Treaty, which Russia negotiated with the US, fails to follow the commitment to make nuclear disarmament irreversible and verifiable.

United Kingdom

The United Kingdom (UK) recently finished a nuclear modernization program. It has adapted its Trident missile force for tactical nuclear missions, which expands the range of situations in which the UK could use nuclear weapons. The UK is also actively upgrading and expanding its Aldermaston facility in order to make it possible to design, develop and build a replacement for Trident. The upgraded facility will include a laser facility to simulate nuclear test explosions.

United States

As demonstrated by its budget as well as policies set forth in the National Security Strategy, the National Strategy to Combat Weapons of Mass Destruction and the Nuclear Posture Review, the US is the most egregious offender of NPT disarmament and non-proliferation obligations. The US is not only pursuing development of new nuclear weapons, it is also seeking new capabilities for existing weapons.

The US continues to rely upon its nuclear arsenal to threaten retaliation against a nuclear attack. In fact, it has extended this threat of nuclear retaliation to chemical and biological weapons attacks or threats of attacks on the US, as well as its troops or allies, wherever they are located in the world. Despite previous promises not to use nuclear weapons against non-nuclear weapons states, the US has developed contingency plans to use nuclear weapons against four or possibly five non-nuclear weapon states: Iraq, Iran, North Korea, Syria and Libya. (It is possible, but still not certain, that North Korea has now developed a small nuclear arsenal.)

The US has withdrawn from the Anti-Ballistic Missile (ABM) Treaty, in order to develop missile defenses, making way for the development of space weapons, despite promising to preserve and strengthen this treaty at the 2000 NPT Review Conference. In addition, the US has not ratified the Comprehensive Test Ban Treaty, despite making commitments to do so. While it still adheres to the nuclear testing moratorium, except for sub-critical tests and computer simulations, it has allocated funds to improve facilities and reduce the time needed to ready the Nevada Test Site to resume testing.

The Strategic Offensive Reductions Treaty (SORT) negotiated with Russia, calls for the reduction of current strategic forces of each country's arsenal to between 1,700 and 2,200 nuclear warheads by 2012, the year in which the treaty expires. Thousands of warheads will remain in storage ready to be reactivated in days, weeks or months. The treaty does not require the destruction of a single missile launcher or warhead and each side can carry out the reductions at its own pace and even reverse them to temporarily build up its forces. In other words, the treaty allows either side to worry more about protecting their own nuclear options than constraining the options of the other country by achieving verifiable and irreversible reductions in nuclear arms.

The US has ended a decade-long Congressional ban on research and development of nuclear weapons under 5 kilotons (mini-nukes), and allocated funds to perform research on the development of such weapons, increasing the likelihood of use of nuclear weapons and blurring the distinction between conventional and nuclear weapons. In addition, the US has allocated funds for researching more powerful Robust Nuclear Earth Penetrator (RNEP) or "bunker-buster" weapons, another way of making nuclear weapons more usable and therefore more likely to be used. The US has also

allocated funds to create a facility to produce up to 450 plutonium pits annually that could only be used for new nuclear weapons. This suggests to other nations that the US is planning to further develop new nuclear weapons and to possess and rely upon nuclear weapons for the indefinite future.

In sum, the current US approach to nuclear weapons is to rely upon them for extended deterrence, to research more usable weapons, to indicate that its reliance on these weapons is long-term, to violate and abrogate treaty agreements, to unilaterally reverse previous commitments, and to fail to provide leadership toward significant and irreversible reductions in nuclear arms.

Vertical proliferation can no longer be ignored by the international community or the nuclear weapons states themselves. It is creating new dangers of nuclear weapons use as well as spurring clandestine horizontal proliferation efforts.

CALLS FOR COUNTERING PROLIFERATION

Recently, there have been proposals addressing the need to stem the proliferation of nuclear weapons and materials in order to achieve a more secure world. In a speech at the National Defense University on 11 February 2004, US President George W. Bush outlined “Seven Initiatives to Combat Nuclear Proliferation.”² Commendably, President Bush called upon all countries “to strengthen the laws and international controls that govern proliferation,” including criminalizing proliferation.

Unfortunately, President Bush’s proposed steps to stop nuclear proliferation are long overdue and fall seriously short of recommendations capable of creating real progress. His proposed initiatives are aimed only at horizontal proliferation. They are based on double standards that would allow some states to continue to “legally” possess nuclear weapons and nuclear weapons materials outside of international inspections and safeguards, while imposing more rigorous standards on other states.

With regard to the NPT specifically, President Bush pointed out that a loophole in the treaty has allowed states such as North Korea and Iran to produce nuclear materials. He recommended that this loophole be closed. While he is correct in this recommendation, any effort to address this issue must be based on equal and fair application of the treaty to all parties, not on double standards. President Bush’s initiatives call for restricting the ability of non-nuclear weapons states to develop technology for their nuclear power programs, despite the bargain contained in the NPT under Article IV. The implementation of such a proposal would only further enshrine the discriminatory nature of the treaty.

