

Reviewing the Nuclear Disarmament Assessments and Recommendations in the Secretary-General's High-Level Panel on Threats, Challenges and Change

In September, 2003, Secretary-General Kofi Annan created a High-Level Panel on Threats, Challenges and Change "to assess current threats to international peace and security; to evaluate how our existing policies and institutions have done in addressing those threats; and to make recommendations for strengthening the United Nations so that it can provide collective security for all in the twenty-first century."

The following is a review of the panel's assessments and recommendations* on nuclear weapons and other disarmament issues. The Women's International League for Peace and Freedom believes that, while many of these recommendations are indeed a useful contribution to the current regime and supports many of the proposals contained therein, the assessment ultimately falls short in a number of dangerous ways.

Introductory Notes

"...the biggest security threats we face now... extend to... the spread and possible use of nuclear, radiological, chemical and biological weapons..." (Intro, pgs.11 and 15)

Limiting the dangers of nuclear weapons to their "spread and possible use" negates the danger posed by their very creation and existence. It is their existence, justified by the theory of deterrence, within which the threat of use is inherent, that prompts others to proliferate.

We must at all opportunities demonize the weapons themselves, not what is done (or not done) with the weapons, and recognize that it is the existence of these weapons that continue to threaten all of humankind.

"...there are six clusters of threats with which the world must be concerned now and in the decades ahead (including)... nuclear, radiological, chemical and biological weapons." (Intro, pgs.12 and 25)

Identifying the weapons themselves as a category of threat is a welcome step, albeit one which lacks the further explanation necessary in order to sufficiently negate any legitimacy of nuclear weapons, as stated above.

"Controlling the destructive capability of nuclear technology and harnessing its promise became central to the work of the United Nations. The very first resolution adopted by the General Assembly in 1946 called for the disarmament of 'weapons adaptable to mass destruction.'" (Intro, pgs. 9, 18)

Nuclear Disarmament

"In the area of arms control and disarmament regimes, much more needs to be done, not only in the context of nuclear, biological and chemical weapons... but in relation to the proliferation of small arms and light weapons." (95, 36)

*References are cited as (paragraph, page)

This reference to disarmament on p.36 is the first instance in which the Panel recommends more progress on disarmament. With nuclear proliferation recognized as one of the greatest threats to international peace and security, the failure to urgently call for disarmament until p.36 is highly disappointing.

“Lacklustre disarmament by the nuclear-weapon States weakens the diplomatic force of the non-proliferation regime and thus its ability to constrain proliferation. Despite Security Council commitment to the contrary (resolution 984 (1995)), these nuclear-weapon States are increasingly unwilling to pledge assurances of non-use (negative security assurances) and they maintain the right to retaliate with nuclear weapons against chemical or biological attack.” (117, 40).

The report continues to suggest that Nuclear Weapon States (NWS):

“should reaffirm their previous commitments not to use nuclear weapons against non-nuclear weapon States, to further diminish the perceived value of nuclear weapons, and secure robust international cooperation to staunch proliferation, formalizing such commitments in pending and future nuclear-weapon-free zones agreements.” (120.b, 41).

By limiting concretized negative security assurances (NSAs) to the context of nuclear-weapon-free zones (NWFZs), the report may undermine efforts to commence such negotiations in the Conference on Disarmament (CD) or within the context of the nuclear Non-Proliferation Treaty (NPT), as advocated by many non-nuclear weapon States (NNWS).

The report further suggests that the:

“...Security Council (could) explicitly pledge to take collective action in response to a nuclear attack or the threat of such an attack on a non-nuclear weapon State.” (122, 41)

Such positive security assurances (PSAs) are supported by some NNWS, as demonstrated in a New Agenda Coalition working paper at the 2002 PrepCom.¹ However, codified PSAs could lead to the continued perception of nuclear weapons utility. PSAs, such as those enshrined in NATO nuclear policy, as well as through those guaranteed in other bilateral alliances (i.e., the US's with Japan, Australia) can weaken those NNWS' calls for disarmament.

