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Implementation and Enforcement of Article VI of the NPT

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I would like very much to thank IEER for holding this very timely and important conference and also for inviting me to speak this evening. My subject is to look at the implementation and enforcement of Article VI of the NPT, so I want to start by reminding you of what Article VI says:

"Each of the Parties to the Treaty undertakes 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, and on a treaty on general and complete disarmament under strict and effective international control."

Now, an aspiration to pursue negotiations in good faith is all too easy to evade without some identification of the steps to measure against. We saw this in the first 25-30 years of this Treaty when, instead of reducing the arms race, the arms race was actually running madly out of control. It was in fact only political changes, in particular the changes in the Soviet Union, that made it possible to put some treaties in place, so that Article VI began to be complied with. Until then, it looked as if the woolly language of Article VI, being un-measurable, was easy to evade.

The 1995 Principles and Objectives (P&O) sought to make the obligations somewhat more concrete. If you look at paragraph 3 and 4 of Decision II of the 1995 P&O, you see that they want to achieve the full realization and effective implementation of Article VI. Well, that's slightly more concrete. Then there is a Program of Action, which included the completion of a CTBT by 1996 (note that they gave it a target date) and the immediate commencement and conclusion of a fissban treaty, the treaty to ban the production of fissile materials for weapons. They also had another woolly paragraph, but slightly less woolly than Article VI: "the determined pursuit by the nuclear weapons states of systematic and progressive efforts to reduce nuclear weapons globally with the ultimate goal of eliminating those weapons and by all states of general and complete disarmament under strict and effective international control." The language is still very general, but there is a little bit more concrete program of action.

In 1996, the advisory opinion of the International Court of Justice said that there was a legal

obligation not only to pursue negotiations, but more specifically "and bring to conclusion." Even then, we see a kind of contradiction. If you have just the goal without identifying more concrete steps against which to measure progress, then it is very easy for those who are supposed to be obliged by that goal to find ways to say, "we mean it, we're genuine, but we need more time." Similarly, certain kinds of steps without a real and genuine intent and plan to reach the goal of the complete elimination of nuclear weapons can also get led astray. So it is impossible with vague wording, but it is also impossible if you just have the steps and you're not sure where they are leading.

So groups like the New Agenda Coalition and - I'm glad to see from this afternoon's statements - a growing number of the non-nuclear weapons states are saying that we need a clear and unequivocal commitment, not just to pursue negotiations but to bring them to conclusion. And we need some real ideas for the concrete steps and measures. Nuclear disarmament is not a linear process. It is more like trying to dislodge a very large boulder embedded in the security thinking, the defense budgets, and the powerful special interests groups of some of the most powerful nations. To dislodge a boulder like that, we need multiple kinds of pushes. Again, the kinds of ideas coming up in the non-aligned document and through the New Agenda Coalition are on the right track. There needs to be a mixture of unilateral measures undertaken by those states with nuclear weapons, both declared and *de facto*, bilateral, and multilateral measures. Nothing that the states have been saying today or the New Agenda Coalition is putting forward suggests that they want to bypass the bilateral talks. No, they want to encourage them to go much, much deeper. But they don't want to wait for those two weapon states to choose the pace.

Bilateral agreements are important between the two largest powers, but why should the three smaller nuclear weapons states or the three *de facto* non-NPT nuclear weapon possessors be let off the hook? They have nuclear weapons that threaten their own regions. So we need P-5 talks and we need regional measures in South Asia and in the Middle East. We also need multilateral negotiations, because Article VI is binding on all States Parties to the Treaty, not only those that have nuclear weapons. In parallel, we need not only the quantitative measures that we see with things like the INF treaty from 1987, which removed the whole class of intermediate nuclear forces: cruise, Pershing and SS-20s. The START process, which is getting rid of strategic nuclear weapons, and START II and START III go-ahead will at least begin to get the warheads addressed. These treaties are very important to reduce the numbers.

But there are problems. If you are only reducing numbers, you are not addressing why some countries want to hang on to nuclear weapons. So you need the qualitative measures in parallel together. The indispensable measures to reduce the salience of nuclear weapons, which means to remove the value attached to nuclear weapons in doctrine, policy, national security and political status considerations of those that seek to acquire and those that have already acquired nuclear weapons. The time has come to address nuclear disarmament and the implementation of Article VI in a multi-focus, multi-stranded way. Because make no mistake, we are at a very dangerous threshold. If nuclear weapons continue to be reinforced as they are being now, when the threats are nothing like the Cold War standoffs, there will never be a time when the nuclear weapons states believe that they can do without. If they don't believe now in the current security situation that they can do without nuclear weapons, what will it take for them to recognize that they can and need to get rid of them? Moreover, some of these new threat perceptions are reinforcing

strategic concepts, as Ambassador Dhanapala has referred to in NATO's strategic concept and the new strategic concept now confirmed by Russia. Those strategic concepts are likely to lead to a self-fulfilling prophecy of a new arms race, not necessarily bigger, not necessarily more nuclear weapons, certainly not necessarily more expensive. We risk states seeking leaner, meaner nuclear forces and more tactical missions for those nuclear forces. And what does that mean? That means it's more likely that those nuclear weapons could be used. And that means it's more likely that we could have nuclear war. It may be regional or it may be global, but if you are underneath it, it will mean annihilation.