In a statement on the day following President Bush’s speech, Mohammed ElBaradei, Director General of the International Atomic Energy Agency (IAEA), proposed that the world could be headed towards destruction if the spread of nuclear technology is not stopped³. He made several recommendations to curb nuclear proliferation. Pointing out the existing double standards inherent in the NPT, ElBaradei stated, “We must abandon the unworkable notion that it is morally reprehensible for some countries to pursue weapons of mass destruction, yet morally acceptable for others to rely on them for security and indeed to continue to refine their capacities and postulate plans for their use.”

ElBaradei’s proposal emphasized the necessity to achieve the nuclear disarmament requirement under Article VI of the treaty in order for any non-proliferation program to be successful. He also noted that all parties to a non-proliferation regime must be held accountable within an equitable multilateral framework. ElBaradei also proposed bringing key parts of the nuclear fuel cycle under multinational control; universalizing export controls; curtailing the withdrawal clause of the NPT and treating those who withdrawal from the NPT as a threat to international peace and security; achieving universal acceptance of on-site inspections; and internationalizing monitoring of fissile materials by an international agency such as the IAEA.

² See Appendix II.

³ See Appendix III.

On 24 March 2004, the Permanent Five members of the UN Security Council proposed a draft resolution on non-proliferation,⁴ originally drafted by the US, to the elected members of the Security Council. The resolution now under consideration would require all UN members to “adopt and enforce appropriate effective laws” to prevent “any non-state actor” from being able to “manufacture, acquire, possess, develop, transport or use nuclear, chemical or biological weapons and their means of delivery.” The resolution not only targets terrorist threats but also requires states, including alleged proliferators such as Pakistan, Iran and North Korea, to adopt laws or regulations to enforce the ban on the transfer of prohibited weapons.

The resolution is flawed because it fails to acknowledge the disarmament obligation under the NPT and to identify measures to reduce and eliminate nuclear arsenals. It also reflects the one-sided emphasis on containing the horizontal while ignoring vertical proliferation of nuclear, as well as biological and chemical weapons. Furthermore, the initial negotiations on the resolution were restricted to the Permanent Security Council Members (China, France, Russia, UK and US), perpetuating concerns regarding the longstanding monopoly of power in the Security Council and on nuclear weapons by those five nations.

In addition, it is planned that the resolution will be adopted under Chapter 7 of the UN charter, a provision that permits the Security Council to use sanctions or military force to compel states to abide by its demands. In seeking to have the Security Council act as a global legislature imposing law on all states, the nuclear-armed permanent five Security Council members are going beyond the bounds of the UN Charter, raising concerns about the resolution’s legitimacy. In order to be effective, the Security Council must act in a way that inspires the cooperation rather than indifference or even defiance of other states.

The proposals from US President Bush, IAEA Director General ElBaradei and the Security Council are constructive and necessary, to the extent that they don’t enshrine double standards. However, the proposals, by themselves or combined, fall seriously short of being able to meet the current global proliferation challenge.

⁴ See Appendix IV.

MOVING FORWARD – TOWARD A NUCLEAR-FREE WORLD

There is a clear and urgent need to respond to the many proliferation challenges the world faces today. The future of international security depends upon it. In order to address these challenges, a more comprehensive program that will be successful in the long term must include measures both to halt proliferation and to pursue nuclear disarmament. This means that nuclear weapons states must engage with determination in fulfilling their long-overdue obligations to achieve nuclear disarmament. The Nuclear Age Peace Foundation calls for the following steps that address existing double standards and would significantly increase the chances of stemming nuclear proliferation under a more strict, equitable and effective multilateral framework.

Commence Negotiations on a Nuclear Weapons Convention

In 1996, the International Court of Justice unanimously concluded that, based on Article VI of the NPT, “There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.” The Court signaled that obligations under international law require that the era of nuclear arms control must give way to an era of complete nuclear disarmament.

An important step towards achieving nuclear disarmament in all its aspects would be achieved through a Nuclear Weapons Convention. This would be a comprehensive regime prohibiting the possession, development, testing, production, stockpiling, deployment, transferring acquisition, use and threat of use of nuclear weapons. It would require all nuclear weapons states to eliminate existing arsenals in a time-bound framework with effective verification, safeguard and compliance measures. In November 1997, Costa Rica submitted to the United Nations a Model Nuclear Weapons Convention drafted by an international consortium of lawyers, scientists and disarmament experts. In response, the United Nations General Assembly adopted a resolution calling for negotiations of a Nuclear Weapons Convention.