“Despite the end of the cold war, nuclear-weapon States earn only a mixed grade in fulfilling their disarmament commitments. While the United States and the Russian Federation have dismantled roughly half of their nuclear weapons, committed to large reductions in deployed strategic warheads and eliminated most of their non-strategic nuclear weapons, such progress has been overshadowed by recent reversals. In 2000, the nuclear-weapon States committed to 13 practical steps towards nuclear disarmament, which were all but renounced by them at the 2004 meeting of the Preparatory Committee...”(119, 40)

The report continues to suggest that:

“The nuclear-weapon States must take several steps to restart disarmament: nuclear-weapon States must honor their commitments under article VI of the Treaty on the Non-Proliferation of Nuclear Weapons to

move towards disarmament and be ready to undertake specific measures in fulfillment of those commitments.”
(120, 120.a, 41)

The report does not urge NWS to pledge full commitment and compliance to other already-agreed upon commitments, including the 13 Steps. The panel missed a great opportunity to reassert the primacy of agreed upon conclusions, as well as to highlight the dangers of selective compliance.

“The United States and the Russian Federation, other nuclear-weapon States and States not party to the Treaty on the Non-Proliferation of Nuclear Weapons should commit to practical measures to reduce the risk of accidental nuclear war, including, where appropriate, a progressive schedule for de-alerting their strategic nuclear weapons.” (121, 41)

The recommendation to reduce the operational status of nuclear weapons systems was also included as Step 9 (d) in the 2000 Final Document of the NPT. Since then, the five NWS party to the NPT have a mixed record in compliance with this necessary and long overdue measure.ⁱⁱ

“...we recommend that negotiations to resolve regional conflicts include confidence-building measures and steps towards disarmament.” (123, 41)

This is a practical recommendation that should be pursued in areas of high regional tension and nuclear capability. In the Middle East, for example, confidence-building measures and other initiatives toward peace should be undertaken in tandem with disarmament negotiations.

“States not party to the Treaty on the Non-Proliferation of Nuclear Weapons should pledge a commitment to non-proliferation and disarmament, demonstrating their commitment by ratifying the Comprehensive nuclear Test Ban Treaty and supporting negotiations for a fissile material cut-off treaty, both of which are open to nuclear-weapon and non-nuclear weapon States alike. We recommend that peace efforts in the Middle East and South Asia launch nuclear disarmament talks that could lead to the establishment of nuclear-weapon-free zones in those regions similar to those established for Latin America and the Caribbean, Africa, the South Pacific and South-East Asia.” (124, 41)

This is the report’s only mention of the Comprehensive nuclear Test Ban Treaty (CTBT), a particularly disappointing weakness of the report, especially in light of the Treaty’s stalled entry-into-force, the US’s rejection of it and threats to resume nuclear testing.

Nuclear Proliferation

“Unresolved regional disputes in South Asia, North-East Asia and the Middle East continue to threaten international peace and security ... (and) may unravel 40 years of efforts to prevent the proliferation of nuclear weapons and more than 75 years of efforts to banish the scourge of biological and chemical weapons.” (74, 31)

This paragraph would have been stronger had they noted that it was the **existence** of nuclear weapons in those regions that threatened the nonproliferation efforts, not the

conflicts themselves. Conflicts erupt all over the world; once nuclear weapons are brought into the equation, by any side, the chances of further proliferation increase exponentially. The ongoing conflicts are only then used as justification for their continued existence or the pursuit of nuclear weapons by others; if we are to disarm these regions, the unresolved disputes must be settled comprehensively.

“Stopping the proliferation of (nuclear) weapons- and their potential use, by either State or non-State actors- must remain an urgent priority for collective security.” (107, 38)

Nonproliferation of nuclear weapons must certainly remain an urgent priority, but will only be effective if coupled, at all times, with the pursuit of nuclear abolition.

