

Issues related to nuclear disarmament and non-proliferation – Part II

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THE CTBT AND A FISSILE MATERIALS TREATY

The CTBT and a fissile materials treaty will be essential barriers to breakout from a nuclear weapons-free world. Prior to the achievement of that world, they will help constrain nuclear arms racing. That is especially true as to those states with nuclear arsenals that have conducted relatively few tests and produced smaller amounts of fissile materials. There are other advantages as well. In the case of the fissile materials treaty, if properly designed it will safeguard materials not designated for weapons including materials from withdrawn weapons, thus facilitating disarmament. In the case of the CTBT, during the Cold War testing served as a political signal of preparedness to use nuclear weapons and ratcheted up tensions. A ban will permanently end that ugly and dangerous practice. Finally, the two treaties and their verification regimes will reinforce the non-proliferation obligation.

The CTBT should not, however, be pursued at the cost of expanding weapons production capabilities and modernizing nuclear forces. And, conclusion of a fissile materials treaty must not be allowed to become a precondition to negotiations on global elimination of nuclear weapons. Indeed, it could be one track within more comprehensive negotiations.

SECURITY ASSURANCES AND ALLIANCES

The basic imperative regarding the role of nuclear weapons in security policies is to reduce that role to the point of non-existence. Here we focus on the relationship between nuclear and non-nuclear weapon states. Key steps in this direction are well understood.

First, strengthen the existing assurances of non-use of nuclear weapons against non-nuclear weapon states.¹ The International Commission on Nuclear Non-proliferation and Disarmament recommends that this Review Conference agree on the need for assurances without any qualification to all states in

¹ A positive aspect of the US Nuclear Posture Review (NPR) is that it prominently features the assurance. It also retracts a Clinton administration qualification, reinforced by the George W. Bush administration, reserving the option to respond with nuclear weapons to a non-nuclear weapon state's chemical or biological weapon attack or capability. NPR at pp. 15-16 (hedging, however, regarding the "catastrophic potential of biological weapons"). And it rules out, with respect to NPT non-weapon members, the 2001 NPR's specification of a wide range of scenarios - among them, "surprising military developments" - for use of nuclear weapons. One aspect of the recent NPR's statement of the assurance is problematic. That is the requirement that states receiving the assurance be "in compliance with their nuclear non-proliferation obligations." The NPR offers no detail on who is to decide this, but the implication is that in the end it is up to the United States. Nor does the NPR explain what the degree of non-compliance must be. In commenting on the NPR, however, US officials have said that they do not consider Iran to be covered by the assurance. Yet Iran does not have nuclear weapons and has not been found by any international body to be in breach of the fundamental NPT obligation set forth in Article II not to "manufacture or otherwise acquire" nuclear weapons. Other states have, like Iran, violated safeguards reporting rules; states parties are obligated to enter into safeguards agreements with the IAEA by Article III of the NPT. Further development of the assurances should clarify that determinations of non-compliance are to be made by authoritative international bodies and that only a breach of the Article II obligation of non-acquisition of nuclear weapons renders a state ineligible for the assurances.

compliance with the NPT as determined by the Security Council and the incorporation of the assurances in a binding Security Council resolution. The legally binding character of the assurances could also be confirmed by a treaty.² A related important step is for nuclear weapon states to complete the process of signing and ratifying non-use protocols to NWFZs and to remove qualifications to their adherence.

Second, alliances should phase out extended nuclear deterrence. Signals from Germany and Japan have been promising. Germany has stated that it will advocate for adoption of a NATO no-first-use policy, and Japanese officials have also indicated support for such a policy. Germany has also announced that it will advocate within NATO for the withdrawal of US nuclear bombs deployed under NATO auspices in Europe, and other NATO member states have called attention to the issue. The withdrawal should not, however, be made contingent on negotiations with Russia concerning its short-range nuclear forces.³ The US deployment in Europe is anomalous; the US nuclear bombs there are the only ones stationed on foreign territories. Deployment of nuclear weapons in “sharing” arrangements with “non-nuclear weapon states” is counter to at least the spirit of NPT Articles I and II, and serves as a terrible precedent. Russia’s continued deployment of large numbers of non-strategic nuclear weapons is also troubling and destabilizing, and should be ended.⁴

As US alliances lessen and end reliance on nuclear weapons, current non-nuclear weapon states must not be given incentives to themselves acquire nuclear arms. One approach is embraced by the US Nuclear Posture Review but rejected by most of the NGOs represented here: strengthening the already very robust non-nuclear military components of alliance guarantees. Another approach supported by NGOs is to strengthen regional cooperative security mechanisms, including by establishing Nuclear-Weapon-Free Zones (NWFZs). Here we briefly discuss measures to promote such a zone in North-East Asia.