Immediately commencing good faith negotiations with the aim of achieving a Nuclear Weapons Convention would be the best way for nuclear weapons states to demonstrate their commitment to the obligation to unequivocally undertake the complete elimination of nuclear weapons. By commencing negotiations on a Nuclear Weapons Convention, the nuclear weapons states would also be providing assurances to non-nuclear states that they are taking important steps to fulfilling their part of the NPT bargain.

Declare Policies of No First Use

All nuclear weapons states must unconditionally declare policies of No First Use of nuclear weapons against other nuclear weapons states and policies of No Use against non-nuclear weapons states. Committing to a treaty of No First Use would not only provide security assurances to both nuclear and non-nuclear states, but would also open the way to gradual, mutual reductions of nuclear arsenals and would be a critical step in achieving a Nuclear Weapons Convention.

Universal Application of the NPT to All States Under a Strict Timetable

A treaty cannot be effective unless it is equitably applicable to all states in the world. In its existing framework, the NPT allows some states to possess nuclear weapons, but prevents others from obtaining or developing them. Furthermore, India, Israel, Pakistan and North Korea are not parties to the treaty, yet they possess nuclear weapons. These states need to be brought into the treaty, if necessary by action from the UN Security Council, and made accountable for controlling their nuclear weapons, materials and technologies under international safeguards. Along with every other nuclear weapons state, India, Israel, Pakistan and North Korea must also become subject to verifiable nuclear disarmament.

In order to achieve universal application of the NPT, the nuclear weapons states that are party to the treaty must take leadership by accepting a strict timetable for and demonstrating substantial progress on fulfilling their Article VI nuclear disarmament commitments. Although the NPT has been in force for more than three decades, there has been insignificant progress on nuclear disarmament. Only a strict timetable for achieving significant markers on the road to complete nuclear disarmament will assure that the nuclear weapons states fulfill their obligations in a timely way.

Stop All Efforts to Improve Existing Nuclear Arsenals

All nuclear weapons states, including non-NPT nuclear weapons states, must immediately cease all efforts to design, develop and deploy new nuclear weapons and their means of delivery and immediately halt upgrades to existing arsenals. All nuclear weapons states and nuclear weapon-dependent states must reduce and eventually eliminate the role of nuclear weapons in their security policies.

Entry Into Force of the Comprehensive Test Ban Treaty

The entry into force of the Comprehensive Test Ban Treaty (CTBT) is a critical step in establishing a more comprehensive non-proliferation regime, particularly in preventing vertical proliferation. The CTBT is crucial in establishing international law and norms against nuclear testing. Without the CTBT, nuclear weapons states would not be prohibited from conducting further underground nuclear tests. Although the CTBT does not prohibit research on nuclear weapons or subcritical nuclear tests, it would be very difficult to develop new nuclear weapons without full testing.

With the exception of the nuclear tests conducted by India and Pakistan in May 1998, all nuclear weapons states have continued to observe the moratorium on nuclear-weapons-test explosions. As expressed in its Preamble, preventing further nuclear weapons development and advancing the cause of nuclear disarmament are the clear aims of the CTBT. However, nuclear weapons states, including the US and Russia, continue nuclear weapons research and development using stockpile stewardship technologies, including subcritical explosive underground tests involving plutonium.

There are currently some 44 countries considered capable of building a nuclear weapon and whose signature and ratification of the CTBT is required in order for it to enter into force. The following states have signed but not ratified the CTBT: China*, Columbia, Democratic Republic of the Congo, Egypt, Indonesia, Iran*, Israel*, US* and Vietnam. The following states have neither signed nor ratified the CTBT: India*, North Korea* and Pakistan^{5*}.

Criminalize Horizontal and Vertical Proliferation

To date, only horizontal proliferation has been treated as illegal under the NPT. Any comprehensive and successful non-proliferation regime must criminalize both vertical and horizontal proliferation and treat both types as criminal violations of international law.

Create a Global Inventory and Strengthen Mechanisms for Reporting

In order to control nuclear weapons and materials, it is necessary to have an accurate accounting of what exists. Therefore, a global inventory of all nuclear weapons and materials must be established. Without exception, all states should be subject to reporting requirements and international inspections in creating such an inventory. Without such a global inventory, it is impossible to determine whether nuclear weapons or materials have been sold or stolen, or whether nuclear arsenals have increased. An inventory provides a necessary component of transparency to the treaty regime that will engender further trust and willingness to achieve the goal of complete disarmament.

At the 2000 Review Conference, state parties to the NPT agreed in the final consensus document to submit regular reports on their progress toward nuclear disarmament. While there have been more reports submitted at each of the three PrepComs since 2000, both nuclear and non-nuclear state parties to the NPT must agree to and comply with higher standards of reporting and strengthen the importance of this mechanism as a tool of transparency. In particular, the nuclear weapons states must contribute more substantive reports about fissile material stocks, operational status of delivery systems and nuclear doctrines. Such reports would be essential in creating a global inventory and would be part of a more comprehensive regime of monitoring, verification and enforcement of both disarmament and non-proliferation efforts.