“The threat posed by nuclear proliferation- the spread of nuclear weapons among States- arises in two ways...” (108, 38)

This paragraph continues but it is interesting to note that proliferation is implicitly defined as horizontal proliferation without any mention of vertical proliferation.

“But the nuclear non-proliferation regime is now at risk because of lack of compliance with existing commitments, withdrawal or threats of withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons to escape those commitments, a changing international security environment and the diffusion of technology. We are approaching a point at which the erosion of the non-proliferation regime could become irreversible and result in a cascade of proliferation.” (111, 39)

While the above paragraph does generally attribute the “lack of compliance with existing commitments”, the list of proceeding details fails to include disarmament as one of the examples of compliance failures. Implications of the word “compliance” must not devolve into a limited scope relating only to nonproliferation commitments of the NPT.

“Regardless of whether more States acquire nuclear weapons, there are also grave risks posed by the existence of large stockpiles of nuclear and radiological materials...” (112, 39)

This recognition is welcomed. The report further states that:

“High priority must be accorded to consolidating, securing, and when possible eliminating potentially hazardous materials, and implementing effective export controls. To that end, we welcome the Global Threat Reduction Initiative... The proposed timeline for implementing the Global Threat Reduction Initiative should be halved from 10 to 5 years.” (135, 43)

This recommendation, too, is a prudent one.

“Nuclear proliferation by States increases the availability of the material and technology necessary for a terrorist to acquire a nuclear weapon. The ability of non-State actors to traffic in nuclear material and technology is aided by ineffective State control of borders and transit through weak States.” (18, 19)

However, the report says further that:

“Border controls will not provide adequate defence against this threat. To overcome the threat of nuclear terrorism requires the cooperation of States, strong and weak, to clean up stockpiles of HEU, better protect shipping containers at ports and agree on new rules regulating the enrichment of uranium.”

(25, 21)

The panel should have recognized that the dangers posed by existing stockpiles of fissionable materials will never be fully prevented. The inability of States to completely control and monitor their stockpiles should be noted in consideration of a Fissile Material Treaty.

Nuclear Energy

“Member States should place special attention on the development of low-carbon energy sources, including natural gas, renewable power and nuclear power and should place special emphasis on the development of low-greenhouse-gas technologies.” (71, 30-31)

Yet on p.38, they acknowledge that a major

“concern is about the erosion and possible collapse of the whole (Non-proliferation) Treaty regime. Almost 60 States currently operate or are constructing nuclear power or research reactors, and at least 40 possess the industrial and scientific infrastructure which would enable them, if they chose, to build nuclear weapons at relatively short notice if the legal and normative constraints of the Treaty regime no longer apply.” (109, 38)

The Panel attempts to reconcile this contradiction in the following paragraphs:

“We recognize that nuclear energy, in the view of many, is an important source of power for civilian uses and may become even more crucial in the context of a worldwide effort to reduce dependency on fossil fuels and emissions of greenhouse gases. At the same time, the mounting tension between the goals of achieving a more effective non-proliferation regime and the right of all signatories to the Treaty on the Non-Proliferation of Nuclear Weapons to develop civilian nuclear industries needs to be addressed and defused.

“Article IV of the Treaty on the Non-Proliferation of Nuclear Weapons guarantees States parties’ rights to develop the research, production and use of nuclear energy for peaceful purposes; this right must be preserved. The Treaty also specifies that this right must be used in conformity with its articles I and II; this obligation also must be respected. In recent years, it has become clear that the proliferation risks from the enrichment of uranium and from the reprocessing of spent fuel are great and increasing. These two processes in particular provide a route by which Treaty signatories can (and in some cases have) clandestinely pursued activities not in conformity with the Treaty and designed to give them the option of acquiring a nuclear- weapon capability.

“Two remedies are required. First... the IAEA Board of Governors should recognize the Model Additional Protocol as today’s standard for IAEA safeguards, and the Security Council should be prepared to act in cases of serious concern over non-compliance with non-proliferation and safeguards standards.

