



POLICY BRIEF

Coherence Matters: Nuclear Policy Highlights

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Introduction

In matters relating to international peace and security clarity is needed to build consensus. Consensus on the need to stop the spread of nuclear weapons has been growing since the end of the Cold War. In fact, in order to obtain the indefinite extension of the Nuclear Nonproliferation Treaty (NPT), now with 188 states parties, commitments to nuclear elimination were made by the five declared nuclear weapon states – China, the United States, France, Russia, and Britain. However, the nuclear weapon states with over 96% of the weapons, the United States and Russia, have not fully addressed their fundamental dilemma: they want to keep their nuclear weapons indefinitely and at the same time condemn others who would attempt to acquire them. It is as if parents were telling their children not to smoke while puffing on cigars themselves. It is simply not effective.

The consequence of this incoherence in policies is instability in cooperation. Nothing could be more hazardous in today's world. In order to ensure that nuclear weapons do not proliferate to more states, confidence in the restraint of the exercise of power by the most powerful is needed. Otherwise, nations will feel threatened and look for more weapons to respond to the threat. In order to make sure that nuclear weapons do not fall into the hands of terrorists or common criminals, collective action is necessary. The trust and cooperation needed for a global assault against such threats will not be effective if some states flaunt their disarmament obligations yet display a passion for nonproliferation.

In this paper we briefly highlight some of the incoherences that are creating instability in the nonproliferation regime. The path to stability and security, we believe, is a return to promoting the pursuit of collective security through the rule of law. In the field of nuclear weapons, this translates into fulfilling the existing legally mandated disarmament duties that remain unaddressed by the nuclear weapon states. Condemning the quest to obtain weapons of mass destruction as impractical, immoral, illegal, and unacceptable is a multidimensional task. Policies must support the rhetoric and at every juncture the taboo against use must be reinforced. When any dimension of the task is

ignored the entire edifice is diminished. It is simply impractical and hypocritical for some to say that nuclear weapons are morally acceptable for them to possess and even threaten to use, and evil for others to attempt to acquire. We hope that the following demonstration of the gap between actual U.S. policies and its NPT commitments will stimulate greater engagement in the disarmament agenda. It is imperative that the United States chooses a route to security based on the norm-setting capacity of the nonproliferation regime to move the world towards the universal elimination of nuclear weapons.

**U.S. NUCLEAR WEAPONS POLICIES MEASURED AGAINST
NUCLEAR NON-PROLIFERATION TREATY COMMITMENTS
AND THE VIEWS OF U.S. ALLIES AND FRIENDS**

SUMMARY

U.S. Nuclear Policy

**U.S. NPT Commitments Supported
by U.S. Allies and Friends**

6,000-plus nuclear arsenal in 2012;
maintenance of large nuclear forces
for foreseeable future

Unequivocal undertaking to eliminate arsenal

2,000-plus warheads ready for use
in minutes

Concrete agreed measures to further reduce the
operational status of nuclear weapons systems

Options of use in a broad and expanding
range of circumstances, including
first use against non-nuclear states

Diminishing role for nuclear weapons in
security policies

Non-verification of U.S.-Russian
reductions; maintenance of large
reserve capable of redeployment

Principles of verification, transparency and
irreversibility to be applied to reductions

Withdrawal of support for
Comprehensive Test Ban Treaty (CTBT)

Early entry into force of CTBT

Non-verification of proposed treaty
banning production of highly enriched
uranium and plutonium for weapons
(FMCT)

Negotiation of effectively verifiable FMCT

ANALYSIS

U.S. nuclear arsenal

United States: Today the United States has over 10,000 warheads, with over 6,000 deployed strategic (long-range) and 800 deployed non-strategic warheads. On June 3, 2004, the Bush administration announced the submission to Congress of a classified plan for the future size of the U.S. nuclear arsenal. *By 2012, after implementation of the 2002 Strategic Offensive Reductions Treaty, the United States will still have over 6,000 warheads*, according to a Natural Resources Defense Council analysis of the plan. That includes 2,200 deployed strategic warheads with well more than 2,000 in reserve, many capable of redeployment within weeks or months, and hundreds of deployed and reserve non-strategic warheads. In 2002 testimony before the Senate, General John Gordon, head of National Nuclear Security Administration, Energy Department, said that the December 2001 Defense Department Nuclear Posture Review *"reaffirms that nuclear weapons, for the foreseeable future, will remain a key element of U.S. national security strategy."*