Control Weapons-Grade Fissile Materials

Fissile materials – plutonium and highly enriched uranium (HEU) – are fundamental ingredients for all nuclear weapons. In order to further strengthen the non-proliferation regime, a global, verifiable ban on the production of fissile materials must be negotiated and enforced. A Fissile Materials Cut-Off Treaty (FMCT) would ban the production of fissile material for nuclear weapons or other nuclear explosive devices, effectively putting a limit on the size of nuclear arsenals. The FMCT would also require the opening up of nuclear facilities in all states, including the nuclear

**Denotes states that either have a declared nuclear weapons program or are believed to be actively pursuing a nuclear weapons program.*

weapons states, to international inspection. Fissile materials from dismantled nuclear weapons must also be disposed of under international safeguards. The negotiation of the FMCT would make reductions in nuclear arsenals more transparent, accountable, verifiable and irreversible.

Universal and Equal Application of the Additional Protocol

The IAEA Additional Protocol is currently a voluntary agreement designed to strengthen and expand existing IAEA safeguards for verifying that non-nuclear-weapon states that are parties to the NPT use nuclear materials and facilities for peaceful purposes only. The IAEA Additional Protocol is not required to be signed by nuclear weapon state parties to the NPT, though they are urged to adopt its measures as a sign of good faith. The IAEA Additional Protocol must become mandatory for all states, including nuclear weapons states, and the safeguard agreement under the Protocol must be equally applied to all states.

Phased Elimination of Nuclear Power

There are currently some 440 nuclear reactors in 31 countries. Every nuclear reactor has the potential to manufacture nuclear weapons material. Reprocessed plutonium (a product of the nuclear power process) and highly enriched uranium (fuel for nuclear reactors) make up the essential ingredients of nuclear weapons. The NPT Article IV “loophole” making nuclear energy an “inalienable right” must be addressed. The only way to eliminate such threats is to gradually phase out nuclear power in all states and shift to more sustainable and environmentally benign methods of power generation. A moratorium on the building of new nuclear reactors must be instituted and old nuclear power reactors must be phased out. Funds currently allocated to subsidizing new nuclear power plants must be redirected to developing alternative forms of energy from sustainable sources, such as solar, tidal, geothermal and wind.

In addition, parts of the nuclear fuel cycle, including uranium enrichment and plutonium separation, must immediately be brought under international control for all states. Tough, on-site inspections of nuclear power facilities must be universally applied to all states and all fissile materials should be monitored by an international agency such as the IAEA.

The IAEA must be given both financial and political support to verify and safeguard all aspects of both civilian and military nuclear materials, technologies and weapons.

Place Spent Nuclear Fuel Under International Control

In the year 2000, the amount of spent nuclear fuel worldwide was estimated to be some 220,000 tons. According to recent estimates, that number is growing by approximately 10,000 tons each year, posing a long-term proliferation threat. Together with phasing out nuclear power and the enactment of the FMCT, spent nuclear fuel must be regulated and stored under strict international controls.

Control Transport of All Nuclear Materials

Huge quantities of fissile material routinely pass through civilian nuclear facilities. Plutonium, for example, is regularly transported between Japan and Europe in vast quantities. Given that only 5-8 kilograms of plutonium is needed to manufacture a nuclear weapon, continued transportation heightens the chance of weapons-grade material falling into the wrong hands. The trade of all nuclear materials and technology must be highly restricted and placed under strict international control.

Redirect Funding

According to the most recent calculation of nuclear weapons expenditures, more than \$8.8 trillion has been spent globally to develop and maintain nuclear weapons. Nuclear weapons are a drain not only of financial resources, but of human resources as well. Funding currently directed to maintaining and improving nuclear arsenals should be redirected to the goal of preventing nuclear proliferation, including international efforts to inspect and safeguard nuclear materials and weapons; dismantling existing nuclear arsenals; developing renewable energy sources to replace nuclear power; and making reparations to indigenous and colonized peoples as well as to citizens of nuclear weapons states (“downwinders”), who have died or become ill as a consequence of the nuclear cycle. Funding should also be redirected to meeting more pressing social needs in education, health care and social services.

CONCLUSION

The NPT stands at a critical juncture. A continuation of the status quo that turns a blind eye to existing double standards is destined to result in both further nuclear proliferation and the use of these terrible weapons. Only by embracing significant changes that end existing double standards and elevate nuclear disarmament obligations to their appropriate place in preventing nuclear proliferation can the non-proliferation regime succeed. While the proposals put forward in this briefing report will require increased political will and greater efforts by all states, we are convinced that they are essential components of a non-proliferation and disarmament regime.

APPENDICES

I. Thirteen Practical Steps

Paragraph 15 of the Final Document of the 2000 Review Conference to the Non-Proliferation Treaty adopted by consensus the following program of action toward nuclear disarmament.