Second, we urge that negotiations be engaged without delay and carried forward to an early conclusion on an arrangement, based on the existing provisions of articles III and IX of the IAEA statute, which would enable IAEA to act as a guarantor for the supply of fissile material to civilian nuclear users...so long as there was no breach of safeguard or inspection procedures at the facilities in question.

“While that arrangement is being negotiated, States should, without surrendering the right under the Treaty on the Non-Proliferation of Nuclear Weapons to construct such facilities, voluntarily institute a time-limited moratorium on the construction of any further enrichment or reprocessing facilities, with a commitment to the moratorium matched by a guarantee of the supply of fissile materials by the current suppliers at market rates.” (127-131, 42-43)

These two suggestions are altered versions of proposals already put forth in recent months or years. Many States, including NWS and NNWS alike, go one step further than the first recommendation and urge that ratification of the Model Additional Protocol become a condition by which NNWS may be entitled to Article IV benefits.

In early 2004, President Bush had proposed that the Nuclear Suppliers Group, not the IAEA, as recommended here, become the guarantor of supply of fissile material. The Director-General of the IAEA himself has offered a version of this proposal as well, which would include the internationalization of all nuclear fuel supplies. That proposal is currently under study by an expert group of the IAEA, which hopes to have their study completed before the NPT Review Conference.

However, once the self-imposed moratorium on construction of new facilities is lifted, the implications and effects of the “IAEA guarantor” proposal may be useless. It may assist those States which are not seriously thinking of constructing any facilities with the acquisition of fuel, but it may not be very effective in dissuading others (such as Iran etc.) from completing the construction of new facilities.

“A State’s notice of withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons should prompt immediate verification of its compliance with the Treaty, if necessary mandated by the Security Council. The IAEA Board of Governors should resolve that, in the event of violations, all assistance provided by IAEA should be withdrawn.” (134, 43)

This recommendation builds from a proposal set forth in a working paper from Germany submitted to the Third Preparatory Committee of the NPT (PC.III/WP.16). However, a State is most likely to consider withdrawing only when it is on the verge of converting its civilian nuclear program to a weapons program. At such a late stage, with a highly developed fuel cycle, their dependency on the IAEA for assistance would be weakened if not negated, rendering this “punishment” inconsequential.

Nuclear Materials

“IAEA member States should increase funding for its programmes that help to locate and secure radioactive sources and that assist States in establishing pertinent domestic legislation.” (138, 44)

It continues to say that the CD:

“should move without further delay to negotiate a verifiable fissile material cut-off treaty that, on a designated schedule, ends the production of highly enriched uranium for non-weapon as well as weapons purposes.” (138, 44)

It is especially noteworthy that they urge a *verifiable* FMCT, in light of the recent assertion by the United States that such a verifiable FMCT would not be possible.

Other WMD

Biological

“States parties to the Biological and Toxin Weapons Convention should also negotiate a new bio-security protocol to classify dangerous biological agents and establish binding international standards for the export of such agents... States parties...should refrain from participating in such biotechnology commerce with non-members.” (137, 43)

See also: 142-144, 44; 114-116, 40.

Radiological

“A different threat is posed by radiological weapons, which are more weapons of mass disruption than mass destruction.... (there is) a premium on educating the public about the limited consequences of radiological weapons in order to mitigate some of the alarm and uncertainty that would be unleashed in the event of an attack.” (113, 39)

Chemical

“...all chemical-weapon States should expedite the scheduled destruction of all existing chemical weapons stockpiles by the agreed target date of 2012.” (125, 41-42)

“Verification of the Chemical Weapons Convention should also be strengthened, and the long-standing impasse over a verification mechanism for the Biological and Toxin Weapons Convention which has undermined confidence in the overall regime, should be overcome. States parties to the Biological and Toxin Weapons Convention should without delay return to negotiations for a credible verification protocol, inviting the active participation of the biotechnology industry.” (126, 42)