NPT Commitments: Under Article VI of the Nuclear Non-Proliferation Treaty (NPT), the United States is legally obligated "to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament." The 2000 NPT Review Conference, with U.S. support and no dissent from any state, adopted an agenda of 13 practical steps for implementation of the Article VI obligation (appended). The thrust is that nuclear arsenals are to be reduced and eliminated globally in a verified, transparent, and irreversible process. No timelines were set. Among the steps approved was 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."

U.S. allies and other friendly states: NATO states and other close U.S. allies (Japan, Australia), as well as the independent, influential and friendly states of the New Agenda Coalition (Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa, Sweden), strongly support the 2000 agenda including the "unequivocal undertaking." Developing countries assembled in the Non-Aligned Movement for years have been calling for the negotiation of a timebound framework for elimination of nuclear arsenals. U.S. allies and friends have declined to join in the demand for a timebound framework, believing it to be premature.

Alert status

United States: Maintains more than 2,000 strategic warheads in readiness to launch within minutes of an order to do so.

NPT Commitment: "Concrete agreed measures to further reduce the operational status of nuclear weapons systems" - one of the 13 steps.

U.S. allies and other friendly states: Support the NPT commitment. New Agenda states have emphasized de-alerting, for example stating at the UN on October 4, 2004, "As a first step, all weapons should be taken off alert immediately."

Threat/Use Policies

United States: Continues to plan, as it has for decades, for a massive retaliatory or preemptive “counterforce” attack in response to an actual or imminent nuclear attack, and for first use of nuclear weapons against an overwhelming conventional attack. *The U.S. strategy of counterproliferation and the planning reflected in the Nuclear Posture Review reveal some new trends towards making nuclear arms more usable, identifying an enlarged range of circumstances in which nuclear weapons could be used, notably against non-nuclear attacks or threats.* For instance, it states that nuclear weapons “could be employed against targets able to withstand non-nuclear attack, (for example, deep underground bunkers or bio-weapon facilities),” and refers to nuclear use in response to “surprising military developments.” In December 2002, the presidentially approved National Security Strategy to Combat Weapons of Mass Destruction announced that the United States will respond with “overwhelming force” – a phrase invoking the nuclear option – to chemical and biological attacks. It also referred to preemptive attacks against nuclear, chemical, and biological threats, and did not rule out nuclear use in such attacks. The United States opposes negotiation of a treaty codifying commitments not to use nuclear weapons against non-nuclear weapon states. The commitments have been made in declarations by the United States and other nuclear weapon states in connection with the NPT.

NPT Commitments: "A diminishing role for nuclear weapons in security policies to minimize the risk that these weapons will ever be used and to facilitate the process of their total elimination" - one of the 13 steps. Also, in connection with the 1995 decision to make the NPT permanent, the Review and Extension Conference stated: "[F]urther steps should be considered to assure non-nuclear-weapon States party to the Treaty against the use or threat or use of nuclear weapons. These steps could take the form of an internationally legally binding instrument." Many non-nuclear weapon states regard non-use commitments as flowing logically from their renunciation of the weapons and want to see them legally codified.