15. 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 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 their 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 minimise 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.

II. President Bush's Seven Initiatives to Combat Nuclear Proliferation

In a speech at the National Defense University on 11 February 2004, US President George W. Bush outlined "Seven Initiatives to Combat Nuclear Proliferation." Below, the Nuclear Age Peace Foundation compares President Bush's Initiatives to what is being done and what should be done.

1. **President Bush:** "First, I propose that the work of the Proliferation Security Initiative [PSI] be expanded to address more than shipments and transfers" to interdict lethal materials in transit.

NAPF Response: Just prior to the G8 Summit, US President George Bush announced during a speech in May 2003 the establishment of the Proliferation Security Initiative. The PSI is a program under which the US and some of its allies bestow upon themselves the authority to interdict shipments carrying suspect cargo and to seize illegal weapons or missile technologies at sea, in the air or on land. Thus far, the United States has recruited ten PSI partners: Australia, France, Germany, Italy, Japan, the Netherlands, Poland, Portugal, Spain, and the United Kingdom. Although the core group of PSI participants is seeking to enlist as many willing countries to the cause as possible, there are no current plans to take the initiative before the UN Security Council to win its backing.

To its credit, the PSI does reflect an evolving and welcome understanding of the proliferation threat as it regards nuclear, as well as chemical and biological, weapons-related shipments as illegal. However, according to Chinese Foreign Ministry spokesman Kong Quan, "Quite some countries have doubts over the legality and effectiveness of the PSI."

While the NPT explicitly prohibits the transfer of nuclear weapons and weapons technology to non-nuclear states, the right to intercept shipments on the high seas, in straits, or in international space has not yet been established under international law. Such interceptions would not be sanctioned by the Law of the Sea Convention or other international laws. In fact, it may indeed be contrary to such laws, as well as the UN Charter's prohibition on use of force and its guarantee of state sovereignty. PSI partners must accept the fact that in some cases, including international territory and in non-PSI member states' territories, the Security Council's approval will be required to conduct such interdictions.

The PSI currently goes beyond existing, legitimate, treaty-based mechanisms. Furthermore, the PSI enshrines existing nuclear double-standards by allowing NPT-acknowledged nuclear weapon states to deploy nuclear-armed submarines in the world's oceans, or deploy nuclear weapons on other states' territories, while at the same time claiming the right to interdict other states' nuclear, as well as biological and chemical, weapon-related shipments.

Finally, under President Bush's proposed expansion of the PSI norms, it remains unclear whether they will be democratically developed by the international community and applied uniformly to all nations.

2. **President Bush:** "Second, I call on all nations to strengthen the laws and international controls that govern proliferation. At the U.N. last fall, I proposed a new Security Council resolution requiring all states to criminalize proliferation, enact strict export controls, and secure all sensitive materials within their borders. The Security Council should pass this proposal quickly. And when they do, America stands ready to help other governments to draft and enforce the new laws that will help us deal with proliferation."

NAPF Response: On March 24, 2004, the Security Council formally proposed the US draft resolution on non-proliferation. The resolution fails to recognize the disarmament obligation under the NPT and neglects to propose measures in reducing and eliminating nuclear arsenals. As long as resolutions are passed that ignore disarmament obligations, the proliferation of nuclear weapons and their potential acquisition by terrorists will never be effectively addressed.

3. **President Bush:** "Third, I propose to expand our efforts to keep weapons from the Cold War and other dangerous materials out of the wrong hands. In 1991, Congress passed the Nunn-Lugar legislation. Senator Lugar had a clear vision, along with Senator Nunn, about what to do with the old Soviet Union. Under this program, we're helping former Soviet states find productive employment for former weapons scientists. We're dismantling, destroying and securing weapons and materials left over from the Soviet WMD arsenal. We have more work to do there."

NAPF Response: Unfortunately, the President's claims do not match reality. In fact, the US administration's 2005 budget proposal projects a 9.3 percent cut for the Nunn-Lugar Cooperative Threat Reduction Program, falling from \$450.8 million in 2004 to \$409 million in 2005. The US's overall spending on WMD reduction and security programs is currently \$1 billion annually, totaling less than one quarter of one percent of all US defense spending.

In 2002, the Group of Eight (G8) countries' established a Global Partnership Against the Spread of Weapons and Materials of Mass Destruction, which would provide \$20 billion over the next ten years to this effort. However, the Washington, D.C.-based Center for Strategic and International Studies reported in November 2003 that pledges of G8 countries to secure nuclear, chemical and biological materials are falling "far short" of what is needed to "prevent terrorists from obtaining weapons of mass destruction." More than a year after G8 leaders committed to the agreement, a consortium of research institutes led by the Center for Strategic and International Studies, concluded that only a "tiny fraction" of funds have been released and no more than a small number of projects have been started as a result.