And if you don't believe me, let me remind you of some of the signs. Let me also remind you what South Africa did when it was developing nuclear weapons. They only made about eight nuclear weapons at a time, but they kept developing and modernizing those nuclear weapons by recycling. The weapons were dismantled and they would take the plutonium and use it again. They would develop new bombs, more sophisticated bombs, on the basis of rather a small amount of fissile materials. So that is why the fissile material cutoff treaty by itself, although very important to get underway, would not actually be enough if disarmament, and not just non-proliferation, is the goal. The evidence we have for this very worrying development: within a week of being elected, Vladimir Putin was telling us that he wanted to strengthen the Russian nuclear capabilities and the Russian nuclear weapon complex. The same week in March of this year, the *International Herald Tribune* reported that the U.S. Department of Energy was planning to renovate more than 6,000 nuclear warheads. Britain has come here today and presented itself as one of the good guys, with its reduced arsenal, a ceiling of 200 nuclear warheads, and a reduced notice to fire. I welcome the transparency and the steps that Britain has taken under the strategic defense review, but they are still reaffirming that they expect to have nuclear weapons for the foreseeable future. They are engaged in research and development with U.S. and French laboratories looking at the follow-on to Trident, which has only just come into service, and looking at possible more flexible nuclear systems for the future.

So what would implementation and enforcement of Article VI look like? I think it is time to start elaborating a framework nuclear convention. And I think one of the places that we could begin to look to see the sort of ideas that need to be put in place is the model nuclear weapons convention developed by scientists, doctors, lawyers and engineers, by civil society, including NSI, International Physicians for the Prevention of Nuclear War (IPPNW), and International Association of Lawyers Against Nuclear Arms (IALANA). But we should not sit around and wait, because it will take a very long time for such a treaty to begin to be negotiated by the states. We, as a civil society, need to continue to reaffirm that this is possible and identify what the elements of a nuclear disarmament treaty could be and should be. At the same time, we need to be working on and pushing for parallel, multi-stranded steps on arms reductions, controls and to lessen reliance on nuclear weapons and doctrines of deterrence. We also need to put in front of all the states what verification would look like. Here again, there are a lot of very good ideas in the model nuclear weapon convention, but I'm very pleased to see that the Aldermast atomic weapons establishment in Britain was asked by the government to research what verification would look like for the complete elimination of nuclear weapons. That's a very good task to put to the brains and the researchers who have been involved in making nuclear weapons. After all, the best gamekeepers have always been the people who were the best poachers. I would like all the nuclear weapons establishments to turn from poachers to gamekeepers. But we need to

supplement that with the excellent expertise and investigatory skills of civil society, including the scientists.

To add a comment in reply to the question that was asked of Ambassador Dhanapala: In the red report of Acronym 13 that I did in February 2000, I talked about the idea of an Executive Council and the Tokyo Forum idea of a Secretariat. I noticed that this afternoon the Irish Foreign Minister went a step further and proposed both a small Secretariat and annual meetings of State Parties with plenipotentiary, deciding powers, not just these PrepComs that can't make any decisions until the five-year Review Conferences. This would at least be a way to have some kind of monitoring and enforcement. But you can't have monitoring and enforcement on the basis of woolly language. There has to be a much clearer elaboration of exactly what we expect from all the States Parties, including the nuclear weapons states, to the NPT, and what we would expect full implementation to look like.

There would have to be some target dates. The weapon states reject a time-bound framework, but in the START treaty and in the CTBT, they accepted target dates for the next steps. So I hope that this conference will elaborate the steps and the expectations, both quantitative and qualitative for the next five years, as concretely as possible. They should include reduction ceilings down to a thousand strategic warheads for the United States and Russia, to below 250 for the other nuclear weapons, and to zero for the *de facto* nuclear possessors. I'm talking about the next five years only. I want it to go to zero for everybody after that.

They also need to put into place complete de-alerting of nuclear forces. They need to address tactical nuclear weapons, because those are the most destabilizing. They have to negotiate on legally-binding no-first-use and no-use commitments. And they have to address missile proliferation, too. I am very worried about ballistic missile defense plans. I'm very worried about the impact that those will have on driving a new arms race, an arms race that could go into space, and certainly on undercutting efforts we're making to reduce nuclear weapons and to get nuclear disarmament. But if we want to stop missile defenses, we also have to address missile proliferation. The two go together.

So the kinds of measures I've been talking about are laid out in Acronym 13 and in a lot of the statements being made by the non-nuclear weapons States Parties at the NPT Review Conference. In five years, we could not get to complete elimination, but we could get to very significant, deep cuts and we could get to where nuclear weapons were basically mothballed as far as nuclear doctrine, policy and practice was concerned.

What's stopping us? It's the political will. We can't enforce Article VI until we have concrete ideas and until we have the political will. And I will leave you with a reminder of what the Tokyo Forum said. We don't face a choice between nuclear proliferation, i.e. the spread of nuclear weapons beyond the five or five plus three that possess them, and nuclear non-proliferation. The actual choice we face, as said by the Tokyo Forum is between "the assured dangers of nuclear proliferation and the challenges of nuclear disarmament."