Other Organizational Implications/Changes

“Multilayered action is required. The first layer of an effective strategy to prevent the proliferation of nuclear, radiological, chemical and biological weapons should feature global instruments that reduce the demand for them. The second layer should contain global instruments that operate on the supply side- to limit the capacity of both States and non-State actors to acquire weapons and the materials and expertise needed to build them. The third layer must consist of Security Council enforcement activity underpinned by credible, shared information and analysis. The fourth layer must comprise national and international civilian and public health defence.” (117, 40)

Calling for instruments that “reduce the demand for them” is an ambiguous suggestion. On one hand, those who advocate for general and complete disarmament could use this suggestion to put forth analyses that look at, for example, gendered reasons why such

weapons are sought.ⁱⁱⁱ However, there are also other proponents who advocate for strategic conventional weapons balance, and these arguments should be anticipated and pre-empted.

“As the institutional embodiment of the Treaty on the Non-Proliferation of Nuclear Weapons and of considerable long-term success in preventing widespread proliferation of nuclear weapons, the IAEA...stands out as an extraordinary bargain. Similarly, the Secretary-General’s mediation efforts, through grossly underresourced, have helped reduce international tensions.” (37, 23)

As a recognized “extraordinary bargain” which functions as the de facto “institutional embodiment” of the NPT, the IAEA should be given the financial and human resources needed to carry out its tripartite tasks under the NPT. However, the report stops short of recommending increased funding for the IAEA.

“...the implementation committee of Council resolution 1540 should establish a permanent liaison with IAEA, OPCW and the Nuclear Suppliers Group.” (136, 43)

This resonates with the sentiments of many of the NNWS which addressed the Council in the open debate preceding the adoption of UNSCR 1540.^{iv} NNWS, as well as NGOs, supported concretizing the relationship and consultative status of the IAEA and OPCW with the work of the 1540 Committee.

“The ability of the Security Council to generate credible information about potential instances of proliferation should be strengthened.

“...links between IAEA and OPCW and the Security Council must also be strengthened. The Directors-General of IAEA and OPCW should be invited by the Security Council to report to it twice-yearly on the status of safeguards and verification processes, as well as on any serious concerns they have which might fall short of an actual breach of the Treaty on the Non-Proliferation of Nuclear Weapons and the Chemical Weapons Convention.

“The Security Council should also be prepared to deploy inspection capacities for suspected nuclear and chemical violations, drawing on the capacities of IAEA and OPCW. Until multilateral negotiations yield a Biological and Toxin Weapons Convention verification mechanism, the Security Council should avail itself of the Secretary-General’s roster of inspectors of biological weapons, who should remain independent and work under United Nations staff codes. This roster of inspectors should also be available to advise the Council and liaise with WHO authorities in the event of a suspicious disease outbreak...” (139-141, 44)

Here, the panel missed an opportunity to strengthen the role of the Department for Disarmament Affairs. The panel could have also recommended that the DDA report to and advise the Security Council on how to strengthen the nonproliferation and disarmament regime.

Reaching Critical Will
Women’s International League for Peace and Freedom
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ⁱ NAC working paper is available here:

<http://www.reachingcriticalwill.org/legal/npt/prent02doc/NACNSAs.doc>

ⁱⁱ For more on the NWS' compliance with this recommendation and others, see "Nuclear Weapon States Compliance with the 13 Steps," contained in the *NGO Shadow Report: Accountability is Democracy, Transparency is Security*, 2004 ed. available at:

<http://www.reachingcriticalwill.org/legal/npt/shadowreport/13steps.pdf>

ⁱⁱⁱ Gendered analyses help to understand some of the attractiveness of nuclear weapons; this analysis was presented in Sapporo (available here:

<http://www.reachingcriticalwill.org/social/genderdisarm/humansec.pdf>) and in a recent Disarmament Forum article: http://www.unidir.org/bdd/fiche-article.php?ref_article=219.)

^{iv} Statements at the open debate are available at: <http://www.reachingcriticalwill.org/political/SC.html>.