In addition, the Strategic Offensive Reductions Treaty (SORT), negotiated with Russia in 2002, will lead only to the reduction of the number of actively deployed strategic (long-range) nuclear weapons to between 1,700 and 2,200 by year 2012, with no timetable other than the endpoint and no procedures for verification. The US has announced that it will not be destroying most of the weapons taken off active deployment. It plans merely to place them on a shelf for retrieval in case they are deemed to be needed again in the future. The treaty also has no effect on tactical (shorter-range) nuclear weapons.

4. **President Bush:** ". . . but the treaty [the Nuclear Nonproliferation Treaty] has a loophole [that] has been exploited by nations such as North Korea and Iran. These regimes are allowed to produce nuclear material that can be used to build bombs under the cover of civilian nuclear programs.

"So today, as a fourth step, I propose a way to close the loophole. The world must create a safe, orderly system to field civilian nuclear plants without adding to the danger of weapons proliferation. The world's leading nuclear exporters should ensure that states have reliable access at reasonable cost to fuel for civilian reactors, so long as those states renounce enrichment and reprocessing. Enrichment and reprocessing are not necessary for nations seeking to harness nuclear energy for peaceful purposes."

NAPF Response: While there is a clear need to close the NPT Article IV "loophole," President Bush's proposal fails to call on all states currently capable of producing fissile materials, highly enriched uranium and plutonium to cease such activities. Based on such double standards, it would be difficult for the US to persuade the global community to abide by new restrictions on nuclear fuel technology.

A more effective approach would be to negotiate a global ban on spent fuel reprocessing with all states currently capable of producing highly enriched uranium and plutonium. Moreover, all countries with nuclear reactors should reduce reliance on nuclear power in favor of energy from renewable sources. The US should lead efforts for a global ban on spent fuel reprocessing and phase out the need for energy produced by nuclear reactors. This would ensure that non-nuclear weapons states would not develop the expertise, facilities and materials to build nuclear weapons.

5. **President Bush:** "As a fifth step, I propose that by next year, only states that have signed the Additional Protocol be allowed to import equipment for their civilian nuclear programs. Nations that are serious about fighting proliferation will approve and implement the Additional Protocol. I've submitted the Additional Protocol to the Senate. I urge the Senate to consent immediately to its ratification."

NAPF Response: Still awaiting ratification in the US Senate, the Additional Protocol was voluntarily signed by the US in 1998. Markedly different from those applied to non-nuclear weapon states, the US protocol contains a "national security exemption" clause which restricts IAEA inspection sites and prohibits IAEA inspection of all US nuclear weapons activities. The protocol also reserves the right of the US to make "full and repeated use" of the "national security exemption" clause "without explanation" to bar IAEA access to any of its nuclear sites. The IAEA will also have "no right to challenge or question" US nuclear activities.

By these broad exclusions, the US diminishes the incentives for non-nuclear weapons states to sign a protocol that demands that they alone open all of their sites. If all states applied such exclusions, the Additional Protocol would be meaningless.

6. **President Bush:** "We must also ensure that IAEA is organized to take action when action is required. So, a sixth step, I propose the creation of a special committee of the IAEA board [that] will focus intensively on safeguards and verification. This committee, made up of governments in good standing with the IAEA, will strengthen the capability of the IAEA to ensure that nations comply with their international obligations."

NAPF Response: The Nuclear Age Peace Foundation agrees that the IAEA should be able to take action when action is required. However, the US and other nuclear weapons states must also be required to prove that they are abiding by IAEA safeguards.

7. **President Bush:** "And, finally, countries under investigation for violating nuclear non-proliferation obligations are currently allowed to serve on the IAEA Board of Governors. For instance, Iran -- a country suspected of maintaining an extensive nuclear weapons program -- recently completed a two-year term on the board. Allowing potential violators to serve on the board creates an unacceptable barrier to effective action. No state under investigation for proliferation violations should be allowed to serve on the IAEA Board of Governors -- or on the new special committee. And any state currently on the board that comes under investigation should be suspended from the board. The integrity and mission of the IAEA depends on this simple principle: Those actively breaking the rules should not be entrusted with enforcing the rules."

NAPF Response: The Nuclear Age Peace Foundation also agrees with this initiative. Following this logic, it would also be appropriate for the US and other nuclear weapons states to be placed under investigation for violating its NPT Article VI obligations. The same rules must apply to both nuclear and non-nuclear weapons states.

III. Saving Ourselves From Self-Destruction

by Mohamed Elbaradei*, 12 February 2004

Nuclear proliferation is on the rise. Equipment, material and training were once largely inaccessible. Today, however, there is a sophisticated worldwide network that can deliver systems for producing material usable in weapons. The demand clearly exists: countries remain interested in the illicit acquisition of weapons of mass destruction.