U.S. allies and other friendly states: Support the NPT commitments. The New Agenda countries have strongly criticized recent U.S. policy statements regarding use of nuclear weapons. In the late 1990s, Germany and Canada sought revision of NATO doctrine to rule out use of nuclear weapons against non-nuclear weapon states and to adopt a general no-first-use stance. The initiative was bluntly rejected by the Clinton administration, and NATO doctrine continues to highlight the role of nuclear weapons. Meeting in Washington, DC, in April 1999, the North Atlantic Council stated that the "supreme guarantee of the security of the allies is provided by the strategic nuclear forces of the Alliance." Yet NATO also claims to be committed to implementing the conclusions of the 2000 NPT conference, as stated in the June 2002 communiqué of the NATO defense and nuclear planning ministerial meeting. Like and following the United States, NATO is accordingly mired in policy incoherence, despite the efforts of Canada, Germany, and other members. Further, hundreds of U.S. nuclear bombs remain deployed under NATO auspices in five NATO countries that have the status of non-nuclear weapon states under the NPT. This impedes efforts to negotiate with Russia regarding non-strategic weapons, and perpetuates a terrible precedent for other nuclear powers to deploy nuclear weapons outside their territory and to share them with non-nuclear weapon states.

Verification and negotiation of reductions

United States: The 2002 U.S.-Russian Strategic Offensive Reductions Treaty (SORT) requires each state to deploy no more than 2200 long-range strategic nuclear warheads by the year 2012. But unlike previous existing and planned bilateral agreements, it contains no provisions whatever for verification, transparency, and irreversible dismantlement and destruction in relation to the warheads and delivery systems removed from deployment. So far the Bush administration has resisted Russian requests to discuss verification and transparency through established consultation mechanisms. There are no publicly known plans for negotiations regarding further strategic reductions or reductions of non-strategic weapons.

NPT Commitments: The 13 steps implicitly endorse verification by calling for implementation of the START process, which was subsequently abandoned by the Bush administration. Existing and planned START agreements contain far-reaching verification provisions. The 13 steps also call for irreversible arms control and disarmament, transparency, and development of verification capabilities. Regarding non-strategic weapons, the 13 steps call for their "further reduction".

U.S. allies and other friendly states: Strongly support the application of the NPT principles of verification, transparency, and irreversibility to reductions. New Agenda countries have objected to the lack of verification of SORT reductions and to the maintenance of large numbers of warheads in storage ready for redeployment. They have also sponsored resolutions in the General Assembly calling for measures to control and reduce non-strategic nuclear weapons.

Comprehensive Test Ban Treaty (CTBT)

United States: The Bush administration does not support U.S. ratification, which is required for entry into force. The treaty remains in the Senate, which could reconsider its 1999 failure to approve ratification.

NPT Commitments: Completion of a CTBT was one of the principal commitments made in connection with the decision to make the NPT permanent at the 1995 Review and Extension Conference. One of the 13 steps calls for its early entry into force.

U.S. allies and other friendly states: Strongly support the CTBT, viewing it as a *sine qua non* for a viable non-proliferation regime. At the time of Senate consideration of the treaty, Prime Minister Blair, President Chirac, and Chancellor Schroeder published an op-ed in the New York Times to that effect.

Fissile Materials Cutoff Treaty (FMCT)

United States: In the summer of 2004, the Bush administration announced its readiness for negotiations on a treaty banning production of highly enriched uranium and plutonium for nuclear weapons, but stated that it cannot be effectively verified. At the United Nations in October, the United States called for negotiation of an FMCT "without verification provisions." The way was

opened for FMCT talks in 2003 when China dropped its insistence that negotiations begin simultaneously on an FMCT, prevention of arms race in outer space, and complete nuclear disarmament.

NPT Commitments: Negotiation of an FMCT was a second principal commitment made in connection with the decision to make the NPT permanent at the 1995 Conference. The commitment references a mandate for negotiations on an "effectively verifiable" treaty. One of the 13 steps calls for commencement of negotiations of an "effectively verifiable" FMCT.

U.S. allies and other friendly states: Support negotiation of an "effectively verifiable" FMCT.

Appendix

The 13 Practical Steps Adopted Unanimously at the 2000 Review of the NPT

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 Treaty on the Limitation of Anti-Ballistic Missile Systems 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 will 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 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 strengthened review process for the Non-Proliferation Treaty, 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.



THE GLOBAL SECURITY INSTITUTE

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The Global Security Institute was founded by Senator Alan Cranston (1914-2000) who considered it unworthy of civilization to base security on terror or 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 total elimination of nuclear weapons.



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