PEACE AND DENUCLEARIZATION IN THE KOREAN PENINSULA AND NORTH-EAST ASIA

A zone free of nuclear weapons, and the process of creating it, could contribute to the sustainable denuclearization of the Korean peninsula and a permanent regional peace. It would involve at least the DPRK, the Republic of Korea, and Japan, with security commitments from the United States, China, and Russia. The DPRK would relinquish its nuclear arsenal and nuclear weapons facilities, and receive in return binding assurances against use or threat of use of nuclear weapons – long a concern of DPRK leadership. The assurances should extend as well to threat or use of conventional weapons, consistent with the September 19, 2005 Six-Party Joint Statement. By providing Japan and the Republic of Korea binding assurances against use of nuclear weapons, a zone could also facilitate their lessening or ending reliance on US extended nuclear deterrence. The resumption of the currently frozen Six-Party talks could contribute to developing this process.

Some NGOs in the region and elsewhere underscore that the willingness of the United States and other concerned parties to replace the Korean War Armistice Agreement of 1953 with a peace treaty is the

² See John Burroughs, “Response of the Lawyers Committee on Nuclear Policy to the Nuclear Posture Review Report,” April 14, 2010, pp. 3-4, available at <http://lcnp.org/NPR%20response.pdf>.

³ This appears to be the current U.S. attitude. See Mark Landler, “U.S. Resists Push by Allies for Tactical Nuclear Cuts,” New York Times, April 22, 2010.

⁴ Regarding Russia’s non-strategic nuclear weapons, see Robert S. Norris and Hans M. Kristensen, “Russian nuclear forces, 2010,” Bulletin of the Atomic Scientists, January/February 2010, <http://thebulletin.metapress.com/content/4337066824700113/fulltext.pdf>.

key to denuclearization of the Korean peninsula and North-East Asia. Also, the US should immediately renounce the option of first nuclear use against the DPRK and stop the annual large-scale military exercises with the ROK. In this view, the roots of the ongoing confrontation and the DPRK nuclear weapons program are found in : 1) the failure over sixty years to negotiate a formal end to the Korean War; 2) US introduction of nuclear weapons into the Republic of Korea beginning in the 1950s, a deployment ended in 1991 according to the US but not internationally verified; 3) the nuclear weapon-based guarantees that the US has given the ROK against an attack of any kind by the DPRK; 4) large and growing disparities in conventional military power between the DPRK and potential adversaries; and 5) US provocations in the last decade, including the naming of the DPRK as a target for first use in the 2001 Nuclear Posture Review and the unsanctioned invasion of Iraq. Consequently, only a determined effort to end the sixty year-old state of hostility through negotiation of a peace treaty will enable denuclearization of the Korean Peninsula and a regional NWFZ.

THE CONTRIBUTION OF NUCLEAR-WEAPON-FREE ZONES

Existing NWFZs, and possible new ones, are a crucial component of the current non-proliferation regime, and a foundation for a nuclear-weapons-free world. We welcome the entry into force of two NWFZ agreements in 2009, the Treaty of Pelindaba in July and the Central Asia treaty in March. We congratulate member states of NWFZs for the successful conclusion of their second conference, held in New York last week. And we urge members of NWFZs to recognize and capitalize on their shared political clout, and to become a key collective player in the struggle for nuclear disarmament.

PREVENTING THE FURTHER SPREAD OF NUCLEAR WEAPONS

We should resist the contention that progress in reducing the arsenals of existing nuclear powers is dependent on resolving existing or potential proliferation situations. Practically speaking, though, making the case for disarmament inevitably is conditioned by perceptions about proliferation. It is urgent that negotiations result in the DPRK's adherence to the NPT. And it is essential that Iran not decide to acquire nuclear weapons. In both of these cases as well, lack of compliance with UN Security Council resolutions undermines international law and collective security. At the same time, we are strongly opposed to the use of force in the name of nuclear non-proliferation.

There are multiple proposals to strengthen the non-proliferation regime, among them making the Additional Protocol the standard for participation in nuclear commerce; multilateralizing the production and supply of nuclear fuel; and bolstering security for nuclear materials. We recognize that many non-nuclear weapon states believe they have already "paid" for disarmament by joining and complying with the NPT and do not need to pay more. Nonetheless, achieving greater confidence in preventing the spread of nuclear weapons is good in and of itself, and also creates a better environment for progress on disarmament.

UNIVERSALITY

Finally, there is the imperative of universality. Issues regarding Israel and the DPRK may be addressed through regional zones. As to India and Pakistan, in Resolution 1887, the Security Council rather enigmatically called for non-members to meet the NPT's terms pending their accession. It is essential somehow productively to integrate the South Asian countries into the non-proliferation/disarmament regime. The Nuclear Suppliers Group exemption for India did little to advance this cause. While applying safeguards to the civilian nuclear sector, among other things it did not require India to cease production of materials for weapons, sign and ratify the CTBT, or formally accept the NPT disarmament obligation. Any such deal with Pakistan, or other non-NPT members, would be absolutely

unacceptable.

CONCLUSION

While the topics discussed in this two-part presentation are diverse and complex, the objectives are the same in all cases: prevent use of nuclear weapons, and negotiate and implement measures in good faith to achieve an enduring nuclear weapons-free world.