If we sit idly by, this trend will continue. Countries that perceive themselves to be vulnerable can be expected to try to redress that vulnerability — and in some cases they will pursue clandestine weapons programs. The supply network will grow, making it easier to acquire nuclear weapon expertise and materials. Eventually, inevitably, terrorists will gain access to such materials and technology, if not actual weapons.

If the world does not change course, we risk self-destruction.

Common sense and recent experience make clear that the Nuclear Nonproliferation Treaty, which has served us well since 1970, must be tailored to fit 21st-century realities. Without threatening national sovereignty, we can toughen the nonproliferation regime.

The first step is to tighten controls over the export of nuclear material, a priority President Bush identified yesterday in his speech on nuclear nonproliferation. The current system relies on a gentlemen's agreement that is not only nonbinding, but also limited in its membership: it does not include many countries with growing industrial capacity. And even some members fail to control the exports of companies unaffiliated with government enterprise.

We must universalize the export control system, remove these loopholes, and enact binding, treaty-based controls — while preserving the rights of all states to peaceful nuclear technology. We should also criminalize the acts of people who seek to assist others in proliferation.

In parallel, inspectors must be empowered. Much effort was recently expended — and rightly so — in persuading Iran and Libya to give the International Atomic Energy Agency much broader rights of inspection. But the agency should have the right to conduct such inspections in all countries. Verification of nonproliferation treaty obligations requires more stringent measures, but to date, fewer than 20 percent of the 191 United Nations members have approved a protocol allowing broader inspection rights. Again, as President Bush suggested yesterday, it should be in force for all countries.

In addition, no country should be allowed to withdraw from the treaty. The treaty now allows any member to do so with three months' notice. Any nation invoking this escape clause is almost certainly a threat to international peace and security.

This provision of the treaty should be curtailed. At a minimum, withdrawal should prompt an automatic review by the United Nations Security Council.

The international community must do a better job of controlling the risks of nuclear proliferation. Sensitive parts of the nuclear fuel cycle — the production of new fuel, the processing of weapon-

usable material, the disposal of spent fuel and radioactive waste — would be less vulnerable to proliferation if brought under multinational control. Appropriate checks and balances could be used to preserve commercial competitiveness and assure a supply of nuclear material to legitimate would-be users.

Toward this end, negotiations on the Fissile Material Cutoff Treaty must be revived. The treaty, which would put an end to the production of fissionable material for weapons, has been stalled in the Conference on Disarmament in Geneva for nearly eight years. For the material that already exists, including in some countries of the former Soviet Union, security measures must be strengthened.

Of course, a fundamental part of the nonproliferation bargain is the commitment of the five nuclear states recognized under the nonproliferation treaty — Britain, China, France, Russia and the United States — to move toward disarmament. Recent agreements between Russia and the United States are commendable, but they should be verifiable and irreversible. A clear road map for nuclear disarmament should be established — starting with a major reduction in the 30,000 nuclear warheads still in existence, and bringing into force the long-awaited Comprehensive Nuclear Test Ban Treaty.

If the global community is serious about bringing nuclear proliferation to a halt, these measures and others should be considered at the nonproliferation treaty review conference next year.

We must also begin to address the root causes of insecurity. In areas of longstanding conflict like the Middle East, South Asia and the Korean Peninsula, the pursuit of weapons of mass destruction — while never justified — can be expected as long as we fail to introduce alternatives that redress the security deficit. We must abandon the unworkable notion that it is morally reprehensible for some countries to pursue weapons of mass destruction yet morally acceptable for others to rely on them for security — and indeed to continue to refine their capacities and postulate plans for their use.

Similarly, we must abandon the traditional approach of defining security in terms of boundaries — city walls, border patrols, racial and religious groupings. The global community has become irreversibly interdependent, with the constant movement of people, ideas, goods and resources. In such a world, we must combat terrorism with an infectious security culture that crosses borders — an inclusive approach to security based on solidarity and the value of human life. In such a world, weapons of mass destruction have no place.

**Mohamed ElBaradei is director general of the International Atomic Energy Agency. This article was originally published in the New York Times on 12 February 2004.*

IV. Draft Security Council Resolution on Non-Proliferation

On 24 March 2004, the following resolution on non-proliferation, originally drafted by the United States, was presented to all members of the United Nations Security Council by the Permanent Five members. It is currently under discussion.

Draft Resolution on Non-Proliferation

March 24, 2004

The Security Council,

Affirming that proliferation of nuclear, chemical and biological weapons, as well as their means of delivery*, constitutes a threat to international peace and security,

Reaffirming, in this context, the Statement of its President adopted at the Council's meeting at the level of Heads of State and Government on 31 January 1992 (S/23500), including that all disputes between States should be peacefully resolved in accordance with the provisions of the Charter,

Affirming its support for the multilateral treaties whose aim is to prevent the proliferation or illicit acquisition of nuclear, chemical or biological weapons and the importance for all states to adopt and fully implement them in order to promote international stability,

Welcoming efforts in this context by multilateral arrangements which contribute to non-proliferation,

Affirming that prevention of proliferation of nuclear, chemical and biological weapons should not hamper international cooperation in materials, equipment and technology for peaceful purposes while goals of peaceful utilization should not be used as a cover for proliferation,

Gravely concerned by the threat of the nexus between international terrorism and efforts to acquire, traffic in or use nuclear, chemical or biological weapons and by the involvement in such actions of non-state actors* such as those identified in the UN list established and maintained by the Committee established under Security Council Resolution 1267 and those to whom Resolution 1373 applies,

Gravely concerned by the threat of illicit trafficking in nuclear, chemical, or biological weapons and their means of delivery, and related materials*, which adds a new dimension to the issue of proliferation of such weapons and also poses a threat to international peace and security,

Recognizing the need to enhance coordination of efforts on national, sub-regional, regional and international levels in order to strengthen a global response to this serious challenge and threat to international security,

Recognizing that most states have undertaken binding legal obligations aimed at preventing the proliferation of nuclear, chemical or biological weapons, and have taken effective measures to account for, secure and physically protect sensitive materials, such as those required by the

Convention on the Physical Protection of Nuclear Materials and those recommended by the IAEA Code of Conduct on the Safety and Security of Radioactive Sources,

Recognizing further the urgent need for all States to take additional effective measures to prevent the proliferation of nuclear, chemical or biological weapons and their means of delivery,

Reaffirming the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts,

Determined to facilitate an effective response to global threats in the area of non-proliferation,

Acting under Chapter VII of the Charter of the United Nations,

1. Calls upon all States to refrain from providing any form of support to non- state actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery;
2. Decides that all States shall adopt and enforce appropriate effective laws which prohibit any non-state actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them;
3. Decides also that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall:
 - (a) develop and maintain appropriate effective measures to account for and secure such items or in production, use, storage and transport;
 - (b) develop and maintain appropriate effective physical protection measures;
 - (c) develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;
 - (d) establish, develop, review and maintain appropriate effective national export and transshipment controls over such items, including appropriate laws and regulations to control export, transit, transshipment and re-export and controls on providing funds and services related to such export and transshipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations;
4. Recognizes the utility in implementing this resolution of effective national control lists and calls upon all Member States, when necessary, to pursue at the earliest opportunity the development of such lists;

5. Recognizes that some States may require assistance in implementing the provisions of this resolution within their territories and invites States in a position to do so to offer assistance as appropriate in response to specific requests to the States lacking the legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the above provisions;

6. Calls upon all States:

(a) to promote the universal adoption, full implementation and, where necessary, strengthening of multilateral treaties whose aim is to prevent the proliferation of nuclear, biological or chemical weapons;

(b) to adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral non proliferation treaties;

(c) to renew and fulfill their commitment to multilateral cooperation, in particular within the framework of the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Biological and Toxin Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation;

(d) to develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws;

7. Calls upon all states to promote dialogue and cooperation on non proliferation so as to counter the threat posed by proliferation of nuclear, chemical, or biological weapons, their means of delivery;

8. Further to counter that threat, calls upon all states, in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials;

9. Decides to establish, in accordance with rule 28 of its provisional rules of procedure, for a period of no more than six months, a committee of the Security Council and calling on other expertise, as appropriate, to report on implementation of this resolution, and calls upon States to report to the committee, no later than 90 days from the date of adoption of this resolution, on their implementation of this resolution;

10. Expresses its intention to monitor closely the implementation of this resolution and, at the appropriate level, to take further decisions which may be required to this end;

11. Decides that none of the obligations set forth in this resolution shall be interpreted so as to conflict with or alter the rights and obligations of State Parties to the Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention or alter the responsibilities of the International Atomic Energy Agency or the Organization for the Prohibition of Chemical Weapons;

12. Decides to remain seized of the matter.

*Definitions for the purpose of this resolution only:

Means of delivery: missiles, rockets and other unmanned systems capable of delivering nuclear, chemical, or biological weapons, that are specially designed for such use.

Non-state actor: individual or entity, not acting under the lawful authority of any State in conducting activities which come within the scope of this resolution.

Related materials: materials, equipment and technology covered by relevant multilateral treaties and arrangements, or included on national control lists, which could be used for the design, development, production or use of nuclear, chemical and biological weapons and their means of delivery.



Nuclear Age
PEACE
Foundation
WAGINGPEACE.ORG

PMB 121, 1187 Coast Village Road, Suite 1
Santa Barbara, CA 93108-2794
Tel: +1 (805) 965-3443
Fax: +1 (805) 568-0466
Email: communications@napf.org
Web: <http://www.wagingpeace.org>

© 2004 *Nuclear Age Peace Foundation*